

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1636

By: Phillips

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 94, Chapter 366, O.S.L. 2016, as amended by Section 1, Chapter 340, O.S.L. 2017 (37A O.S. Supp. 2020, Section 3-124) and 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 relate to county special elections and hours of sales; authorizing certain sales of alcoholic beverages on Sunday unless county voters prohibit such sale's by a county special or general election; providing procedures; and providing an effective date.

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

SECTION 1. AMENDATORY Section 94, Chapter 366, O.S.L. 2016, as amended by Section 1, Chapter 340, O.S.L. 2017 (37A O.S. Supp. 2020, Section 3-124), is amended to read as follows:

Section 3-124. A. Sale of alcoholic beverages by the individual drink for on-premises consumption shall be unlawful in any county of this state unless the sale has been approved by a majority of the registered voters of the county voting thereon at a special election called by the board of county commissioners or a General Election. Subject to the provisions of subsection C of this

1 section, such election shall be called by the board of county
2 commissioners upon receipt of a petition signed by registered voters
3 constituting not less than fifteen percent (15%) of the total votes
4 cast in the county in the last General Election for the Office of
5 Governor, or such election may be called by the board of county
6 commissioners upon its own motion. At the time such election is
7 called, the proposition shall include those days or portions of
8 days, if any, on which sales of alcoholic beverages by the
9 individual drink are not authorized. If the proposition is the
10 result of a motion of the board of county commissioners, then the
11 ABLE Commission shall designate the days or portions of days, if
12 any, on which the sales of alcoholic beverages are not authorized.
13 If the proposition is the result of a petition, such petition shall
14 specify days or portions of days, if any, on which the sales of
15 alcoholic beverages are not authorized.

16 If, at the Special Election or at a General Election, the
17 proposition to authorize the sale of alcoholic beverages by the
18 individual drink for on-premises consumption fails to be approved by
19 the registered voters of the county, the county shall not hold
20 another election on whether or not to approve such sales, for at
21 least two (2) years from the date the proposition failed to be
22 approved.

23 B. Sales of alcoholic beverages on Sundays by retail spirits
24 licensees shall be ~~unlawful~~ lawful in any county of this state

1 unless ~~approved by~~ a majority of the registered voters of the county
2 voting thereon, at a special election called by the board of county
3 commissioners or a General Election, vote to make sales of alcoholic
4 beverages on Sunday by retail spirit licensees unlawful. Subject to
5 the provisions of subsection C of this section, such election shall
6 be called by the board of county commissioners upon receipt of a
7 petition signed by registered voters constituting not less than
8 fifteen percent (15%) of the total votes cast in the county in the
9 last General Election for the Office of Governor, or such election
10 may be called by the board of county commissioners upon its own
11 motion.

12 C. A proposition otherwise authorized by the provisions of
13 subsection A or subsection B of this section shall be placed before
14 the voters of the applicable county at an election to be held on the
15 same date as:

16 1. Any regularly scheduled federal, state or county election
17 held in that county;

18 2. A special election held in that county for a federal, state
19 or county office; or

20 3. A special election held in that county for another county
21 proposition or a state question.

22 SECTION 2. AMENDATORY Section 143, Chapter 366, O.S.L.
23 2016, as last amended by Section 1, Chapter 237, O.S.L. 2019 (37A
24 O.S. Supp. 2020, Section 6-103), is amended to read as follows:

Section 6-103. A. No retail spirits licensee shall:

1. Purchase or receive any alcoholic beverage other than from a wine and spirits wholesaler, beer distributor, winery or small brewer self-distribution licensee who elects to self-distribute;

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

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

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

5. Sell any alcoholic beverage on credit; provided, that acceptance by a licensee of a cash or debit card or a nationally recognized credit card in lieu of actual cash payment does not

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 3. This act shall become effective November 1, 2021.

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