

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 113 By: Bergstrom of the Senate  
3 and  
4 McEntire of the House  
5  
6

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

15 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
16 and replace with

17 "An Act relating to sales of alcoholic beverages on  
18 credit; amending Section 148, Chapter 366, O.S.L.  
19 2016, as amended by Section 3, Chapter 84, O.S.L.  
20 2017 (37A O.S. Supp. 2018, Section 6-108), which  
21 relates to Retail Wine and Beer Licenses; construing  
22 certain membership accounts to not be extension of  
23 credit; providing an effective date; and declaring  
24 an emergency.

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

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

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

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

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

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

15 4. Sell any beer and wine on credit; ~~provided, that~~ except as  
16 follows:

17 a. the acceptance by a grocery store, convenience store  
18 or drug store of a cash or debit card, or a nationally  
19 recognized credit card, in lieu of actual cash payment  
20 does not constitute the extension of credit; provided,  
21 further, as used in this section:

22 ~~a.~~

23 (1) "cash or debit card" means any instrument or  
24 device whether known as a debit card or by any

1 other name, issued with or without fee by an  
2 issuer for the use of the cardholder in  
3 depositing, obtaining or transferring funds from  
4 a consumer banking electronic facility, and

5 ~~b.~~

6 (2) "nationally recognized credit card" means any  
7 instrument or device, whether known as a credit  
8 card, credit plate, charge plate or by any other  
9 name, issued with or without fee by an issuer for  
10 the use of the cardholder in obtaining money,  
11 goods, services or anything else of value on  
12 credit which is accepted by over one hundred  
13 retail locations, and

14 b. when the holder of a Retail Wine License, Retail Beer  
15 License or Mixed Beverage License is a private  
16 membership club, marina, golf course or country club  
17 that normally charges food, drinks and other purchases  
18 to the member's monthly dues account in the regular  
19 course of business, in lieu of actual cash payment at  
20 the time of purchase, such practice does not  
21 constitute the extension of credit;

22 5. Offer or furnish any prize, premium, gift or similar  
23 inducement to a consumer in connection with the sale of beer or  
24 wine, except that goods or merchandise included by the manufacturer

1 in packaging with beer or wine or for packaging with beer or wine  
2 shall not be included in this prohibition; but no retail wine or  
3 retail beer licensee shall sell any beer or wine prepackaged with  
4 other goods or merchandise at a price which is greater than the  
5 price at which the alcoholic beverage alone is sold; or

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

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

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

16 Passed the House of Representatives the 18th day of April, 2019.

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19 \_\_\_\_\_  
Presiding Officer of the House of  
20 Representatives

21 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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24 \_\_\_\_\_  
Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 113

By: Bergstrom of the Senate

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4 McEntire of the House

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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 4. 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:

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

4 SECTION 6. 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.

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\_\_\_\_\_  
Presiding Officer of the Senate

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12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2019.

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Presiding Officer of the House  
of Representatives

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