

1 **SENATE FLOOR VERSION**

2 February 14, 2019

3 SENATE BILL NO. 820

By: Bice

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5
6 An Act relating to alcoholic beverages; amending
7 Section 143, Chapter 366, O.S.L. 2016, as last
8 amended by Section 2, Chapter 340, O.S.L. 2017 (37A
9 O.S. Supp. 2018, Section 6-103), which relates to
10 prohibited acts by retail spirits licensee;
11 authorizing certain child to enter retail spirits
12 licensee under certain condition; providing an
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY Section 143, Chapter 366, O.S.L.
16 2016, as last amended by Section 2, Chapter 340, O.S.L. 2017 (37A
17 O.S. Supp. 2018, Section 6-103), is amended to read as follows:

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

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

22 2. Suffer or permit any retail container to be opened, or any
23 alcoholic beverage to be consumed on the licensed premises, unless
24 otherwise permitted by law;

25 3. Sell any alcoholic beverages at any hour other than between
the hours of 8:00 a.m. and midnight Monday through Saturday, and

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

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

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

18 a. "cash or debit card" means any instrument or device
19 whether known as a debit card or by any other name,
20 issued with or without fee by an issuer for the use of
21 the cardholder in depositing, obtaining or
22 transferring funds from a consumer banking electronic
23 facility, and
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1 b. "nationally recognized credit card" means any
2 instrument or device, whether known as a credit card,
3 credit plate, charge plate or by any other name,
4 issued with or without fee by an issuer for the use of
5 the cardholder in obtaining money, goods, services or
6 anything else of value on credit which is accepted by
7 over one hundred retail locations;

8 6. Offer or furnish any prize, premium, gift or similar
9 inducement to a consumer in connection with the sale of alcoholic
10 beverages, except that goods or merchandise included by the
11 manufacturer in packaging with alcoholic beverages or for packaging
12 with alcoholic beverages shall not be included in this prohibition,
13 but no wholesaler or retailer shall sell any alcoholic beverage
14 prepackaged with other goods or merchandise at a price which is
15 greater than the price at which the alcoholic beverage alone is
16 sold; 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, except a child under the age of twelve (12)

1 years accompanied by, and under the direct supervision of, an adult
2 aged twenty-one (21) years or older may enter a retail spirit
3 licensee located in the county; provided such county has voted to
4 allow such entrance.

5 SECTION 2. This act shall become effective July 1, 2019.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
11 February 14, 2019 - DO PASS
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