

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2795

By: Boyd (Betty)

AS INTRODUCED

An Act relating to revenue and taxation; directing the Secretary of State to refer to the people for their approval or rejection a proposed act; levying additional taxes on cigarettes and tobacco products; specifying amounts of additional taxes; requiring tax stamps; prohibiting certain use of revenue and specifying apportionment thereof; providing for collection and administration of tax; creating Breast Cancer Treatment and Prevention Program; providing for administration and specifying purpose; creating Oklahoma Breast Cancer Treatment and Prevention Committee and Oklahoma Breast Cancer Research Board; providing for membership, terms, and duties thereof; creating Breast Cancer Treatment and Prevention Revolving Fund; providing for appropriation and expenditure of Fund; specifying purposes; providing ballot title; and directing filing.

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

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection at the next general election, as and in the manner provided by law, the following proposed statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 302-5 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. In addition to the tax levied in Sections 302, 302-1, 302-2 and 302-3 of Title 68 of the Oklahoma Statutes, there is hereby levied upon the sale, use, gift, possession, or consumption of cigarettes, as defined in Sections 301 through 325 of Title 68 of the Oklahoma Statutes, within the State of Oklahoma a tax at the rate of one (1) mill per cigarette. The tax shall be evidenced by tax stamps as now provided for. However, as to cigarette packages of less than ten cigarettes for free distribution as samples, the tax herein levied shall be computed and paid as provided for other cigarette taxes without affixing stamps on each such package.

B. No part of the revenues resulting from the additional tax levied in this section shall be used in determining the amount of cigarette tax collections to be paid into the State of Oklahoma Building Bonds of 1961 Sinking Fund pursuant to the provisions of Sections 57.31 through 57.43 of Title 62 of the Oklahoma Statutes, the State of Oklahoma Institutional Building Bonds of 1965 Sinking Fund pursuant to the provisions of Sections 57.61 through 57.73 of Title 62 of the Oklahoma Statutes or the Oklahoma Building Bonds of 1992 Sinking Fund pursuant to the provisions of Sections 57.300 through 57.314 of Title 62 of the Oklahoma Statutes.

C. The cigarette tax levied in this section shall be collected and administered in the same manner as other cigarette taxes now levied, collected, and administered pursuant to the provisions of Sections 301 through 325 of Title 68 of the Oklahoma Statutes.

D. The revenue resulting from the additional tax levied in this section shall be apportioned by the Oklahoma Tax Commission and

transmitted to the State Treasurer, who shall deposit the same in the Breast Cancer Treatment and Prevention Revolving Fund created in Section 4 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 402-3 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. In addition to the tax levied by Sections 402, 402-1 and 402-2 of Title 68 of the Oklahoma Statutes, there is hereby levied upon the sale, use, exchange or possession of articles containing tobacco as defined in Section 402 of Title 68 of the Oklahoma Statutes, a tax in the following amounts:

1. Upon little cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three (3) pounds per thousand, one (1) mill for each cigar. However, the tax levied on the products under this paragraph shall not apply if the tax on the products is reported and paid as cigarette tax under Section 301 et seq. of Title 68 of the Oklahoma Statutes;

2. Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing more than three (3) pounds per thousand, and having a manufacturer's recommended retail selling price, under the Federal Code, of more than four cents (\$0.04) for each cigar, Ten Dollars (\$10.00) per thousand;

3. Upon all smoking tobacco including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette, the tax shall be five percent (5%) of the factory list price exclusive of any trade discount, special discount or deals; and

4. Upon chewing tobacco, smokeless tobacco, and snuff, the tax shall be five percent (5%) of the factory list price exclusive of any trade discount, special discount or deals.

This tax shall be paid by the consumer and no retailer may advertise that he will pay or absorb this tax.

B. The tax herein levied on tobacco products shall be evidenced by stamps and collected on the same basis and in the same manner as the tax levied by Section 401 et seq. of Title 68 of the Oklahoma Statutes.

C. The revenue resulting from the additional tax levied in this section shall be apportioned by the Oklahoma Tax Commission and transmitted to the State Treasurer, who shall deposit the same in the Breast Cancer Treatment and Prevention Revolving Fund created in Section 4 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3315 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Breast Cancer Treatment and Prevention Program, to be administered by the University of Oklahoma Health Sciences Center. The purposes of the program shall be to fund essential research and services with respect to the cause, cure, detection, and prevention of breast cancer and to provide breast cancer education.

B. There is hereby created the Oklahoma Breast Cancer Treatment and Prevention Committee, which shall consist of fifteen (15) members. The Governor, President Pro Tempore of the Oklahoma State Senate, and the Speaker of the House of Representatives shall each appoint five members to the Committee. Of the initial members appointed by each appointing authority, one member shall be appointed for a five-year term, one member shall be appointed for a four-year term, one member shall be appointed for a three-year term, one member shall be appointed for a two-year term, and one member shall be appointed for a one-year term. Thereafter, members shall be appointed for terms of five (5) years. A vacancy shall be filled in the same manner as the original appointment. The Committee shall

include members of the health care profession, including but not limited to breast cancer researchers, representatives of nonprofit health organizations, persons who have survived or are suffering from breast cancer, and representatives of breast cancer-related advocacy groups. The membership of the Committee shall reflect the ethnic, racial, cultural, economic, and geographic diversity and gender balance of the state. The Committee shall have the duty of overseeing and allocating funds received pursuant to subsection D of this section for services relating to breast cancer, including but not limited to:

1. Mammography screening of women for breast cancer as an early detection health care measure;

2. Medical referral of screened women for definitive diagnosis, including sonograms or biopsy, and, to the extent practical, additional services or assistance for such women;

3. Educational and training programs for health care professionals to improve the detection and control of breast cancer, and communication with breast cancer patients after diagnosis; and

4. Outreach to groups with high proportions of uninsured and underinsured women.

C. There is hereby created the Oklahoma Breast Cancer Research Board, which shall consist of ten (10) members. The Board shall include the:

1. Dean of the University of Oklahoma College of Medicine;

2. Dean of the University of Oklahoma College of Medicine, Tulsa Branch;

3. Chairman of the Department of Surgery, University of Oklahoma College of Medicine;

4. Chairman of the Department of Medicine, University of Oklahoma College of Medicine;

5. Chairman of the Department of Radiology, University of Oklahoma College of Medicine;

6. Chairman, Department of Surgery, University of Oklahoma College of Medicine, Tulsa Branch;

7. Chairman, Department of Medicine, University of Oklahoma College of Medicine, Tulsa Branch;

8. President of the Presbyterian Health Foundation;

9. President of the Oklahoma Research Foundation; and

10. President of the Oklahoma Center for the Advancement of Science and Technology.

The Board shall have the duty of overseeing and allocating funds received pursuant to subsection D of this section for breast cancer research and data collection based upon the merits of specific proposals and specific research priorities established by the Board, including but not limited to:

1. Research on the cause, cure, prevention, and early detection of breast cancer;

2. Research on cultural barriers to accessing the health care system for early detection and treatment of breast cancer;

3. Collection of breast cancer-related data; and

4. Research of breast cancer-related epidemiology.

D. There is hereby created in the State Treasury a revolving fund for the University of Oklahoma Health Sciences Center to be designated the "Breast Cancer Treatment and Prevention Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund pursuant to the provisions of Sections 2 and 3 of this act. Fifty percent (50%) of all monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Breast Cancer Treatment and Prevention Committee for the purposes specified in subsection B of this section and fifty percent (50%) of all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Breast Cancer Research Board for the purposes specified in subsection C of

this section. 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 State Finance for approval and payment.

SECTION 5. The Ballot Title for the proposed act as set forth in Sections 2, 3, and 4 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would increase the cigarette tax by one mill per cigarette. Taxes on little cigars would be increased by one mill per cigar. Taxes on cigars would be increased by \$10.00 per thousand. Taxes on other tobacco products would be increased by 5 percent of the factory list price. The taxes would be administered in the same manner as other cigarette and tobacco taxes. Monies from the taxes would be deposited in the Breast Cancer Treatment and Prevention Revolving Fund. Half of the Fund would be used by the Oklahoma Breast Cancer Treatment and Prevention Committee for services relating to breast cancer. Half of the Fund would be used by the Oklahoma Breast Cancer Research Board for breast cancer research and data collection.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

  / YES, FOR THE ACT

  / NO, AGAINST THE ACT

SECTION 6. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 5 hereof, with the Secretary of State and one copy with the Attorney General.

