

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1127

By: Burns

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending  
8 Section 106, Chapter 366, O.S.L. 2016 (37A O.S. Supp.  
9 2018, Section 5-103), which relates to exemptions  
10 from excise tax; providing exemption from excise tax  
11 on alcoholic beverage sales by or to veterans  
12 organizations; and declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 106, Chapter 366, O.S.L.  
15 2016 (37A O.S. Supp. 2018, Section 5-103), is amended to read as  
16 follows:

17 Section 5-103. A. The excise tax levied by Section ~~104~~ 5-101  
18 of this ~~act~~ title shall not apply to:

19 1. Alcohol used exclusively for industrial purposes by the  
20 holder of an industrial license;

21 2. Alcohol lawfully withdrawn and used free of tax under a tax-  
22 free permit issued by the United States government;

1 3. Alcoholic beverages used exclusively by licensed physicians  
2 and dentists in the bona fide practice of their professions or by  
3 licensed pharmacists in compounding prescriptions;

4 4. Beer, cider and wine made for personal use pursuant to a  
5 personal use permit issued as provided in Section ~~70~~ 2-140 of this  
6 ~~act~~ title;

7 5. Wine used exclusively for sacramental purposes in bona fide  
8 religious ceremonies;

9 6. Alcoholic beverages, not exceeding one (1) liter, imported  
10 into this state by the possessor for his or her own personal use;

11 7. Alcoholic beverages provided to attendees, free of charge,  
12 at charitable events licensed and approved by the ABLE Commission;  
13 ~~and~~

14 8. Mixed beverage and public event licensees which utilize the  
15 services of a licensed caterer; and

16 9. Alcoholic beverages sold to or by a veterans organization  
17 that is exempt from taxation pursuant to the provisions of the  
18 Internal Revenue Code, 26 U.S.C., Section 501(c)(19).

19 B. As a condition precedent to the allowance of any exemption  
20 authorized by subsection A of this section:

21 1. If a license or permit is required by the Oklahoma Alcoholic  
22 Beverage Control Act, for such use, the person claiming any such  
23 exemption must have obtained from the ABLE Commission the license or  
24 permit authorizing such exempt use; and

1        2. There must be furnished such proof of the exclusive use for  
2 such exempt purposes as the Oklahoma Tax Commission may require.

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

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