

An Act

ENROLLED SENATE
BILL NO. 211

By: Bice of the Senate

and

Mulready of the House

An Act relating to alcoholic beverages; amending Sections 94 and 143, as amended by Section 2 of Senate Bill No. 411 of the 1st Session of the 56th Oklahoma Legislature, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2016, Sections 3-124 and 6-103), which relate to county special elections and hours of sales; authorizing certain sales of alcoholic beverages upon voter approval at county special or general election; providing procedures; and providing an effective date.

SUBJECT: Alcohol beverage requirements

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

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

Section 3-124. A. Sale of alcoholic beverages by the individual drink for on-premises consumption shall be unlawful in 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.—~~Such~~ or a General Election. Subject to the provisions of subsection C of this section, such 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 county in the last General Election for the Office of Governor, or such election may be called by the board of county commissioners upon its own motion. At the time such election is called, the proposition shall include those days or portions of days, if any, on which sales of alcoholic beverages by the individual drink are not authorized. If the proposition is the result of a motion of the board of county commissioners, then the ABLE Commission shall designate the days or portions of days, if any, on which the sales of alcoholic beverages are not authorized. If the proposition is the result of a petition, such petition shall specify days or portions of days, if any, on which the sales of alcoholic beverages are not authorized.

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

B. Sales of alcoholic beverages on Sundays by retail spirits licensees shall be unlawful in any county of this state unless 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 General Election. Subject to the provisions of subsection C of this section, such 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 county in the last General Election for the Office of Governor, or such election may be called by the board of county commissioners upon its own motion.

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

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

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

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

SECTION 2. AMENDATORY Section 143, Chapter 366, O.S.L. 2016, as amended by Section 2 of Senate Bill No. 411 of the 1st Session of the 56th Oklahoma Legislature (37A O.S. Supp. 2016, 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, unless otherwise permitted by law;

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

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

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

- a. "cash or debit card" means any instrument or device whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility, and
- b. "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit which is accepted by over one hundred retail locations;

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

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

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

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

Passed the Senate the 17th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____