

An Act

ENROLLED HOUSE
BILL NO. 2684

By: Echols of the House

and

Thompson of the Senate

An Act relating to alcoholic beverages; amending Section 111, Chapter 366, O.S.L. 2016, as amended by Section 27, Chapter 322, O.S.L. 2019 (37A O.S. Supp. 2020, Section 5-108), which relates to the reporting method of excise tax on beer; specifying when excise tax for beer sales are due and who they are to be paid by; providing an effective date; and declaring an emergency.

SUBJECT: Alcoholic beverages

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

SECTION 1. AMENDATORY Section 111, Chapter 366, O.S.L. 2016, as amended by Section 27, Chapter 322, O.S.L. 2019 (37A O.S. Supp. 2020, Section 5-108), is amended to read as follows:

Section 5-108. A. The Oklahoma Tax Commission shall promulgate rules to implement a reporting method of taxing all alcoholic beverages sold or delivered in this state to eliminate the use of any type of stamps.

B. Payment Except as otherwise provided by subsection C of this section, payment of the excise tax levied by the Oklahoma Alcoholic Beverage Control Act, with respect to beer shall be made by the manufacturer or brewer as to all beer produced by such brewer within the state for sale within this state, and shall be made by the importing manufacturer or beer distributor who is the original consignee of beer manufactured or produced outside of this state as to all beer imported into this state by such importing licensee. It

is the duty of each Oklahoma licensed brewer with respect to beer produced by such brewer within this state, and of each Oklahoma licensed beer distributor as to beer produced outside of this state and imported into this state by such beer distributor, to pay the excise tax on such beer to the Oklahoma Tax Commission as hereinafter provided.

C. A brewer that distributes beer produced by the brewer within the state without making delivery of beer to a person or entity licensed as a beer distributor pursuant to the Oklahoma Alcoholic Beverage Control Act and which distributes the beer so produced within the state only through the same legal entity holding a brewer license, small brewer license, or brewpub license shall make payment of the excise tax levied by the Oklahoma Alcoholic Beverage Control Act with respect to sales of beer made by the brewer for consumption on the premises and off the premises at which the beer is manufactured by the brewer, or such other premises as permitted by law, and beer distributed through the legal entity holding the brewer license, small brewer license, or brewpub license. If distribution of beer is made by an entity holding a beer distributor's license, the payment of the excise tax shall be made by the entity making such distribution.

D. Notwithstanding any other provision of law, the tax levied by the Oklahoma Alcoholic Beverage Control Act shall be part of the gross proceeds or gross receipts from the sale of alcoholic beverages, as those terms are defined in paragraph 12 of Section 1352 of Title 68 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 2021.

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

Passed the House of Representatives the 24th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of May, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____