

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1377

By: Dempsey

4
5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A
8 O.S. 2021, Section 6-103, as last amended by Section
9 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp. 2024,
10 Section 6-103), which relates to prohibited acts of
11 retail spirits licensees; expanding exemption for
12 offering or furnishing any prize, premium, gift, or
13 similar inducement to a consumer in connection with
14 the sale of alcoholic beverages for current or former
15 members of the United States Armed Forces; amending
16 37A O.S. 2021, Section 6-108, which relates to
17 prohibited acts of holders of retail wine or retail
18 beer licenses; and expanding exemption for offering
19 or furnishing any prize, premium, gift, or similar
20 inducement to a consumer in connection with the sale
21 of beer or wine for current or former members of the
22 United States Armed Forces; and providing an
23 effective date.
24

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

19 SECTION 1. AMENDATORY 37A O.S. 2021, Section 6-103, as
20 last amended by Section 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp.
21 2024, Section 6-103), is amended to read as follows:

22 Section 6-103. A. No retail spirits licensee shall:
23
24

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

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

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

23
24

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

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

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

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

22 6. Offer or furnish any prize, premium, gift or similar
23 inducement to a consumer in connection with the sale of alcoholic
24 beverages, except:

1 a. ~~that~~ goods or merchandise included by the manufacturer
2 in packaging with alcoholic beverages or for packaging
3 with alcoholic beverages shall not be included in this
4 prohibition, but no wholesaler or retailer shall sell
5 any alcoholic beverage prepackaged with other goods or
6 merchandise at a price which is greater than the price
7 at which the alcoholic beverage alone is sold;
8 provided, it shall not be considered inducement or a
9 premium for a retail spirits licensee to have an
10 advertised price posted higher online than the shelf
11 price on the licensed premises,

12 b. retail spirits licensee offering retail packages at a
13 discount from retail price for current or former
14 members of the United States Armed Forces, at the
15 discretion of the licensee; no discount shall make the
16 retail price lower than six-percent markup, as
17 applicable in 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 6-108, is
11 amended to read as follows:

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

- 14 1. Purchase or receive any alcoholic beverage other than from a
15 wine and spirits wholesaler, beer distributor, winery or small
16 brewer self-distribution licensee;
- 17 2. Suffer or permit any retail container to be opened, or any
18 alcoholic beverage to be consumed on the licensed premises, except
19 when serving samples as authorized by Section 2-109 of this title or
20 as otherwise permitted by law; provided, the licensee shall not
21 permit any alcoholic beverages content or retail container unsealed
22 in connection with sampling authorized by Section 2-109 of this
23 title to remain on the licensed premises at the close of the
24 business on that day;

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

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

8 a. the acceptance by a grocery store, convenience store
9 or drug store of a cash or debit card, or a nationally
10 recognized credit card, in lieu of actual cash payment
11 does not constitute the extension of credit; provided,
12 further, as used in this section:

13 (1) "cash or debit card" means any instrument or
14 device whether known as a debit card or by any
15 other name, issued with or without fee by an
16 issuer for the use of the cardholder in
17 depositing, obtaining or transferring funds from
18 a consumer banking electronic facility, and

19 (2) "nationally recognized credit card" means any
20 instrument or device, whether known as a credit
21 card, credit plate, charge plate or by any other
22 name, issued with or without fee by an issuer for
23 the use of the cardholder in obtaining money,
24 goods, services or anything else of value on

1 credit which is accepted by over one hundred
2 retail locations, and

3 b. when the holder of a Retail Wine License, Retail Beer
4 License or Mixed Beverage License is a private
5 membership club, marina, golf course or country club
6 that normally charges food, drinks and other purchases
7 to the member's monthly dues account in the regular
8 course of business, in lieu of actual cash payment at
9 the time of purchase, such practice does not
10 constitute the extension of credit;

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

14 a. goods or merchandise included by the manufacturer in
15 packaging with beer or wine or for packaging with beer
16 or wine shall not be included in this prohibition, nor
17 shall a retail wine or retail beer license holder
18 selling wine or beer at a multiunit discount be
19 included in this prohibition; but no retail wine or
20 retail beer licensee shall sell any beer or wine
21 prepackaged with other goods or merchandise at a price
22 which is greater than the price at which the alcoholic
23 beverage alone is sold,
24

1 b. retail wine and retail beer licensees offering retail
2 packages at a discount from retail price for former
3 members of the United States Armed Forces, at the
4 discretion of the licensee; no discount shall make the
5 retail price lower than six-percent markup, as
6 applicable in Section 3-118 of this title; or

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

12 SECTION 3. This act shall become effective November 1, 2025.

13
14 60-1-11106 JL 12/12/24
15
16
17
18
19
20
21
22
23
24