

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1920

By: Martinez

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; providing  
8 that a manufacturer, brewer, or importer of beer  
9 shall not commit certain acts relating to beer  
distribution; providing for codification; and  
providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 3-128 of Title 37A, unless there  
15 is created a duplication in numbering, reads as follows:

16 Notwithstanding any existing beer distribution agreement to the  
17 contrary, a manufacturer, brewer, or importer of beer shall not:

18 1. Coerce or require a wholesaler to gather or submit sales  
19 records, retail placement, price, discount, rebate, or other details  
20 for beer brands not manufactured, brewed, or imported by the  
21 manufacturer, brewer, or importer;

22 2. Mandate wholesaler employee hiring decisions or payment  
23 rates, including incentives;

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1        3. Require a wholesaler to pay or contribute marketing,  
2 advertising or other funds for control or expenditure by the  
3 manufacturer, brewer, or importer, except a wholesaler may agree, in  
4 writing and advance, to spend or contribute wholesaler funds for a  
5 specified marketing or advertising plan or opportunity;

6        4. Ship, invoice or initiate electronic funds transfer payment  
7 for any quantity of beer exceeding an order, forecast, or inventory  
8 level specified by a wholesaler or include in a beer sales invoice  
9 charges for any items other than beer, freight, fuel, cooperage,  
10 dunnage, pallets and related deposits;

11       5. Invoice or initiate electronic funds transfer payment for  
12 point of sale advertising specialties or other items, except a  
13 manufacturer, brewer, or importer may itself place an order and  
14 invoice or initiate electronic funds transfer payment for point of  
15 sale advertising specialties or other items pursuant to a specific  
16 and advance written agreement to do so between the wholesaler and  
17 the manufacturer, brewer, or importer;

18       6. Attribute risk of loss, ownership or other financial  
19 interest to a wholesaler for beer not in the wholesaler's  
20 possession; or

21       7. Require a wholesaler to use or pay for development,  
22 installation, or use of any software owned or mandated by the  
23 manufacturer, brewer, or importer, except a wholesaler may be  
24 required to maintain data in format compatible with data format

1 standards adopted or with electronic information systems utilized by  
2 a manufacturer, brewer, or importer.

3 SECTION 2. This act shall become effective November 1, 2021.

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5 58-1-5609 JL 12/15/20

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