

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2126

By: McEntire

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverages; creating the
10 grocery and convenience store spirits license;
11 providing license requirements; amending Section 13,
12 Chapter 366, O.S.L. 2016, as last amended by Section
13 9, Chapter 161, O.S.L. 2020 (37A O.S. Supp. 2020,
14 Section 2-101), which relates to license fees and
15 surcharges; adding grocery and convenience store
16 spirits license fee and surcharge; amending Section
17 53, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020,
18 Section 2-141), which relates to applications for a
19 license; adding grocery and convenience store spirits
20 license to the listed applications; amending Section
21 60, Chapter 366, O.S.L. 2016, as last amended by
22 Section 18, Chapter 161, O.S.L. 2020 (37A O.S. Supp.
23 2020, Section 2-148), which relates to grounds for
24 revocation of license; adding grocery and convenience
 store spirits license to list of licenses that can be
 revoked; amending Section 1, Chapter 155, O.S.L. 2020
 (37A O.S. Supp. 2020, Section 2-161), which relates
 to selling curbside and by delivery; adding the
 grocery and convenience store license to the approved
 licenses to sell curbside and by delivery; amending
 Section 143, Chapter 366, O.S.L. 2016, as last
 amended by Section 1, Chapter 237, O.S.L. 2019 (37A
 O.S. Supp. 2020, Section 6-103), which relates to
 retail spirits licensee prohibited acts; adding
 grocery and convenience store spirits licensees;
 providing for codification; and providing an
 effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2-162 of Title 37A, unless there
4 is created a duplication in numbering, reads as follows:

5 A. A grocery and convenience store spirits license shall
6 authorize the holder thereof:

7 1. To purchase wine or spirits from a wine and spirits
8 wholesaler;

9 2. To purchase beer from a beer distributor or from the holder
10 of a small brewer self-distribution license; and

11 3. To sell same on the licensed premises in such containers to
12 consumers for off-premises consumption only and not for resale;
13 provided, spirits, wine and beer may be sold to charitable
14 organizations that are holders of charitable alcoholic beverage
15 auction or charitable alcoholic beverage event licenses.

16 B. Businesses that qualify for a grocery and convenience store
17 spirits license:

18 1. Grocery stores; and

19 2. Convenience stores.

20 SECTION 2. AMENDATORY Section 13, Chapter 366, O.S.L.
21 2016, as last amended by Section 9, Chapter 161, O.S.L. 2020 (37A
22 O.S. Supp. 2020, Section 2-101), is amended to read as follows:

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Section 2-101. A. Except as otherwise provided in this section, the licenses issued by the ABLE Commission, and the annual fees therefor, shall be as follows:

1. Brewer License..... \$1,250.00
2. Small Brewer License..... \$125.00
3. Distiller License..... \$3,125.00
4. Winemaker License..... \$625.00
5. Small Farm Winery License..... \$75.00
6. Rectifier License..... \$3,125.00
7. Wine and Spirits Wholesaler License..... \$3,000.00
8. Beer Distributor License..... \$750.00
9. The following retail spirits license fees shall be determined by the latest Federal Decennial Census:
 - a. Retail Spirits License for cities and towns from 200 to 2,500 population..... \$305.00
 - b. Retail Spirits License for cities and towns from 2,501 to 5,000 population..... \$605.00
 - c. Retail Spirits License for cities and towns over 5,000 population..... \$905.00
10. Retail Wine License..... \$1,000.00
11. Retail Beer License..... \$500.00
12. Mixed Beverage License..... \$1,005.00

(initial license)

1		\$905.00
2		(renewal)
3	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
4	14. On-Premises Beer and Wine License.....	\$500.00
5		(initial license)
6		\$450.00
7		(renewal)
8	15. Bottle Club License.....	\$1,000.00
9		(initial license)
10		\$900.00
11		(renewal)
12	16. Caterer License.....	\$1,005.00
13		(initial license)
14		\$905.00
15		(renewal)
16	17. Annual Special Event License.....	\$55.00
17	18. Quarterly Special Event License.....	\$55.00
18	19. Hotel Beverage License.....	\$1,005.00
19		(initial license)
20		\$905.00
21		(renewal)
22	20. Airline/Railroad/Commercial Passenger Vessel Beverage	
23	License.....	\$1,005.00
24		(initial license)

1		\$905.00
2		(renewal)
3	21. Agent License.....	\$55.00
4	22. Employee License.....	\$30.00
5	23. Industrial License.....	\$23.00
6	24. Carrier License.....	\$23.00
7	25. Private Carrier License.....	\$23.00
8	26. Bonded Warehouse License.....	\$190.00
9	27. Storage License.....	\$23.00
10	28. Nonresident Seller License or Manufacturer's	
11	License.....	\$750.00
12	29. Manufacturer's Agent License.....	\$55.00
13	30. Sacramental Wine Supplier License.....	\$100.00
14	31. Charitable Auction License.....	\$1.00
15	32. Charitable Alcoholic Beverage License.....	\$55.00
16	33. Winemaker Self-Distribution License.....	\$750.00
17	34. Annual Public Event License.....	\$1,005.00
18	35. One-Time Public Event License.....	\$255.00
19	36. Small Brewer Self-Distribution License.....	\$750.00
20	37. Brewpub License.....	\$1,005.00
21	38. Brewpub Self-Distribution License.....	\$750.00
22	39. Complimentary Beverage License.....	\$75.00
23	40. Satellite Tasting Room License.....	\$100.00
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1 41. The following Grocery, Big Box and
2 Convenience Store Spirits License fees shall
3 be determined by the latest Federal
4 Decennial Census:
5 a. Grocery and Convenience Store Spirits
6 License for cities and towns from 200
7 to 2,500 population..... \$305.00
8 b. Grocery and Convenience Store Spirits
9 License for cities and towns from 2,501
10 to 5,000 population..... \$605.00
11 c. Grocery and Convenience Store Spirits
12 License for cities and towns over 5,000
13 population..... \$905.00

14 B. 1. There shall be added to the initial or renewal fees for
15 a Mixed Beverage License an administrative fee, which shall not be
16 deemed to be a license fee, in the amount of Five Hundred Dollars
17 (\$500.00), which shall be paid at the same time and in the same
18 manner as the license fees prescribed by paragraph 12 of subsection
19 A of this section; provided, this fee shall not be assessed against
20 service organizations or fraternal beneficiary societies which are
21 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
22 Code.

23 2. There shall be added to the fee for a Mixed Beverage/Caterer
24 Combination License an administrative fee, which shall not be deemed

1 to be a license fee, in the amount of Two Hundred Fifty Dollars
2 (\$250.00), which shall be paid at the same time and in the same
3 manner as the license fee prescribed by paragraph 13 of subsection A
4 of this section.

5 C. Notwithstanding the provisions of subsection A of this
6 section:

7 1. The license fee for a mixed beverage or bottle club license
8 for those service organizations or fraternal beneficiary societies
9 which are exempt under Section 501(c)(19), (8) or (10) of the
10 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
11 year; and

12 2. The renewal fee for an airline/railroad/commercial passenger
13 vessel beverage license held by a railroad described in 49 U.S.C.,
14 Section 24301, shall be One Hundred Dollars (\$100.00).

15 D. An applicant may apply for and receive both an on-premises
16 beer and wine license and a caterer license.

17 E. All licenses, except as otherwise provided, shall be valid
18 for one (1) year from date of issuance unless revoked or
19 surrendered. Provided, all employee licenses shall be valid for two
20 (2) years.

21 F. The holder of a license, issued by the ABLE Commission, for
22 a bottle club located in a county of this state where the sale of
23 alcoholic beverages by the individual drink for on-premises
24 consumption has been authorized, may exchange the bottle club

1 license for a mixed beverage license or an on-premises beer and wine
2 license and operate the licensed premises as a mixed beverage
3 establishment or an on-premises beer and wine establishment subject
4 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
5 There shall be no additional fee for such exchange and the mixed
6 beverage license or on-premises beer and wine license issued shall
7 expire one (1) year from the date of issuance of the original bottle
8 club license.

9 G. In addition to the applicable licensing fee, the following
10 surcharge shall be assessed annually on the following licenses:

- 11 1. Nonresident Seller or Manufacturer License..... \$2,500.00
- 12 2. Wine and Spirits Wholesaler License..... \$2,500.00
- 13 3. Beer Distributor..... \$1,000.00
- 14 4. Retail Spirits License for cities and towns
15 over 5,000 population..... \$250.00
- 16 5. Retail Spirits License for cities and towns
17 from 2,501 to 5,000 population..... \$200.00
- 18 6. Retail Spirits License for cities and towns
19 from 200 to 2,500 population..... \$150.00
- 20 7. Retail Wine License..... \$250.00
- 21 8. Retail Beer License..... \$250.00
- 22 9. Mixed Beverage License..... \$25.00
- 23 10. Mixed Beverage/Caterer Combination License..... \$25.00
- 24 11. Caterer License..... \$25.00

12.	On-Premises Beer and Wine License.....	\$25.00
13.	Annual Public Event License.....	\$25.00
14.	Small Farm Winery License.....	\$25.00
15.	Small Brewer License.....	\$35.00
16.	Complimentary Beverage License.....	\$25.00
17.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns over 5,000</u>	
	<u>population.....</u>	<u>\$250.00</u>
18.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns from 2,501 to</u>	
	<u>5,000 population.....</u>	<u>\$200.00</u>
19.	<u>Grocery and Convenience Store Spirits</u>	
	<u>License for cities and towns from 200 to</u>	
	<u>2,500 population.....</u>	<u>\$150.00</u>

The surcharge shall be paid concurrent with the licensee's annual licensing fee and, in addition to Five Dollars (\$5.00) of the employee license fee, shall be deposited in the Alcoholic Beverage Governance Revolving Fund established pursuant to Section 5-128 of this title.

H. Any license issued by the ABLE Commission under this title may be relied upon by other licensees as a valid license, and no other licensee shall have any obligation to independently determine the validity of such license or be held liable solely as a

1 consequence of another licensee's failure to maintain a valid
2 license.

3 SECTION 3. AMENDATORY Section 53, Chapter 366, O.S.L.
4 2016 (37A O.S. Supp. 2020, Section 2-141), is amended to read as
5 follows:

6 Section 2-141. Applicants for original brewer, distiller,
7 winemaker, rectifier, wine and spirits wholesaler, beer distributor,
8 mixed beverage, beer and wine, bottle club, caterer, grocery and
9 convenience store spirits, retail spirits, retail wine or retail
10 beer licenses shall, prior to applying for such license, twice
11 publish, in such form and containing such information as the ABLE
12 Commission shall by rule prescribe, a notice of its intention to
13 apply for any such license, once a week for two (2) successive weeks
14 in a legal newspaper of general circulation within the county where
15 the proposed premises is to be located, and file proof of such
16 publication with the ABLE Commission. Unless otherwise provided,
17 the ABLE Commission shall give notice of approval or disapproval of
18 an application for a license within thirty (30) days after the
19 filing of the application. The ABLE Commission shall give notice of
20 approval or disapproval of an application for a mixed beverage, beer
21 and wine, bottle club or caterer license within sixty (60) days
22 after the filing of the application. Provided, the ABLE Commission
23 may extend the period for making a determination of whether to
24 approve or disapprove an application an additional thirty (30) days

1 for good cause. The ABLE Commission may conditionally approve any
2 application which is subject to Section 54 of this act if:

3 1. Construction, modification or alteration of premises
4 proposed for licensed operations is not completed; and

5 2. The applicant furnishes a conditional certification issued
6 by the municipality or county that the applicant's plans and
7 specifications indicate that the proposed premises will comply with
8 the municipality's or county's zoning, fire, safety and health
9 codes.

10 The ABLE Commission shall issue its final notice of approval
11 when the applicant furnishes final certificates required by Section
12 54 of this act.

13 SECTION 4. AMENDATORY Section 60, Chapter 366, O.S.L.
14 2016, as last amended by Section 18, Chapter 161, O.S.L. 2020 (37A
15 O.S. Supp. 2020, Section 2-148), is amended to read as follows:

16 Section 2-148. A. Any license issued pursuant to the
17 provisions of the Oklahoma Alcoholic Beverage Control Act by the
18 ABLE Commission, after due notice and hearing, may be revoked or
19 suspended if the ABLE Commission finds or has grounds to believe
20 that the licensee has:

21 1. Violated any rule promulgated by the ABLE Commission;
22 2. Procured a license through fraud, or misrepresentation, or
23 concealment of a material fact;

1 3. Made any false representation or statement to the ABLE
2 Commission or the Oklahoma Tax Commission in order to prevent or
3 induce action by the ABLE Commission or the Tax Commission;

4 4. Maintained an unsanitary establishment or has supplied
5 impure or otherwise deleterious beverages or food;

6 5. Stored, possessed, mixed or served on the premises of a
7 bottle club any alcoholic beverage upon which the tax levied by
8 Section 5-101 of this title has not been paid as provided for in the
9 Oklahoma Alcoholic Beverage Control Act, in a county of this state
10 where the sale of alcoholic beverages by the individual drink for
11 on-premises consumption has not been authorized;

12 6. Misrepresented to a customer or the public any alcoholic
13 beverage sold by the licensee;

14 7. Had any permit or license issued by the Tax Commission and
15 required by the Oklahoma Alcoholic Beverage Control Act, suspended
16 or revoked by the Tax Commission; or

17 8. Is not in compliance with the tax laws of this state as
18 required in Article XXVIII-A of the Oklahoma Constitution.

19 B. The ABLE Commission may revoke or suspend the license of any
20 mixed beverage, caterer or bottle club licensee if the ABLE
21 Commission finds or has grounds to believe that such licensee:

22 1. Has acted as an agent of a manufacturer, brewer or
23 wholesaler of alcoholic beverages;

1 2. Is a manufacturer, brewer or wholesaler of alcoholic
2 beverages;

3 3. Has borrowed money or property or accepted gratuities or
4 rebates from a manufacturer, brewer or wholesaler of alcoholic
5 beverages;

6 4. Has obtained the use of equipment from any manufacturer,
7 brewer or wholesaler of alcoholic beverages or any agent thereof;

8 5. Has violated any of the provisions of the Oklahoma Alcoholic
9 Beverage Control Act for which mandatory revocation or suspension is
10 not required;

11 6. Has been convicted within the past twenty-five (25) years,
12 of a violation of any state or federal law relating to alcoholic
13 beverage for which mandatory revocation or suspension is not
14 required; or

15 7. Is not in compliance with the tax laws of this state as
16 required in Article XXVIII-A of the Oklahoma Constitution.

17 C. The ABLE Commission may revoke or suspend the license of any
18 grocery and convenience store spirits, retail, mixed beverage,
19 caterer or bottle club licensee if the ABLE Commission finds or has
20 grounds to believe that such licensee has borrowed money or property
21 or accepted gratuities, discounts, rebates, free goods, allowances
22 or other inducements from a wine and spirits wholesaler or beer
23 distributor.
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1 D. The ABLE Commission shall have the authority to revoke the
2 license of any licensee if the ABLE Commission finds:

3 1. That the licensee knowingly sold alcoholic beverages or
4 allowed such beverages to be sold, delivered or furnished to any
5 person under the age of twenty-one (21) years or to any person
6 visibly intoxicated or adjudged insane or mentally deficient;

7 2. That the licensee, any general or limited partner of the
8 licensee, or in the case of a corporation, an officer or director of
9 the corporation, has been convicted of a felony or is not in
10 compliance with the tax laws of this state as required in Article
11 XXVIII-A of the Oklahoma Constitution. Provided, an employee
12 license may be issued and held by a person who has been convicted of
13 a felony if such conviction was not for a violent offense specified
14 in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes
15 or an offense under the provisions of this title;

16 3. That, in the case of a wine and spirits wholesaler, beer
17 distributor, grocery spirits, retail spirits, retail wine or retail
18 beer licensee, the holder of the license or any member of a general
19 or limited partnership which is the holder of such a license, has
20 been convicted of a prohibitory law relating to the sale,
21 manufacture or transportation of alcoholic beverages which
22 constitutes a felony.

23 E. If the ABLE Commission shall find by a preponderance of the
24 evidence as in civil cases that a licensee has knowingly sold any

1 alcoholic beverage to any person under the age of twenty-one (21)
2 years, after a public hearing, the ABLE Commission shall revoke such
3 license and no discretion as to the revocation shall be exercised by
4 the ABLE Commission.

5 F. The ABLE Commission shall have the authority to promulgate
6 rules to establish a penalty schedule for violations of any
7 provision of the Oklahoma Alcoholic Beverage Control Act or any rule
8 of the ABLE Commission. The schedule shall provide for suspension
9 or revocation of any license for major and minor violations as
10 determined by the ABLE Commission. Penalties shall be increasingly
11 severe with each violation by a licensee.

12 Provided, that for a fourth major violation by a licensee within
13 a twenty-four-month period, the penalty shall be mandatory
14 revocation of license. The twenty-four-month period shall be
15 calculated from the date of the most recent violation as set forth
16 in an order signed by the Director or the designee of the Director.

17 G. The ABLE Commission or the Tax Commission may impose a
18 monetary penalty in lieu of or in addition to suspension of a
19 license. The amount of the fine for a major violation shall be
20 computed by multiplying the proposed number of days of the
21 suspension period by One Hundred Dollars (\$100.00). The amount of
22 the fine for a minor violation shall be computed by multiplying the
23 number of days of the proposed suspension period by Fifty Dollars
24 (\$50.00).

1 H. The failure of any licensee to pay a fine or serve a
2 suspension imposed by the ABLE Commission or the Tax Commission
3 shall result in the revocation of the license of the licensee.

4 I. If the ABLE Commission or the Tax Commission finds that
5 public health, safety or welfare require emergency action, and
6 incorporates a finding to that effect in its order, summary
7 suspension of a license may be ordered pending proceeding for
8 revocation or other action, pursuant to the provisions of Section
9 314 of Title 75 of the Oklahoma Statutes.

10 SECTION 5. AMENDATORY Section 1, Chapter 155, O.S.L.
11 2020 (37A O.S. Supp. 2020, Section 2-161), is amended to read as
12 follows:

13 Section 2-161. A. Retail spirit and grocery and convenience
14 store spirit licensees may sell curbside and deliver alcoholic
15 beverages including beer, wine, and spirits in sealed original
16 containers to consumers aged twenty-one (21) years and older as
17 follows:

18 1. Only employees of the retail spirit or grocery and
19 convenience store spirit licensee shall be permitted to make
20 alcoholic beverage product deliveries to consumers;

21 2. Payment for alcoholic beverage product delivery by the
22 retail spirit licensee may be made by cash, check, transportable
23 credit/debit card processors or advance ~~on-line~~ online payment
24 methods; and

1 3. The retail spirit or grocery and convenience store spirit
2 licensee shall be responsible for his or her delivery employees as
3 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this
4 title.

5 B. Small brewers and small farm wineries licensed by the
6 Oklahoma ABLE Commission may sell curbside only alcoholic beverages
7 produced by such licensee in sealed original containers to consumers
8 aged twenty-one (21) years and older as follows:

9 1. Only employees of the licensed small brewer or small farm
10 winery shall be permitted to make alcoholic beverage product
11 deliveries to consumers;

12 2. Payment for alcoholic beverage product delivery by licensed
13 small brewers or small farm wineries may be made by cash, check,
14 transportable credit/debit card processors, or advance ~~on-line~~
15 online payment methods; and

16 3. Small brewers and small farm wineries shall be responsible
17 for their delivery employees as provided in Section 2-133 of ~~Title~~
18 ~~37A of the Oklahoma Statutes~~ this title.

19 C. Restaurants, bars and clubs holding mixed beverage, beer and
20 wine, or caterer/mixed beverage licenses issued by the Oklahoma ABLE
21 Commission may sell curbside and deliver only closed packages of
22 beer and wine to consumers aged twenty-one (21) years and older as
23 follows:
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1 1. Only employees of such restaurant, bar or club licensee
2 shall be permitted to make alcoholic beverage package deliveries to
3 consumers;

4 2. Payment for alcoholic beverage package delivery by licensed
5 restaurants, bars and clubs may be made by cash, check,
6 transportable credit/debit card processors, or advance ~~on-line~~
7 online payment methods; and

8 3. Restaurants, bars and clubs licensed by the Oklahoma ABLE
9 Commission shall be responsible for their delivery employees as
10 provided in Section 2-133 of ~~Title 37A of the Oklahoma Statutes~~ this
11 title.

12 D. Grocery and convenience stores holding a retail beer and/or
13 retail wine license issued by the Oklahoma ABLE Commission may sell
14 curbside and deliver original sealed containers of beer and/or wine
15 only according to the license held to consumers aged twenty-one (21)
16 years and older as follows:

17 1. Only employees of such licensed grocery or convenience store
18 shall be permitted to make alcoholic beverage product deliveries to
19 consumers;

20 2. Payment for alcoholic beverage product delivery by a
21 licensed grocery or convenience store may be made by cash, check,
22 transportable credit/debit card processors or advance ~~on-line~~ online
23 payment methods; and
24

1 3. Grocery and convenience store licensees shall be responsible
2 for their delivery employees as provided in Section 2-133 of ~~Title~~
3 ~~37A of the Oklahoma Statutes~~ this title.

4 E. Licensees authorized by this section to make alcoholic
5 beverage product deliveries to consumers are prohibited from
6 utilizing third-party vendors or delivery services for purposes of
7 completing such product deliveries to consumers.

8 F. Licensees authorized by this section to make alcoholic
9 beverage product deliveries to consumers shall comply with the laws,
10 rules, procedures and executive orders incumbent on such licensee.

11 G. The Oklahoma ABLE Commission is authorized to promulgate
12 rules, regulations, forms and procedures necessary to implement and
13 enforce the provisions of this section.

14 H. For purposes of this section each delivery authorized by a
15 licensee to be made by his or her employee shall be deemed a direct
16 hand-to-hand sale as though the consumer was physically present on
17 the licensed premises and authorized by law by such licensee.

18 SECTION 6. AMENDATORY Section 143, Chapter 366, O.S.L.
19 2016, as last amended by Section 1, Chapter 237, O.S.L. 2019 (37A
20 O.S. Supp. 2020, Section 6-103), is amended to read as follows:

21 Section 6-103. A. No retail spirits or grocery and convenience
22 store spirits licensee shall:
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1 1. Purchase or receive any alcoholic beverage other than from a
2 wine and spirits wholesaler, beer distributor, winery or small
3 brewer self-distribution licensee who elects to self-distribute;

4 2. Suffer or permit any retail container to be opened, or any
5 alcoholic beverage to be consumed on the licensed premises, unless
6 otherwise permitted by law;

7 3. Sell any alcoholic beverages at any hour other than between
8 the hours of 8:00 a.m. and midnight Monday through Saturday, and
9 shall not be permitted to be open on Thanksgiving Day or Christmas
10 Day; provided, a county may, pursuant to the provisions of
11 subsections B and C of Section 3-124 of this title, elect to allow
12 such sales between the hours of noon and midnight on Sunday. Retail
13 spirits licensees shall be permitted to sell alcoholic beverages on
14 the day of any General, Primary, Runoff Primary or Special Election
15 whether on a national, state, county or city election, provided that
16 the election day does not occur on any day on which such sales are
17 otherwise prohibited by law;

18 4. Sell spirits in a city or town, unless such city or town has
19 a population in excess of two hundred (200) according to the latest
20 Federal Decennial Census;

21 5. Sell any alcoholic beverage on credit; provided, that
22 acceptance by a licensee of a cash or debit card or a nationally
23 recognized credit card in lieu of actual cash payment does not
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1 constitute the extension of credit; provided, further, as used in
2 this section:

3 a. "cash or debit card" means any instrument or device
4 whether known as a debit card or by any other name,
5 issued with or without fee by an issuer for the use of
6 the cardholder in depositing, obtaining or
7 transferring funds from a consumer banking electronic
8 facility, and

9 b. "nationally recognized credit card" means any
10 instrument or device, whether known as a credit card,
11 credit plate, charge plate or by any other name,
12 issued with or without fee by an issuer for the use of
13 the cardholder in obtaining money, goods, services or
14 anything else of value on credit which is accepted by
15 over one hundred retail locations;

16 6. Offer or furnish any prize, premium, gift or similar
17 inducement to a consumer in connection with the sale of alcoholic
18 beverages, except that goods or merchandise included by the
19 manufacturer in packaging with alcoholic beverages or for packaging
20 with alcoholic beverages shall not be included in this prohibition,
21 but no wholesaler or retailer shall sell any alcoholic beverage
22 prepackaged with other goods or merchandise at a price which is
23 greater than the price at which the alcoholic beverage alone is
24 sold; or

1 7. Pay for alcoholic beverages by a check or draft which is
2 dishonored by the drawee when presented to such drawee for payment;
3 and the ABLE Commission may cancel or suspend the license of any
4 retailer who has given a check or draft, as maker or endorser, which
5 is so dishonored upon presentation.

6 B. No retail spirits licensee shall permit any person under
7 twenty-one (21) years of age to enter into or remain within or about
8 the licensed premises unless accompanied by the person's parent or
9 legal guardian.

10 SECTION 7. This act shall become effective November 1, 2021.

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12 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
13 SUBSTANCES, dated 03/01/2021 - DO PASS, As Amended.
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