

1 STATE OF OKLAHOMA

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

3 SENATE BILL 211

By: Bice

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5  
6 AS INTRODUCED

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

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

16 SECTION 1. AMENDATORY Section 94, Chapter 366, O.S.L.  
17 2016 (37A O.S. Supp. 2016, Section 3-124), is amended to read as  
18 follows:

19 Section 3-124. A. Sale of alcoholic beverages by the  
20 individual drink for on-premises consumption shall be unlawful in  
21 any county of this state unless the sale has been approved by a  
22 majority of the registered voters of the county voting thereon at a  
23 special election called by the board of county commissioners. Such  
24 election shall be called by the board of county commissioners upon  
receipt of a petition signed by registered voters constituting not  
less than fifteen percent (15%) of the total votes cast in the

1 county in the last General Election for the Office of Governor, or  
2 such election may be called by the board of county commissioners  
3 upon its own motion. At the time such election is called, the  
4 proposition shall include those days or portions of days, if any, on  
5 which sales of alcoholic beverages by the individual drink are not  
6 authorized. If the proposition is the result of a motion of the  
7 board of county commissioners, then the ABLE Commission shall  
8 designate the days or portions of days, if any, on which the sales  
9 of alcoholic beverages are not authorized. If the proposition is  
10 the result of a petition, such petition shall specify days or  
11 portions of days, if any, on which the sales of alcoholic beverages  
12 are not authorized.

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

19 B. Sales of alcoholic beverages on Sundays by retail spirits  
20 licensees shall be unlawful in any county of this state unless  
21 approved by a majority of the registered voters of the county voting  
22 thereon at a special election called by the board of county  
23 commissioners. Such election shall be called by the board of county  
24 commissioners upon receipt of a petition signed by registered voters

1 constituting not less than fifteen percent (15%) of the total votes  
2 cast in the county in the last General Election for the Office of  
3 Governor, or such election may be called by the board of county  
4 commissioners upon its own motion.

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

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

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

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

15 3. Sell any alcoholic beverages at any hour other than between  
16 the hours of 10:00 a.m. and midnight Monday through Saturday, and  
17 shall not be permitted to be open on Thanksgiving Day or Christmas  
18 Day; provided, a county may, pursuant to the provisions of

19 subsection B of Section 3-124 of this title, elect to allow such  
20 sales between the hours of noon and midnight on Sunday. Retail  
21 spirits licensees shall be permitted to sell alcoholic beverages on  
22 the day of any General, Primary, Runoff Primary or Special Election  
23 whether on a national, state, county or city election, provided that

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1 the election day does not occur on any day on which such sales are  
2 otherwise prohibited by law;

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

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

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

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

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1       6. Offer or furnish any prize, premium, gift or similar  
2 inducement to a consumer in connection with the sale of alcoholic  
3 beverages, except that goods or merchandise included by the  
4 manufacturer in packaging with alcoholic beverages or for packaging  
5 with alcoholic beverages shall not be included in this prohibition,  
6 but no wholesaler or retailer shall sell any alcoholic beverage  
7 prepackaged with other goods or merchandise at a price which is  
8 greater than the price at which the alcoholic beverage alone is  
9 sold; or

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

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

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

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