

1 ENGROSSED SENATE
2 BILL NO. 791

By: Coleman of the Senate

3 and

4 Davis of the House

5
6 An Act relating to alcoholic beverages; amending 37A
7 O.S. 2021, Section 6-103, as amended by Section 1,
8 Chapter 82, O.S.L. 2022 (37A O.S. Supp. 2022, Section
9 6-103), which relates to prohibited acts of retail
10 spirits licensees; excluding certain pricing from
11 prohibited acts; and providing an effective date.

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

13 SECTION 1. AMENDATORY 37A O.S. 2021, Section 6-103, as
14 amended by Section 1, Chapter 82, O.S.L. 2022 (37A O.S. Supp. 2022,
15 Section 6-103), is amended to read as follows:

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

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

20 2. Suffer or permit any retail container to be opened, or any
21 alcoholic beverage to be consumed on the licensed premises, except
22 when serving samples as authorized by Section 2-109 of this title or
23 otherwise permitted by law; provided, the licensee shall not permit
24 any alcoholic beverage content or retail container unsealed in
connection with sampling authorized by Section 2-109 of this title

1 to remain on the licensed premises at the close of business on that
2 day, excluding spirits;

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

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

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

22 a. "cash or debit card" means any instrument or device
23 whether known as a debit card or by any other name,
24 issued with or without fee by an issuer for the use of

1 the cardholder in depositing, obtaining or
2 transferring funds from a consumer banking electronic
3 facility, and

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

11 6. Offer or furnish any prize, premium, gift or similar
12 inducement to a consumer in connection with the sale of alcoholic
13 beverages, except that goods or merchandise included by the
14 manufacturer in packaging with alcoholic beverages or for packaging
15 with alcoholic beverages shall not be included in this prohibition,
16 but no wholesaler or retailer shall sell any alcoholic beverage
17 prepackaged with other goods or merchandise at a price which is
18 greater than the price at which the alcoholic beverage alone is
19 sold; provided, it shall not be considered inducement or a premium
20 for a retail spirits licensee to have an advertised price posted
21 higher online than the shelf price on the licensed premises; or

22 7. Pay for alcoholic beverages by a check or draft which is
23 dishonored by the drawee when presented to such drawee for payment;
24 and the ABLE Commission may cancel or suspend the license of any

1 retailer who has given a check or draft, as maker or endorser, which
2 is so dishonored upon presentation.

3 B. No retail spirits licensee shall permit any person under
4 twenty-one (21) years of age to enter into or remain within or about
5 the licensed premises unless accompanied by the person's parent or
6 legal guardian; provided, however, this restriction shall not apply
7 to an employee of a licensed beer distributor or wine and spirits
8 wholesaler who:

9 1. Is at least eighteen (18) years of age;

10 2. Is accompanied by a coworker at least twenty-one (21) years
11 of age; and

12 3. Enters for the sole purpose of merchandising or delivering
13 product to the licensee in the normal course of business.

14 SECTION 2. This act shall become effective November 1, 2023.

15 Passed the Senate the 7th day of March, 2023.

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18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2023.

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22 _____
23 Presiding Officer of the House
24 of Representatives