

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3638

By: Dempsey

AS INTRODUCED

An Act relating to revenue and taxation; amending 37A O.S. 2021, Section 5-101, which relates to alcohol excise tax; exempting certain spirits from tax; and providing an effective date.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 5-101, is amended to read as follows:

Section 5-101. A. Except as provided in this subsection, an 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. One Dollar and forty-seven cents (\$1.47) per liter, and a proportionate rate on fractions thereof, on each liter of spirits; provided, spirits manufactured in this state for export shall not be taxed;

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

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

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

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

9 1. Payment of the excise tax levied by this section with
10 respect to all alcoholic beverages, other than beer, shall be made
11 as follows:

- 12 a. the excise tax on all wine and spirits shall be
13 collected and remitted by the Oklahoma wine and
14 spirits wholesaler who purchases the alcoholic
15 beverages for sale within the state, unless otherwise
16 provided by subparagraph b of this paragraph,
- 17 b. the excise tax on all wine shipped directly to a
18 consumer by a winery maintaining a Winemaker Self-
19 Distribution License pursuant to Section 2-105 of this
20 title or a winery maintaining a Direct Wine Shipper's
21 Permit pursuant to Section 3-106 of this title shall
22 be collected and remitted by the winery maintaining
23 this license or permit; and
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1 2. The due and payable excise tax levied by this section shall
2 be remitted electronically simultaneously with tax returns
3 electronically filed with the Oklahoma Tax Commission using
4 procedures prescribed by the Tax Commission. The tax returns shall
5 be made under oath by the person liable for the tax on forms
6 prescribed and provided by the Tax Commission and shall be
7 accompanied by payment of the taxes due and any additional sums due
8 as provided by this section. Invoices describing all alcoholic
9 beverages as described in this section which are shipped into this
10 state or which are first sold in this state shall be delivered to
11 the Tax Commission immediately following shipment of liquors into
12 the state or delivery to the first purchaser. Tax returns and
13 payment of excise tax and other sums due shall be electronically
14 filed with the Tax Commission no later than the twentieth day of the
15 month immediately succeeding the month of shipment, importation or
16 first sale of the alcoholic beverages as provided in paragraph 1 of
17 this subsection.

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

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

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

3 SECTION 2. This act shall become effective November 1, 2022.
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