

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 211

By: Bice of the Senate

and

Mulready of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to alcoholic beverages; amending  
11 Sections 94 and 143, Chapter 366, O.S.L. 2016 (37A  
12 O.S. Supp. 2016, Sections 3-124 and 6-103), which  
13 relate to county special elections and hours of  
14 sales; authorizing certain sales of alcoholic  
15 beverages upon voter approval at county special or  
16 general election; providing procedures; and providing  
17 an effective date.

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

19 SECTION 1. AMENDATORY Section 94, Chapter 366, O.S.L.  
20 2016 (37A O.S. Supp. 2016, Section 3-124), is amended to read as  
21 follows:

22 Section 3-124. A. Sale of alcoholic beverages by the  
23 individual drink for on-premises consumption shall be unlawful in  
24 any county of this state unless the sale has been approved by a  
majority of the registered voters of the county voting thereon at a  
special election called by the board of county commissioners or a

1 General Election. Subject to the provisions of subsection C of this  
2 section, such election shall be called by the board of county  
3 commissioners upon receipt of a petition signed by registered voters  
4 constituting not less than fifteen percent (15%) of the total votes  
5 cast in the county in the last General Election for the Office of  
6 Governor, or such election may be called by the board of county  
7 commissioners upon its own motion. At the time such election is  
8 called, the proposition shall include those days or portions of  
9 days, if any, on which sales of alcoholic beverages by the  
10 individual drink are not authorized. If the proposition is the  
11 result of a motion of the board of county commissioners, then the  
12 ABLE Commission shall designate the days or portions of days, if  
13 any, on which the sales of alcoholic beverages are not authorized.  
14 If the proposition is the result of a petition, such petition shall  
15 specify days or portions of days, if any, on which the sales of  
16 alcoholic beverages are not authorized.

17 If, at the Special Election or at a General Election, the  
18 proposition to authorize the sale of alcoholic beverages by the  
19 individual drink for on-premises consumption fails to be approved by  
20 the registered voters of the county, the county shall not hold  
21 another election on whether or not to approve such sales, for at  
22 least two (2) years from the date the proposition failed to be  
23 approved.

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1       B. Sales of alcoholic beverages on Sundays by retail spirits  
2 licensees shall be unlawful in any county of this state unless  
3 approved by a majority of the registered voters of the county voting  
4 thereon at a special election called by the board of county  
5 commissioners or a General Election. Subject to the provisions of  
6 subsection C of this section, such election shall be called by the  
7 board of county commissioners upon receipt of a petition signed by  
8 registered voters constituting not less than fifteen percent (15%)  
9 of the total votes cast in the county in the last General Election  
10 for the Office of Governor, or such election may be called by the  
11 board of county commissioners upon its own motion.

12       C. A proposition otherwise authorized by the provisions of  
13 subsection A or subsection B of this section shall be placed before  
14 the voters of the applicable county at an election to be held on the  
15 same date as:

16       1. Any regularly scheduled federal, state or county election  
17 held in that county;

18       2. A special election held in that county for a federal, state  
19 or county office; or

20       3. A special election held in that county for another county  
21 proposition or a state question.

22       SECTION 2.        AMENDATORY        Section 143, Chapter 366, O.S.L.  
23       2016 (37A O.S. Supp. 2016, Section 6-103), is amended to read as  
24       follows:

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

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

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

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

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

22 5. Sell any alcoholic beverage on credit; provided, that  
23 acceptance by a licensee of a cash or debit card or a nationally  
24 recognized credit card in lieu of actual cash payment does not

1 constitute the extension of credit; provided, further, as used in  
2 this section:

3 a. "cash or debit card" means any instrument or device  
4 whether known as a debit card or by any other name,  
5 issued with or without fee by an issuer for the use of  
6 the cardholder in depositing, obtaining or  
7 transferring funds from a consumer banking electronic  
8 facility, and

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

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

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

6       B. No retail spirits licensee shall permit any person under  
7 twenty-one (21) years of age to enter into or remain within or about  
8 the licensed premises.

9       SECTION 3. This act shall become effective October 1, 2018.

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