

1 **SENATE FLOOR VERSION**

2 February 28, 2019

3 SENATE BILL NO. 113

By: Bergstrom of the Senate

4 and

5 McEntire of the House

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7
8 An Act relating to sales of alcoholic beverages on
9 credit; amending Section 148, Chapter 366, O.S.L.
10 2016, as amended by Section 3, Chapter 84, O.S.L.
11 2017 (37A O.S. Supp. 2018, Section 6-108), which
12 relates to Retail Wine and Beer Licenses; construing
13 for certain membership accounts to not be extension
14 of credit; providing an effective date; and declaring
15 an emergency.

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

17 SECTION 1. AMENDATORY Section 148, Chapter 366, O.S.L.
18 2016, as amended by Section 3, Chapter 84, O.S.L. 2017 (37A O.S.
19 Supp. 2018, Section 6-108), is amended to read as follows:

20 Section 6-108. No holder of a Retail Wine License or a Retail
21 Beer License shall:

22 1. Purchase or receive any alcoholic beverage other than from a
23 wine and spirits wholesaler, beer distributor, winery or small
24 brewer self-distribution licensee;

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

4 3. Sell any beer or wine at any hour other than between the
5 hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through
6 Sunday. Retail wine and retail beer licensees shall be permitted to
7 sell beer and wine on the day of any General, Primary, Runoff
8 Primary or Special Election whether on a national, state, county or
9 city election;

10 4. Sell any beer and wine on credit; ~~provided, that~~ except as
11 follows:

12 a. the acceptance by a grocery store, convenience store
13 or drug store of a cash or debit card, or a nationally
14 recognized credit card, in lieu of actual cash payment
15 does not constitute the extension of credit; provided,
16 further, as used in this section:

17 ~~a.~~

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

24 ~~b.~~

1 (2) "nationally recognized credit card" means any
2 instrument or device, whether known as a credit
3 card, credit plate, charge plate or by any other
4 name, issued with or without fee by an issuer for
5 the use of the cardholder in obtaining money,
6 goods, services or anything else of value on
7 credit which is accepted by over one hundred
8 retail locations, and

9 b. when the holder of a Retail Wine License or Retail
10 Beer License is a private membership club, marina,
11 golf course or country club that normally charges
12 food, drinks and other purchases to the member's
13 monthly dues account in the regular course of
14 business, in lieu of actual cash payment at the time
15 of purchase, such practice does not constitute the
16 extension of credit;

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

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

6 SECTION 2. This act shall become effective July 1, 2019.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
12 February 28, 2019 - DO PASS
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