

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 820

By: Bice

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5
6 AS INTRODUCED

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

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

16 SECTION 1. AMENDATORY Section 143, Chapter 366, O.S.L.
17 2016, as last amended by Section 2, Chapter 340, O.S.L. 2017 (37A
18 O.S. Supp. 2018, 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, unless
otherwise permitted by law;

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

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

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

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

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

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

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

1 B. No retail spirits licensee shall permit any person under
2 twenty-one (21) years of age to enter into or remain within or about
3 the licensed premises, except a child under the age of twelve (12)
4 years accompanied by, and under the direct supervision of, an adult
5 aged twenty-one (21) years or older may enter a retail spirit
6 licensee located in the county; provided such county has voted to
7 allow such entrance.

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

9 SECTION 3. 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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