

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2684

By: Echols

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9 COMMITTEE SUBSTITUTE

10 An Act relating to alcoholic beverages; amending
11 Section 104, Chapter 366, O.S.L. 2016, as amended by
12 Section 13, Chapter 205, O.S.L. 2017 (37A O.S. Supp.
13 2020, Section 5-101), which relates to excise
14 taxation upon alcoholic beverages; modifying
15 provisions related to incident of tax; requiring
16 remittance of tax by designated license holders;
17 providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY Section 104, Chapter 366, O.S.L.
21 2016, as amended by Section 13, Chapter 205, O.S.L. 2017 (37A O.S.
22 Supp. 2020, Section 5-101), is amended to read as follows:

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

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

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

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

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

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

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

19 a. the excise tax on all wine and spirits shall be
20 collected and remitted by the Oklahoma wine and
21 spirits wholesaler who purchases the alcoholic
22 beverages for sale within the state, unless otherwise
23 provided by subparagraph b of this paragraph,
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1 b. the excise tax on all wine shipped directly to a
2 consumer by a winery maintaining a Winemaker Self-
3 Distribution License pursuant to Section 2-105 of this
4 title or a winery maintaining a Direct Wine Shipper's
5 Permit pursuant to Section 3-106 of this title shall
6 be collected and remitted by the winery maintaining
7 this license or permit; and

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

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

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

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

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
17 SUBSTANCES, dated 02/22/2021 - DO PASS, As Amended.

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