

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1474

By: Thompson (Roger)

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 6-103, as last amended by Section 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp. 2023, Section 6-103), which relates to prohibited acts of retail spirits licensees; removing certain prohibition; and providing an effective date.

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

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

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

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

2. Suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on the licensed premises, except when serving samples as authorized by Section 2-109 of this title or otherwise permitted by law; provided, the licensee shall not permit any alcoholic beverage content or retail container unsealed in

1 connection with sampling authorized by Section 2-109 of this title
2 to remain on the licensed premises at the close of business on that
3 day, excluding spirits;

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

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

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

- 23 a. "cash or debit card" means any instrument or device
24 whether known as a debit card or by any other name,

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

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

12 ~~6.~~ 5. Offer or furnish any prize, premium, gift or similar
13 inducement to a consumer in connection with the sale of alcoholic
14 beverages, except that goods or merchandise included by the
15 manufacturer in packaging with alcoholic beverages or for packaging
16 with alcoholic beverages shall not be included in this prohibition,
17 but no wholesaler or retailer shall sell any alcoholic beverage
18 prepackaged with other goods or merchandise at a price which is
19 greater than the price at which the alcoholic beverage alone is
20 sold; provided, it shall not be considered inducement or a premium
21 for a retail spirits licensee to have an advertised price posted
22 higher online than the shelf price on the licensed premises; or

23 ~~7.~~ 6. Pay for alcoholic beverages by a check or draft which is
24 dishonored by the drawee when presented to such drawee for payment;

1 and the ABLE Commission may cancel or suspend the license of any
2 retailer who has given a check or draft, as maker or endorser, which
3 is so dishonored upon presentation.

4 B. No retail spirits licensee shall permit any person under
5 twenty-one (21) years of age to enter into or remain within or about
6 the licensed premises unless accompanied by the person's parent or
7 legal guardian; provided, however, this restriction shall not apply
8 to an employee of a licensed beer distributor or wine and spirits
9 wholesaler who:

10 1. Is at least eighteen (18) years of age;

11 2. Is accompanied by a coworker at least twenty-one (21) years
12 of age; and

13 3. Enters for the sole purpose of merchandising or delivering
14 product to the licensee in the normal course of business.

15 SECTION 2. This act shall become effective November 1, 2024.

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