

1 ENGROSSED HOUSE
2 BILL NO. 3905

By: Fetgatter of the House

3 and

4 Bice of the Senate
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7 An Act relating to alcoholic beverages; amending
8 Section 104, Chapter 366, O.S.L. 2016, as amended by
9 Section 13, Chapter 205, O.S.L. 2017 (37A O.S. Supp.
10 2019, Section 5-101), which relates to excise
11 taxation upon alcoholic beverages; modifying
12 provisions related to incident of tax; requiring
13 remittance of tax by designated license holders;
14 providing an effective date; and declaring an
15 emergency.

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

17 SECTION 1. AMENDATORY Section 104, Chapter 366, O.S.L.
18 2016, as amended by Section 13, Chapter 205, O.S.L. 2017 (37A O.S.
19 Supp. 2019, Section 5-101), is amended to read as follows:

20 Section 5-101. A. Except as provided in this subsection, an
21 excise tax is hereby levied and imposed upon all alcoholic beverages
22 imported or manufactured, for sale, use or distribution, or used or
23 possessed in this state at the following rates:

24 1. One Dollar and forty-seven cents (\$1.47) per liter, and a
proportionate rate on fractions thereof, on each liter of spirits;

1 2. Nineteen cents (\$0.19) per liter, and a proportionate rate
2 on fractions thereof, on each liter of wine;

3 3. Fifty-five cents (\$0.55) per liter, and a proportionate rate
4 on fractions thereof, on each liter of sparkling wine; and

5 4. Twelve Dollars and fifty cents (\$12.50) per barrel (thirty-
6 one (31) wine gallons) and a proportionate rate on portions thereof,
7 on each barrel of beer; provided, beer manufactured in this state
8 for export shall not be taxed.

9 B. The excise tax levied on alcoholic beverages except beer
10 under subsection A of this section shall be paid as follows:

11 1. Payment of the excise tax levied by this section with
12 respect to all alcoholic beverages, other than beer, shall be made
13 ~~by the person shipping the same into Oklahoma, or in the case of~~
14 ~~direct imports from foreign countries by the importer, or in the~~
15 ~~case of alcoholic beverages manufactured in Oklahoma by the first~~
16 ~~seller thereof~~ as follows:

17 a. the excise tax on all wine and spirits shall be
18 collected and remitted by the Oklahoma wine and
19 spirits wholesaler who purchases the alcoholic
20 beverages for sale within the state, unless otherwise
21 provided by subparagraph b of this paragraph,

22 b. the excise tax on all wine shipped directly to a
23 consumer by a winery maintaining a Winemaker Self-
24 Distribution License pursuant to Section 2-105 of this

1 title or a winery maintaining a Direct Wine Shipper's
2 Permit pursuant to Section 3-106 of this title shall
3 be collected and remitted by the winery maintaining
4 this license or permit; and

5 2. The due and payable excise tax levied by this section shall
6 be remitted electronically simultaneously with tax returns
7 electronically filed with the Oklahoma Tax Commission using
8 procedures prescribed by the Tax Commission. The tax returns shall
9 be made under oath by the person liable for the tax on forms
10 prescribed and provided by the Tax Commission and shall be
11 accompanied by payment of the taxes due and any additional sums due
12 as provided by this section. Invoices describing all alcoholic
13 beverages as described in this section which are shipped into this
14 state or which are first sold in this state shall be delivered to
15 the Tax Commission immediately following shipment of liquors into
16 the state or delivery to the first purchaser. Tax returns and
17 payment of excise tax and other sums due shall be electronically
18 filed with the Tax Commission no later than the twentieth day of the
19 month immediately succeeding the month of shipment, importation or
20 first sale of the alcoholic beverages as provided in paragraph 1 of
21 this subsection.

22 C. For the purpose of collecting and remitting the excise tax
23 imposed under this section, the person liable for such tax is hereby
24 declared to be the agent of the state for such purposes.

1 D. Nothing herein shall be construed to impose an additional
2 excise tax on alcoholic beverages held in inventory by wholesalers
3 and retailers upon which the excise tax was paid prior to the
4 effective date of any excise tax increase.

5 E. The retail sale of alcoholic beverages shall be subject to
6 the sales tax statutes enacted by the Legislature.

7 SECTION 2. This act shall become effective July 1, 2020.

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

12 Passed the House of Representatives the 3rd day of March, 2020.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2020.

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Presiding Officer of the Senate

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