

An Act

ENROLLED SENATE
BILL NO. 18x

By: Thompson (Roger) and Hall
of the Senate

and

Wallace and Martinez of the
House

An Act relating to medical marijuana; amending 63 O.S. 2021, Sections 426, as last amended by Section 1 of Enrolled House Bill No. 2095 of the 1st Session of the 59th Oklahoma Legislature (63 O.S. Supp. 2022, Section 426) and 427.5, which relate to medical marijuana; deleting certain apportionments; modifying the Oklahoma Medical Marijuana Authority Revolving Fund; limiting funding source; requiring legislative appropriation; creating the Medical Marijuana Tax Fund; providing for sources of funds; requiring legislative appropriation; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Medical marijuana

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 426, as last amended by Section 1 of Enrolled House Bill No. 2095 of the 1st Session of the 59th Oklahoma Legislature (63 O.S. Supp. 2022, Section 426), is amended to read as follows:

Section 426. A. The tax on retail medical marijuana sales shall be established at seven percent (7%) of the gross amount received by the seller.

B. This tax shall be collected at the point of sale. Except as provided for in subsection D, tax proceeds shall be deposited into

~~the Medical Marijuana Tax Fund created in Section 3 of this act will be applied primarily to finance the regulatory office.~~

~~C. Except as provided for in subsection D of this section, if proceeds from the levy authorized by subsection A of this section exceed the budgeted amount for running the regulatory office, any surplus shall be apportioned with seventy-five percent (75%) going to the General Revenue Fund and may only be expended for common education including funding redbud school grants pursuant to Section 3-104 of Title 70 of the Oklahoma Statutes. Twenty-five percent (25%) shall be apportioned to the State Department of Health and earmarked for drug and alcohol rehabilitation and prevention.~~

~~D.~~ Pursuant to Section 255.2 of Title 68 of the Oklahoma Statutes, the Oklahoma Tax Commission shall have authority to assess, collect and enforce the tax specified in subsection A of this section including any interest and penalty thereon.

~~E.~~ D. For fiscal year 2022, proceeds from the levy authorized by subsection A of this section shall be apportioned as follows:

1. The first Sixty-five Million Dollars (\$65,000,000.00) shall be apportioned as follows:

- a. fifty-nine and twenty-three hundredths percent (59.23%) to the State Public Common School Building Equalization Fund,
- b. thirty-four and sixty-two hundredths percent (34.62%) to the Oklahoma Medical Marijuana Authority, a division within the ~~Oklahoma~~ State Department of Health, and
- c. six and fifteen hundredths percent (6.15%) to the ~~Oklahoma~~ State Department of Health and earmarked for drug and alcohol rehabilitation; and

2. Any surplus collections shall be apportioned to the General Revenue Fund of the State Treasury.

~~F.~~ E. If any medical marijuana business licensee intentionally does not remit the taxes as required by the provisions of this

section or the provisions of Section 1354 of Title 68 of the Oklahoma Statutes, the Authority shall permanently revoke the medical marijuana business license of the business licensee and the business licensee shall be permanently ineligible to receive any other type of medical marijuana business license issued by the Authority, including licenses for a dispensary, commercial grower operation, processing facility, transporter, research, education facility, and waste disposal facility.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.5, is amended to read as follows:

Section 427.5. There is hereby created in the State Treasury a ~~revolving~~ fund for the ~~State Department of Health~~ Oklahoma Medical Marijuana Authority to be designated the "Oklahoma Medical Marijuana Authority ~~Revolving~~ Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~Department~~ Authority from fees and fines collected pursuant to ~~this act and all monies received by the Oklahoma Tax Commission from tax proceeds collected pursuant to Section 426 of Title 63 of the Oklahoma Statutes.~~ All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the ~~Department~~ for the purposes set forth in Section 426 of Title 63 of the Oklahoma Statutes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment the Oklahoma Medical Marijuana and Patient Protection Act. All monies accruing to the credit of the fund shall be appropriated at the discretion of the Legislature for the purpose of funding the Oklahoma Medical Marijuana Authority.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 427.5a of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a fund for the Oklahoma Medical Marijuana Authority to be designated the "Medical Marijuana Tax Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Authority from tax proceeds collected pursuant to Section 426 of Title 63 of the Oklahoma Statutes. All monies

accruing to the credit of the fund shall be appropriated at the discretion of the Legislature for the purpose of funding substance abuse programs and common education including but not limited to funding redbud school grants pursuant to Section 3-104 of Title 70 of the Oklahoma Statutes.

SECTION 4. This act shall become effective July 1, 2023.

SECTION 5. 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 Senate the 24th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2023.

Presiding Officer of the House
of Representatives

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: _____