

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1848

By: Montgomery

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5  
6 AS INTRODUCED

7 An Act relating to medical marijuana tax; amending 63  
8 O.S. 2021, Section 426, as amended by Section 2,  
9 Chapter 563, O.S.L. 2021, which relates to  
10 apportionment; modifying apportionment; creating the  
11 Drug and Alcohol Abuse Revolving Fund; establishing  
12 purpose; providing source of funds; providing for  
13 expenditures; providing for codification; providing  
14 an effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 426, as  
17 amended by Section 2, Chapter 563, O.S.L. 2021, is amended to read  
18 as follows:

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

22 B. This tax will be collected at the point of sale. Except as  
23 provided for in subsection D, tax proceeds will be applied primarily  
24 to finance the regulatory office.

25 C. Except as provided for in subsection D, if proceeds from the  
26 levy authorized by subsection A of this section exceed the budgeted

1 amount for running the regulatory office, any surplus shall be  
2 apportioned with seventy-five percent (75%) going to the General  
3 Revenue Fund and may only be expended for common education including  
4 funding redbud school grants pursuant to Section 3-104 of Title 70  
5 of the Oklahoma Statutes. Twenty-five percent (25%) shall be  
6 apportioned to the Oklahoma State Department of Health and earmarked  
7 for drug and alcohol rehabilitation.

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

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

- 12 a. ~~fifty-nine and twenty-three hundredths percent~~  
13 ~~(59.23%)~~ sixty-four percent (64%) to the State Public  
14 Common School Building Equalization Fund,
- 15 b. ~~thirty-four and sixty-two hundredths percent (34.62%)~~  
16 thirty percent (30%) to the Oklahoma Medical Marijuana  
17 Authority, a division within the Oklahoma State  
18 Department of Health, and
- 19 c. ~~six and fifteen hundredths percent (6.15%)~~ six percent  
20 (6%) to the ~~Oklahoma State Department of Health and~~  
21 ~~earmarked for drug and alcohol rehabilitation~~ Drug and  
22 Alcohol Rehabilitation Fund created in Section 2 of  
23 this act; and

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

3           SECTION 2.           NEW LAW           A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2-312 of Title 43A, unless there  
5 is created a duplication in numbering, reads as follows:

6           There is hereby created in the State Treasury a revolving fund  
7 for the Oklahoma Department of Mental Health and Substance Abuse  
8 Services to be designated the "Drug and Alcohol Abuse Revolving  
9 Fund". The fund shall be a continuing fund, not subject to fiscal  
10 year limitations, and shall consist of all monies received by the  
11 Oklahoma Department of Mental Health and Substance Abuse Services  
12 from apportionments pursuant to Section 426 of Title 63 of the  
13 Oklahoma Statutes. All monies accruing to the credit of the fund  
14 are hereby appropriated and may be budgeted and expended by the  
15 Oklahoma Department of Mental Health and Substance Abuse Services  
16 for the purpose of drug and alcohol rehabilitation and prevention.  
17 Expenditures from the fund shall be made upon warrants issued by the  
18 State Treasurer against claims filed as prescribed by law with the  
19 Director of the Office of Management and Enterprise Services for  
20 approval and payment.

21           SECTION 3. This act shall become effective July 1, 2022.

22           SECTION 4. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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