

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1034

By: Coleman

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Sections 6-103, as last amended by Section 1, Chapter 200, O.S.L. 2023, and 6-104 (37A O.S. Supp. 2024, Section 6-103), which relate to prohibited acts of retail spirits and wholesaler licensees; expanding exemption for offering or furnishing any prize, premium, gift, or similar inducement to a consumer in connection with the sale of alcoholic beverages; prohibiting any amount of spirits or wines to be sold to any licensee below a certain price; providing exemptions; and providing an effective date.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 6-103, as last amended by Section 1, Chapter 200, O.S.L. 2023 (37A O.S. Supp. 2024, 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, 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;

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:~~

19 a. goods or merchandise included by the manufacturer in
20 packaging with alcoholic beverages or for packaging
21 with alcoholic beverages ~~shall not be included in this~~
22 ~~prohibition, but;~~ provided, that no wholesaler or
23 retailer shall sell any alcoholic beverage prepackaged
24 with other goods or merchandise at a price which is

1 greater than the price at which the alcoholic beverage
2 alone is sold; ~~provided, it shall not be considered~~
3 ~~inducement or a premium for a~~ nor shall a retail
4 spirits license holder selling wine, spirits, or beer
5 at a multiunit discount be included in this
6 prohibition, or

7 b. that a retail spirits licensee to have an advertised
8 may advertise a price posted higher online than the
9 shelf price on the licensed premises; or

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

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

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

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

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

3 SECTION 2. AMENDATORY 37A O.S. 2021, Section 6-104, is
4 amended to read as follows:

5 Section 6-104. No wine or spirits wholesaler licensee shall
6 sell or deliver, and no wine or spirits retail licensee shall
7 receive:

8 1. Any amount of spirits or wines to any licensee on Sunday; ~~or~~

9 2. Any amount of spirits or wines to any licensee on New Year's
10 Day, the Fourth of July, Thanksgiving Day or Christmas Day; or

11 3. Any amount of spirits or wines to any licensee at a price
12 less than fifteen percent (15%) above the wine and spirits
13 wholesaler's laid in cost of such spirit or wine; provided, this
14 provision shall not apply to any spirit or wine which the wine and
15 spirit wholesaler has discontinued or closed out from its brand
16 offerings in this state. For purposes of this section, "laid in
17 cost" shall mean the wine and spirit wholesaler's cost from the
18 supplier, less supplier support if any, plus any inbound freight
19 costs, handling costs, and taxes.

20 SECTION 3. This act shall become effective November 1, 2025.

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