

1 ENGROSSED HOUSE
2 BILL NO. 2360

By: Osborn (Leslie) and Wallace
of the House

3 and

4 David and Fields of the
5 Senate

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8 An Act relating to intoxicating liquors; amending 37
9 O.S. 2011, Section 576, as last amended by Section
10 18, Chapter 298, O.S.L. 2014 (37 O.S. Supp. 2016,
11 Section 576), which relates to gross receipts taxes
12 on products sold by certain licensees; clarifying
13 references; applying certain rate to low-point beer;
14 repealing 37 O.S. 2011, Section 576, as last amended
15 by Section 1 of this act, which relates to gross
16 receipts taxes on products sold by certain licenses;
17 providing effective dates; and declaring an
18 emergency.

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

SECTION 1. AMENDATORY 37 O.S. 2011, Section 576, as last
amended by Section 18, Chapter 298, O.S.L. 2014 (37 O.S. Supp. 2016,
Section 576), is amended to read as follows:

Section 576. A. A tax ~~at the rate of thirteen and one-half~~
~~percent (13.5%)~~ is hereby levied and imposed on the total gross
receipts of a holder of a mixed beverage, caterer, public event or
special event license, issued by the ABLE Commission, ~~from~~ and a

1 retail dealer licensed under Section 163.7 of this title to sell
2 low-point beer for consumption on premises at a rate of:

3 1. ~~The~~ Thirteen and one-half percent (13.5%) from:

4 a. the sale, preparation or service of mixed beverages†

5 2. ~~The,~~

6 b. the total retail value of complimentary or discounted
7 mixed beverages†

8 3. ~~Ice,~~

9 c. ice or nonalcoholic beverages that are sold, prepared
10 or served for the purpose of being mixed with
11 alcoholic beverages and consumed on the premises where
12 the sale, preparation or service occurs†

13 4. ~~Any,~~ and

14 d. any charges for the privilege of admission to a mixed
15 beverage establishment which entitle a person to
16 complimentary mixed beverages or discounted prices for
17 mixed beverages; and

18 2. Seven percent (7%) from the sale of low-point beer as

19 defined in Section 163.2 of this title.

20 B. For purposes of this section:

21 1. "Mixed beverages" means mixed beverages as defined by
22 Section 506 of this title;

23 2. "Total gross receipts" means the total amount of
24 consideration received as charges for admission to a mixed beverage

1 establishment as provided in subparagraph d of paragraph 4 1 of
2 subsection A of this section and the total retail sale price
3 received for the sale, preparation or service of mixed beverages,
4 ice, and nonalcoholic beverages to be mixed with alcoholic
5 beverages. The advertised price of a mixed beverage may be the sum
6 of the total retail sale price and the gross receipts tax levied
7 thereon; and

8 3. "Total retail value" means the total amount of consideration
9 that would be required for the sale, preparation or service of mixed
10 beverages.

11 C. The gross receipts tax levied by this section shall be in
12 addition to the excise ~~tax~~ taxes levied in ~~Section~~ Sections 163.3
13 and 553 of this title, the sales tax levied in the Oklahoma Sales
14 Tax Code and to any municipal or county sales taxes.

15 D. The gross receipts tax levied by this section is hereby
16 declared to be a direct tax upon the receipt of consideration for
17 any charges for admission to a mixed beverage establishment as
18 provided in subparagraph d of paragraph 4 1 of subsection A of this
19 section, for the sale, preparation or service of mixed beverages,
20 ice, and nonalcoholic beverages to be mixed with alcoholic
21 beverages, and the total retail value of complimentary or discounted
22 mixed beverages.

23 E. The total of the retail sale price received for the sale,
24 preparation or service of mixed beverages, ice, and nonalcoholic

1 beverages to be mixed with alcoholic beverages shall be the total
2 gross receipts for purposes of calculating the sales tax levied in
3 the Oklahoma Sales Tax Code.

4 SECTION 2. REPEALER 37 O.S. 2011, Section 576, as last
5 amended by Section 1 of this act, is hereby repealed.

6 SECTION 3. Section 1 of this act shall become effective July 1,
7 2017.

8 SECTION 4. Section 2 of this act shall become effective October
9 1, 2018.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the House of Representatives the 4th day of May, 2017.

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Presiding Officer of the House
of Representatives

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19 Passed the Senate the ____ day of _____, 2017.

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Presiding Officer of the Senate

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