

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
FOR  
4 SENATE BILL 1044

By: Coleman

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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  
certain wholesalers or distributors to be made by  
electronic funds transfer (EFT); establishing  
requirements for EFT payments; providing certain  
exceptions; imposing certain penalty; conforming  
language; updating statutory language; updating  
statutory reference; and providing an effective date.

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

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

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

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

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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

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;

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

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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