

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 791

By: Coleman of the Senate

and

Hays of the House

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9 An Act relating to alcoholic beverages; amending 37A
10 O.S. 2021, Section 6-103, as amended by Section 1,
11 Chapter 82, O.S.L. 2022 (37A O.S. Supp. 2022, Section
12 6-103), which relates to prohibited acts of retail
13 spirits licensees; excluding certain pricing from
14 prohibited acts; and providing an effective date.

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

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

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

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

23 2. Suffer or permit any retail container to be opened, or any
24 alcoholic beverage to be consumed on the licensed premises, except
25 when serving samples as authorized by Section 2-109 of this title or

1 otherwise permitted by law; provided, the licensee shall not permit
2 any alcoholic beverage content or retail container unsealed in
3 connection with sampling authorized by Section 2-109 of this title
4 to remain on the licensed premises at the close of business on that
5 day, excluding spirits;

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

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

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

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

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

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

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
20 SUBSTANCES, dated 04/12/2023 - DO PASS.
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