



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

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

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

23           5. Sell any alcoholic beverage on credit; provided, that  
24 acceptance by a licensee of a cash or debit card or a nationally

1 recognized credit card in lieu of actual cash payment does not  
2 constitute the extension of credit; provided, further, as used in  
3 this section:

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

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

17 6. Offer or furnish any prize, premium, gift or similar  
18 inducement to a consumer in connection with the sale of alcoholic  
19 beverages, except ~~that~~:

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

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

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

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

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

23 B. No retail spirits licensee shall permit any person under  
24 twenty-one (21) years of age to enter into or remain within or about

1 the licensed premises unless accompanied by the person's parent or  
2 legal guardian; provided, however, this restriction shall not apply  
3 to an employee of a licensed beer distributor or wine and spirits  
4 wholesaler who:

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

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

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

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

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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14 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
15 SUBSTANCES, dated 04/11/2024 - DO PASS, As Amended.  
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