

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 800

By: Coleman of the Senate

and

Dempsey of the House

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9 COMMITTEE SUBSTITUTE

10 [alcoholic beverages - license - election -
11 emergency]

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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 last amended by Section 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp.
18 2023, 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

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

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
24

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~~:

19 a. goods or merchandise included by the manufacturer in
20 packaging with alcoholic beverages or for packaging
21 with alcoholic beverages ~~shall not be included in this~~
22 ~~prohibition, but;~~ provided, that no wholesaler or
23 retailer shall sell any alcoholic beverage prepackaged
24 with other goods or merchandise at a price which is

1 greater than the price at which the alcoholic beverage
2 alone is sold; ~~provided, it shall not be considered~~
3 ~~inducement or a premium for a~~ nor shall a retail
4 spirits license holder selling wine, spirits, or beer
5 at a multiunit discount be included in this
6 prohibition,

7 b. retail spirits licensee to ~~have an advertised~~
8 advertising a price posted higher online than the
9 shelf price on the licensed premises,

10 c. retail spirits licensee offering retail packages at a
11 discount from retail price for individuals of specific
12 professions and occupations, current or former members
13 of the United States Armed Forces, at the discretion
14 of the licensee; no discount shall make the retail
15 price lower than six-percent markup, as applicable in
16 Section 3-118 of this title; or

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

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

1 legal guardian; provided, however, this restriction shall not apply
2 to an employee of a licensed beer distributor or wine and spirits
3 wholesaler who:

- 4 1. Is at least eighteen (18) years of age;
- 5 2. Is accompanied by a coworker at least twenty-one (21) years
6 of age; and
- 7 3. Enters for the sole purpose of merchandising or delivering
8 product to the licensee in the normal course of business.

9 SECTION 2. AMENDATORY 37A O.S. 2021, Section 6-104, is
10 amended to read as follows:

11 Section 6-104. No wine or spirits wholesaler licensee shall
12 sell or deliver, and no wine or spirits retail licensee shall
13 receive:

- 14 1. Any amount of spirits or wines to any licensee on Sunday; ~~or~~
- 15 2. Any amount of spirits or wines to any licensee on New Year's
16 Day, the Fourth of July, Thanksgiving Day or Christmas Day; or
- 17 3. Any amount of spirits or wines to any licensee at a price
18 less than fifteen percent (15%) above the wine and spirits
19 wholesaler's laid in cost of such spirit or wine; provided, this
20 provision shall not apply to any spirit or wine which the wine and
21 spirit wholesaler has discontinued or closed out from its brand
22 offerings in this state. For purposes of this section, "laid in
23 cost" shall mean the wine and spirit wholesaler's cost from the

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1 supplier, less supplier support if any, plus any inbound freight
2 costs, handling costs, and taxes.

3 SECTION 3. AMENDATORY 37A O.S. 2021, Section 6-108, is
4 amended to read as follows:

5 Section 6-108. No holder of a Retail Wine License or a Retail
6 Beer License shall:

7 1. Purchase or receive any alcoholic beverage other than from a
8 wine and spirits wholesaler, beer distributor, winery or small
9 brewer self-distribution licensee;

10 2. Suffer or permit any retail container to be opened, or any
11 alcoholic beverage to be consumed on the licensed premises, except
12 when serving samples as authorized by Section 2-109 of this title or
13 as otherwise permitted by law; provided, the licensee shall not
14 permit any alcoholic beverages content or retail container unsealed
15 in connection with sampling authorized by Section 2-109 of this
16 title to remain on the licensed premises at the close of the
17 business on that day;

18 3. Sell any beer or wine at any hour other than between the
19 hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through
20 Sunday. Retail wine and retail beer licensees shall be permitted to
21 sell beer and wine on the day of any General, Primary, Runoff
22 Primary or Special Election whether on a national, state, county or
23 city election;

24 4. Sell any beer and wine on credit; except as follows:

1 a. the acceptance by a grocery store, convenience store
2 or drug store of a cash or debit card, or a nationally
3 recognized credit card, in lieu of actual cash payment
4 does not constitute the extension of credit; provided,
5 further, as used in this section:

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

12 (2) "nationally recognized credit card" means any
13 instrument or device, whether known as a credit
14 card, credit plate, charge plate or by any other
15 name, issued with or without fee by an issuer for
16 the use of the cardholder in obtaining money,
17 goods, services or anything else of value on
18 credit which is accepted by over one hundred
19 retail locations, and

20 b. when the holder of a Retail Wine License, Retail Beer
21 License or Mixed Beverage License is a private
22 membership club, marina, golf course or country club
23 that normally charges food, drinks and other purchases
24 to the member's monthly dues account in the regular

1 course of business, in lieu of actual cash payment at
2 the time of purchase, such practice does not
3 constitute the extension of credit;

4 5. Offer or furnish any prize, premium, gift or similar
5 inducement to a consumer in connection with the sale of beer or
6 wine, except ~~that~~:

7 a. goods or merchandise included by the manufacturer in
8 packaging with beer or wine or for packaging with beer
9 or wine ~~shall not be included in this prohibition,~~ nor
10 shall a retail wine or retail beer license holder
11 selling wine or beer at a multiunit discount be
12 included in this prohibition; ~~but~~ provided, that no
13 retail wine or retail beer licensee shall sell any
14 beer or wine prepackaged with other goods or
15 merchandise at a price which is greater than the price
16 at which the alcoholic beverage alone is sold nor
17 shall a retail spirits license holder selling wine or
18 beer at a multiunit discount be included in this
19 prohibition, and

20 b. retail wine and retail beer licensees offering retail
21 packages at a discount from retail price for
22 individuals of specific professions and occupations,
23 current or former members of the United States Armed
24 Forces, at the discretion of the licensee; no discount

1 shall make the retail price lower than six-percent
2 markup, as applicable in Section 3-118 of this title;

3 or

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

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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