

1 ENGROSSED SENATE
2 BILL NO. 113

By: Bergstrom of the Senate

3 and

4 McEntire of the House

5
6 An Act relating to sales of alcoholic beverages on
7 credit; amending Section 148, Chapter 366, O.S.L.
8 2016, as amended by Section 3, Chapter 84, O.S.L.
9 2017 (37A O.S. Supp. 2018, Section 6-108), which
10 relates to Retail Wine and Beer Licenses; construing
11 for certain membership accounts to not be extension
12 of credit; providing an effective date; and declaring
13 an emergency.

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

15 SECTION 1. AMENDATORY Section 148, Chapter 366, O.S.L.
16 2016, as amended by Section 3, Chapter 84, O.S.L. 2017 (37A O.S.
17 Supp. 2018, Section 6-108), is amended to read as follows:

18 Section 6-108. No holder of a Retail Wine License or a Retail
19 Beer License 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;

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 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; ~~provided, that~~ except as
8 follows:

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

14 ~~a.~~

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

21 ~~b.~~

22 (2) "nationally recognized credit card" means any
23 instrument or device, whether known as a credit
24 card, credit plate, charge plate or by any other

1 name, issued with or without fee by an issuer for
2 the use of the cardholder in obtaining money,
3 goods, services or anything else of value on
4 credit which is accepted by over one hundred
5 retail locations, and

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

14 5. Offer or furnish any prize, premium, gift or similar
15 inducement to a consumer in connection with the sale of beer or
16 wine, except that goods or merchandise included by the manufacturer
17 in packaging with beer or wine or for packaging with beer or wine
18 shall not be included in this prohibition; but no retail wine or
19 retail beer licensee shall sell any beer or wine prepackaged with
20 other goods or merchandise at a price which is greater than the
21 price at which the alcoholic beverage alone is sold; or

22 6. Pay for beer or wine by a check or draft which is dishonored
23 by the drawee when presented to such drawee for payment; and the
24 ABLE Commission may cancel or suspend the license of any retailer

1 who has given a check or draft, as maker or endorser, which is so
2 dishonored upon presentation.

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

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

8 Passed the Senate the 6th day of March, 2019.

9

10

Presiding Officer of the Senate

11

12 Passed the House of Representatives the ____ day of _____,
13 2019.

14

15

Presiding Officer of the House
of Representatives

16

17

18

19

20

21

22

23

24