

1 ENGROSSED SENATE
2 BILL NO. 307

By: Daniels of the Senate

3 and

4 Bush of the House

5
6 An Act relating to medical marijuana; amending
7 Provision No. 7, State Question No. 788, Initiative
8 Petition No. 412 (63 O.S. Supp. 2018, Section 426),
9 which relates to tax on retail medical marijuana;
10 providing that sales are subject to certain taxes;
11 providing for deposit of proceeds; providing for
12 apportionment and remittance; creating certain fund;
13 clarifying direction of monies; stating purposes;
14 clarifying language; and declaring an emergency.

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

16 SECTION 1. AMENDATORY Provision No. 7, State Question
17 No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2018, Section
18 426), is amended to read as follows:

19 Section 426. A. ~~The 1. An excise~~ tax on retail medical
20 marijuana sales ~~will be established at~~ is hereby levied at the rate
21 of seven percent (7%) of the gross amount received sales by the
22 seller.

23 ~~B. This tax will~~ 2. The excise tax shall be collected at the
24 point of sale. ~~Tax~~

3. Excise tax proceeds ~~will be applied primarily to finance the~~
~~regulatory office~~ shall be deposited in the Oklahoma Medical

1 Marijuana Tax Revenue Fund created in subsection C of this section
2 and shall be expended as provided therein.

3 B. 1. The sale of retail medical marijuana shall be subject to
4 applicable state and local sales tax.

5 2. Proceeds from state sales tax shall be apportioned as
6 provided in Section 1353 of Title 68 of the Oklahoma Statutes.

7 3. Proceeds from local sales tax shall be remitted to the
8 county and municipal governments when the point of sale is located
9 within the boundaries of the applicable political subdivision.

10 C. ~~If proceeds from the levy authorized by subsection A of this~~
11 ~~section exceed the budgeted amount for running the regulatory~~
12 ~~office, any surplus shall be apportioned with~~ There is hereby
13 created in the State Treasury a fund to be designated the "Oklahoma
14 Medical Marijuana Tax Revenue Fund". The fund shall be a continuing
15 fund, not subject to fiscal year limitations, and shall consist of
16 monies received pursuant to subsection A of this section and any
17 monies designated to the fund by law. All monies accruing to the
18 credit of the fund shall be appropriated at the discretion of the
19 Legislature for the operation of the Oklahoma Medical Marijuana
20 Authority of the State Department of Health; provided, the amount
21 not appropriated to the Authority shall be appropriated with
22 seventy-five percent (75%) ~~going to the General Revenue Fund and may~~
23 ~~only~~ to be expended for common education. ~~Twenty-five and twenty-~~
24 ~~five~~ percent (25%) ~~shall be apportioned to the Oklahoma State~~

1 ~~Department of Health and earmarked for drug and alcohol~~
2 rehabilitation to be expended on substance abuse prevention and
3 treatment programs.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 Passed the Senate the 14th day of March, 2019.

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10 _____
11 Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2019.

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15 _____
16 Presiding Officer of the House
17 of Representatives