

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2360

By: Osborn (Leslie) and Wallace  
of the House

7 and

8 David and Fields of the  
9 Senate

10 COMMITTEE SUBSTITUTE

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

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

23 SECTION 1. AMENDATORY 37 O.S. 2011, Section 576, as last  
24 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

1 receipts of a holder of a mixed beverage, caterer, public event or  
2 special event license, issued by the ABLE Commission, ~~from~~ and a  
3 retail dealer licensed under Section 163.7 of this title to sell  
4 low-point beer for consumption on premises at a rate of:

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

6 a. the sale, preparation or service of mixed beverages~~;~~

7 ~~2. The,~~

8 b. the total retail value of complimentary or discounted  
9 mixed beverages~~;~~

10 ~~3. Ice,~~

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

15 ~~4. Any,~~ and

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

20 2. Seven percent (7%) from the sale of low-point beer as  
21 defined in Section 163.2 of this title.

22 B. For purposes of this section:

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

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

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

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

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

1 E. The total of the retail sale price received for the sale,  
2 preparation or service of mixed beverages, ice, and nonalcoholic  
3 beverages to be mixed with alcoholic beverages shall be the total  
4 gross receipts for purposes of calculating the sales tax levied in  
5 the Oklahoma Sales Tax Code.

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

8 SECTION 3. Section 1 of this act shall become effective July 1,  
9 2017.

10 SECTION 4. Section 2 of this act shall become effective October  
11 1, 2018.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS  
18 AND BUDGET, dated 04/27/2017 - DO PASS, As Amended.

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