

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1044

6 By: Coleman

7 COMMITTEE SUBSTITUTE

8 An Act relating to alcoholic beverages; amending 37A
9 O.S. 2021, Sections 2-107, 3-119, and 6-103, as last
10 amended by Section 1, Chapter 200, O.S.L. 2023 (37A
11 O.S. Supp. 2024, Section 6-103), which relate to wine
12 and spirits wholesaler license and limitations on
13 rights and interests; allowing certain payment
14 methods; allowing payments from certain licensees to
15 certain wholesalers or distributors to be made by
16 electronic funds transfer (EFT); establishing
17 requirements for EFT payments; providing certain
18 exceptions; imposing certain penalty; conforming
19 language; updating statutory language; updating
20 statutory reference; and providing an effective date.

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

22 SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-107, is
23 amended to read as follows:

24 Section 2-107. A. A wine and spirits wholesaler license shall
authorize the holder thereof:

1. To purchase and import into this state spirits and wines
from persons authorized to sell same who are the holders of a

1 manufacturer or nonresident seller license, and their agents who are
2 the holders of manufacturer's agent licenses;

3 2. To purchase spirits and wines from licensed distillers,
4 rectifiers and winemakers in this state;

5 3. To purchase spirits and wines from licensed wholesalers, to
6 the extent set forth in subsections B and C of this section;

7 4. To sell in retail containers in this state to retailers,
8 mixed beverage, caterer, special event, public event, hotel beverage
9 or airline/railroad beverage licensees, spirits and wines which have
10 been received and unloaded at the bonded warehouse facilities of the
11 wholesaler before such sale;

12 5. To sell to licensed wholesalers, to the extent set forth in
13 subsections B and C of this section, spirits and wines which have
14 been received and unloaded at the bonded warehouse facilities of the
15 wholesaler before such sale;

16 6. To sell spirits and wines out of this state to qualified
17 persons; and

18 7. To sell to licensed distillers spirits that were
19 manufactured by that distiller and which have been received and
20 unloaded at a bonded warehouse facility of a wholesaler before such
21 sale.

22 Provided, however, sales of spirits and wine in containers with
23 a capacity of less than one-twentieth (1/20) gallon by a holder of a
24 wholesaler license shall be in full case lots and in the original

1 unbroken case. Wholesalers shall be authorized to place such signs
2 outside their place of business as are required by Acts of Congress
3 and by such laws and regulations promulgated under such Acts.

4 B. A wholesaler may sell spirits and wine to other wholesalers
5 or purchase spirits and wines from other wholesalers without
6 complying with subsection A of this section in the case of the sale,
7 purchase or other transfer or acquisition of the entire business of
8 a wholesaler including the inventory of spirits and wine.

9 C. A wholesaler license shall authorize the holder thereof to:

10 ~~1. Maintain~~ maintain not more than three ~~(3)~~ self-owned or
11 leased and self-operated bonded warehouses within this state. All
12 invoices shall be stored at the principal place of business for
13 which the wholesaler license was granted; ~~and~~

14 ~~2. Accept as payment cash, personal check, cashier's check,~~
15 ~~money order or electronic fund transfer from persons licensed to~~
16 ~~purchase alcoholic beverages; provided, a wholesaler shall not be~~
17 ~~permitted to accept payment by credit card.~~

18 SECTION 2. AMENDATORY 37A O.S. 2021, Section 3-119, is
19 amended to read as follows:

20 Section 3-119. A. It shall be unlawful for any manufacturer,
21 brewer, wine and spirits wholesaler, beer distributor or person
22 authorized to sell alcoholic beverages to a wholesaler, or any
23 employee, officer, director, stockholder owning fifteen percent
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1 (15%) or more of the stock, any type of partner, manager, member or
2 agent thereof, to directly or indirectly:

3 1. Have any financial interest in any premises upon which any
4 alcoholic beverage is sold at retail or in any business connected
5 with the retailing of alcoholic beverages; provided, nothing in ~~this~~
6 ~~act~~ Section 1-101 et seq. of this title shall prohibit the operation
7 of a mixed beverage licensee, beer and wine licensee or caterer
8 licensee by an entity which has common owners with the holder of a
9 small brewer license or a brewpub license;

10 2. Lend any money or other thing of value, or to make any gift
11 or offer any gratuity, to any package store, retail wine, retail
12 beer, mixed beverage, beer and wine, public event or bottle club
13 licensee or caterer;

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

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

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

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

19 6. Extend credit to any retailer, other than holders of Federal
20 Liquor Stamps on United States government reservations and
21 installations, mixed beverage, public event or on-premises beer and
22 wine licensee or caterer, other than a state lodge located in a
23 county which has approved the retail sale of alcoholic beverages by
24 the individual drink for on-premises consumption. The acceptance of

1 a postdated check or draft or the failure to deposit for collection
2 a current check or draft by the second banking day after receipt
3 shall be deemed an extension of credit. ~~Violation of this section~~
4 ~~shall be grounds for suspension of the license.~~

5 B. All payments by a retail beer, retail wine, or retail
6 spirits licensee to a beer distributor or a wine and spirits
7 wholesaler licensee for the purchase of beer, wine, or spirits may
8 be made by electronic funds transfer (EFT) payment. No payment to a
9 wholesaler shall be made in cash. All EFT payments shall comply
10 with the following:

11 1. The beer distributor or wine and spirits wholesaler licensee
12 shall initiate the EFT payment transmittal by initiating the
13 withdrawal of the funds from the retailer's account;

14 2. The EFT payment transmittal to the banking institution shall
15 occur no later than the next banking business day from the date of
16 the delivery of the beer, wine, or spirits order to the retailer
17 licensee; and

18 3. A single EFT payment may be made to a wholesaler licensee
19 making deliveries to multiple locations of a chain retailer on the
20 same business day. The retailer and wholesaler shall maintain a
21 store-by-store detailed record to ensure that individual delivery
22 invoices may be traced to the EFT payment.

23 C. A wholesaler licensee may accept a check or money order in
24 the following instances:

1 1. When accepting payment for a non-sufficient funds EFT
2 payment;

3 2. During temporary service interruptions of the third-party
4 payment processing company; or

5 3. During the thirty-day period following the issuance of a
6 license to a retailer.

7 D. To maintain control of its ability to receive payment, the
8 wholesaler licensee shall be solely responsible for selecting a
9 third-party payment processing company to facilitate the EFT
10 payments. A wholesaler licensee shall not select a third-party
11 payment processing company that requires more than thirty (30) days'
12 notice from the wholesaler licensee to terminate its agreement with
13 the third-party payment processing company.

14 E. Violation of this section shall be grounds for suspension of
15 the license.

16 SECTION 3. AMENDATORY 37A O.S. 2021, Section 6-103, as
17 last amended by Section 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp.
18 2024, Section 6-103), is amended to read as follows:

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

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

23 2. Suffer or permit any retail container to be opened, or any
24 alcoholic beverage to be consumed on the licensed premises, except

1 when serving samples as authorized by Section 2-109 of this title or
2 otherwise permitted by law; provided, the licensee shall not permit
3 any alcoholic beverage content or retail container unsealed in
4 connection with sampling authorized by Section 2-109 of this title
5 to remain on the licensed premises at the close of business on that
6 day, excluding spirits;

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

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

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

3 a. "cash or debit card" means any instrument or device
4 whether known as a debit card or by any other name,
5 issued with or without fee by an issuer for the use of
6 the cardholder in depositing, obtaining or
7 transferring funds from a consumer banking electronic
8 facility, and

9 b. "nationally recognized credit card" means any
10 instrument or device, whether known as a credit card,
11 credit plate, charge plate or by any other name,
12 issued with or without fee by an issuer for the use of
13 the cardholder in obtaining money, goods, services or
14 anything else of value on credit which is accepted by
15 over one hundred retail locations; or

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

1 for a retail spirits licensee to have an advertised price posted
2 higher online than the shelf price on the licensed premises; ~~or~~

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

8 B. No retail spirits licensee shall permit any person under
9 twenty-one (21) years of age to enter into or remain within or about
10 the licensed premises unless accompanied by the person's parent or
11 legal guardian; provided, however, this restriction shall not apply
12 to an employee of a licensed beer distributor or wine and spirits
13 wholesaler who:

14 1. Is at least eighteen (18) years of age;

15 2. Is accompanied by a coworker at least twenty-one (21) years
16 of age; and

17 3. Enters for the sole purpose of merchandising or delivering
18 product to the licensee in the normal course of business.

19 SECTION 4. This act shall become effective November 1, 2025.

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