

1 STATE OF OKLAHOMA

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

3 SENATE BILL 257

By: Bice

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending
8 Section 143, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
9 2016, Section 6-103), which relates to retail spirits
10 licensees; modifying persons allowed to enter
licensed premises upon voter approval at county
special election; providing procedures; and providing
an effective date.

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

13 SECTION 1. AMENDATORY Section 143, Chapter 366, O.S.L.
14 2016 (37A O.S. Supp. 2016, Section 6-103), is amended to read as
15 follows:

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

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

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

23 3. Sell any alcoholic beverages at any hour other than between
24 the hours of 10:00 a.m. and midnight Monday through Saturday, and

1 shall not be permitted to be open on Thanksgiving Day or Christmas
2 Day. Retail spirits licensees shall be permitted to sell alcoholic
3 beverages on the day of any General, Primary, Runoff Primary or
4 Special Election whether on a national, state, county or city
5 election, provided that the election day does not occur on any day
6 on which such sales are otherwise prohibited by law;

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

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

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

21 b. "nationally recognized credit card" means any
22 instrument or device, whether known as a credit card,
23 credit plate, charge plate or by any other name,
24 issued with or without fee by an issuer for the use of

1 the cardholder in obtaining money, goods, services or
2 anything else of value on credit which is accepted
3 over one hundred retail locations;

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

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

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

21 1. The person is twelve (12) years of age or younger and is
22 accompanied by the person's parent or legal guardian who is at least
23 twenty-one (21) years of age; and
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1 2. The sales have been approved by a majority of the registered
2 voters of the county voting thereon at a special election called by
3 the board of county commissioners. Such elections shall be called
4 by the board of county commissioners upon receipt of a petition
5 signed by registered voters constituting not less than fifteen
6 percent (15%) of the total votes cast in the last General Election
7 for the office of Governor, or such election may be called by the
8 board of county commissioners upon its own motion.

9 SECTION 2. This act shall become effective October 1, 2018.

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