

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 841

By: Thompson

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending  
8 Section 89, Chapter 366, O.S.L. 2016, as last amended  
9 by Section 1, Chapter 431, O.S.L. 2019 (37A O.S.  
10 Supp. 2020, Section 3-119), which relates to business  
11 interests and acts prohibited for manufacturers;  
12 providing certain exception; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY Section 89, Chapter 366, O.S.L.  
16 2016, as last amended by Section 1, Chapter 431, O.S.L. 2019 (37A  
17 O.S. Supp. 2020, Section 3-119), is amended to read as follows:

18 Section 3-119. A. It shall be unlawful for any manufacturer,  
19 brewer, wine and spirits wholesaler, beer distributor or person  
20 authorized to sell alcoholic beverages to a wholesaler, or any  
21 employee, officer, director, stockholder owning fifteen percent  
22 (15%) or more of the stock, any type of partner, manager, member or  
23 agent thereof, to directly or indirectly:

24 1. Have any financial interest in any premises upon which any  
25 alcoholic beverage is sold at retail or in any business connected

1 with the retailing of alcoholic beverages; provided, nothing in ~~this~~  
2 ~~act~~ the Oklahoma Alcoholic Beverage Control Act shall prohibit the  
3 operation of a mixed beverage licensee, beer and wine licensee or  
4 caterer licensee by an entity which has common owners with the  
5 holder of a small brewer license or a brewpub license;

6 2. Lend any money or other thing of value, or to make any gift  
7 or offer any gratuity, to any package store, retail wine, retail  
8 beer, mixed beverage, beer and wine, public event or bottle club  
9 licensee or caterer;

10 3. Guarantee any loan or the repayment of any financial  
11 obligation of any retailer, mixed beverage, beer and wine, public  
12 event or bottle club licensee or caterer;

13 4. Require any wine and spirits wholesaler, beer distributor,  
14 retailer, mixed beverage, on-premises beer and wine licensee, public  
15 event or caterer to purchase and dispose of any quota of alcoholic  
16 beverages, or to require any retailer to purchase any kind, type,  
17 size, container or brand of alcoholic beverages in order to obtain  
18 any other kind, type, size, container or brand of alcoholic  
19 beverages;

20 5. Sell to any retailer, mixed beverage, on-premises beer and  
21 wine licensee, public event or caterer any alcoholic beverage on  
22 consignment, or upon condition, or with the privilege of return, or  
23 on any condition other than a bona fide sale; provided, the  
24 following shall not be considered a violation of this paragraph:

- 1 a. delivery in good faith, through mistake, inadvertence  
2 or oversight, of an alcoholic beverage that was not  
3 ordered by a retailer, mixed beverage licensee, on-  
4 premises beer and wine licensee, caterer, public event  
5 or special event licensee to such licensee,  
6 b. replacement of product breakage that occurred while  
7 the alcoholic beverages were in transit from the  
8 wholesaler to the licensee, or  
9 c. replacement of cork-tainted wine that makes the  
10 product unsaleable as long as the licensee notifies  
11 the wine and spirits wholesaler of the defect in  
12 writing within ninety (90) days after delivery of the  
13 product; or

14 6. Extend credit to any retailer, other than holders of Federal  
15 Liquor Stamps on United States government reservations and  
16 installations, mixed beverage, public event or on-premises beer and  
17 wine licensee or caterer, other than a state lodge located in a  
18 county which has approved the retail sale of alcoholic beverages by  
19 the individual drink for on-premises consumption. The acceptance of  
20 a postdated check or draft or the failure to deposit for collection  
21 a current check or draft by the second banking day after receipt  
22 shall be deemed an extension of credit. Violation of this section  
23 shall be grounds for suspension of the license.

1        B. Provided, however, any manufacturer owning more than fifteen  
2 percent (15%) of the stock shall be authorized to have financial  
3 interest in a premises upon which alcoholic beverages are sold;  
4 provided, such retailer does not sell any product resulting from  
5 their manufacturing operation.

6        SECTION 2. This act shall become effective November 1, 2021.

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