

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SUBCOMMITTEE RECOMMENDATION  
FOR

HOUSE BILL NO. 1568

By: Stark

SUBCOMMITTEE RECOMMENDATION

An Act relating to revenue and taxation; amending 68 O.S. 2021, Section 1356, as last amended by Section 1, Chapter 394, O.S.L. 2022 (68 O.S. Supp. 2022, Section 1356), which relates to sales tax exemptions; providing sales tax exemption to certain nonprofit entities; prescribing limitations on gross revenues for purposes of exempt treatment; providing exception for purchases of alcohol and tobacco; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 2021, Section 1356, as last amended by Section 1, Chapter 394, O.S.L. 2022 (68 O.S. Supp. 2022, Section 1356), is amended to read as follows:

Section 1356. Exemptions - Governmental and nonprofit entities.

Exemptions - Governmental and nonprofit entities.

There are hereby specifically exempted from the tax levied by Section 1350 et seq. of this title:

1. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political

1 subdivision of this state or any agency of a political subdivision  
2 of this state; provided, all sales to contractors in connection with  
3 the performance of any contract with the United States government,  
4 State of Oklahoma or any of its political subdivisions shall not be  
5 exempted from the tax levied by Section 1350 et seq. of this title,  
6 except as hereinafter provided;

7       2. Sales of property to agents appointed by or under contract  
8 with agencies or instrumentalities of the United States government  
9 if ownership and possession of such property transfers immediately  
10 to the United States government;

11       3. Sales of property to agents appointed by or under contract  
12 with a political subdivision of this state if the sale of such  
13 property is associated with the development of a qualified federal  
14 facility, as provided in the Oklahoma Federal Facilities Development  
15 Act, and if ownership and possession of such property transfers  
16 immediately to the political subdivision or the state;

17       4. Sales made directly by county, district or state fair  
18 authorities of this state, upon the premises of the fair authority,  
19 for the sole benefit of the fair authority or sales of admission  
20 tickets to such fairs or fair events at any location in the state  
21 authorized by county, district or state fair authorities; provided,  
22 the exemption provided by this paragraph for admission tickets to  
23 fair events shall apply only to any portion of the admission price  
24 that is retained by or distributed to the fair authority. As used

1 in this paragraph, "fair event" shall be limited to an event held on  
2 the premises of the fair authority in conjunction with and during  
3 the time period of a county, district or state fair;

4 5. Sale of food in cafeterias or lunchrooms of elementary  
5 schools, high schools, colleges or universities which are operated  
6 primarily for teachers and pupils and are not operated primarily for  
7 the public or for profit;

8 6. Dues paid to fraternal, religious, civic, charitable or  
9 educational societies or organizations by regular members thereof,  
10 provided, such societies or organizations operate under what is  
11 commonly termed the lodge plan or system, and provided such  
12 societies or organizations do not operate for a profit which inures  
13 to the benefit of any individual member or members thereof to the  
14 exclusion of other members and dues paid monthly or annually to  
15 privately owned scientific and educational libraries by members  
16 sharing the use of services rendered by such libraries with students  
17 interested in the study of geology, petroleum engineering or related  
18 subjects;

19 7. Sale of tangible personal property or services to or by  
20 churches, except sales made in the course of business for profit or  
21 savings, competing with other persons engaged in the same or a  
22 similar business or sale of tangible personal property or services  
23 by an organization exempt from federal income tax pursuant to  
24 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended,

1 made on behalf of or at the request of a church or churches if the  
2 sale of such property is conducted not more than once each calendar  
3 year for a period not to exceed three (3) days by the organization  
4 and proceeds from the sale of such property are used by the church  
5 or churches or by the organization for charitable purposes;

6 8. The amount of proceeds received from the sale of admission  
7 tickets which is separately stated on the ticket of admission for  
8 the repayment of money borrowed by any accredited state-supported  
9 college or university or any public trust of which a county in this  
10 state is the beneficiary, for the purpose of constructing or  
11 enlarging any facility to be used for the staging of an athletic  
12 event, a theatrical production, or any other form of entertainment,  
13 edification or cultural cultivation to which entry is gained with a  
14 paid admission ticket. Such facilities include, but are not limited  
15 to, athletic fields, athletic stadiums, field houses, amphitheaters  
16 and theaters. To be eligible for this sales tax exemption, the  
17 amount separately stated on the admission ticket shall be a  
18 surcharge which is imposed, collected and used for the sole purpose  
19 of servicing or aiding in the servicing of debt incurred by the  
20 college or university to effect the capital improvements  
21 hereinbefore described;

22 9. Sales of tangible personal property or services to the  
23 council organizations or similar state supervisory organizations of  
24 the Boy Scouts of America, Girl Scouts of U.S.A. and Camp Fire USA;

1        10. Sale of tangible personal property or services to any  
2 county, municipality, rural water district, public school district,  
3 city-county library system, the institutions of The Oklahoma State  
4 System of Higher Education, the Grand River Dam Authority, the  
5 Northeast Oklahoma Public Facilities Authority, the Oklahoma  
6 Municipal Power Authority, City of Tulsa-Rogers County Port  
7 Authority, Muskogee City-County Port Authority, the Oklahoma  
8 Department of Veterans Affairs, the Broken Bow Economic Development  
9 Authority, Ardmore Development Authority, Durant Industrial  
10 Authority, Oklahoma Ordnance Works Authority, Central Oklahoma  
11 Master Conservancy District, Arbuckle Master Conservancy District,  
12 Fort Cobb Master Conservancy District, Foss Reservoir Master  
13 Conservancy District, Mountain Park Master Conservancy District,  
14 Waurika Lake Master Conservancy District and the Office of  
15 Management and Enterprise Services only when carrying out a public  
16 construction contract on behalf of the Oklahoma Department of  
17 Veterans Affairs, and effective July 1, 2022, the University  
18 Hospitals Trust, or to any person with whom any of the above-named  
19 subdivisions or agencies of this state has duly entered into a  
20 public contract pursuant to law, necessary for carrying out such  
21 public contract or to any subcontractor to such a public contract.  
22 Any person making purchases on behalf of such subdivision or agency  
23 of this state shall certify, in writing, on the copy of the invoice  
24 or sales ticket to be retained by the vendor that the purchases are

1 made for and on behalf of such subdivision or agency of this state  
2 and set out the name of such public subdivision or agency. Any  
3 person who wrongfully or erroneously certifies that purchases are  
4 for any of the above-named subdivisions or agencies of this state or  
5 who otherwise violates this section shall be guilty of a misdemeanor  
6 and upon conviction thereof shall be fined an amount equal to double  
7 the amount of sales tax involved or incarcerated for not more than  
8 sixty (60) days or both;

9 11. Sales of tangible personal property or services to private  
10 institutions of higher education and private elementary and  
11 secondary institutions of education accredited by the State  
12 Department of Education or registered by the State Board of  
13 Education for purposes of participating in federal programs or  
14 accredited as defined by the Oklahoma State Regents for Higher  
15 Education which are exempt from taxation pursuant to the provisions  
16 of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) including  
17 materials, supplies and equipment used in the construction and  
18 improvement of buildings and other structures owned by the  
19 institutions and operated for educational purposes.

20 Any person, firm, agency or entity making purchases on behalf of  
21 any institution, agency or subdivision in this state, shall certify  
22 in writing, on the copy of the invoice or sales ticket the nature of  
23 the purchases, and violation of this paragraph shall be a  
24 misdemeanor as set forth in paragraph 10 of this section;

1        12. Tuition and educational fees paid to private institutions  
2 of higher education and private elementary and secondary  
3 institutions of education accredited by the State Department of  
4 Education or registered by the State Board of Education for purposes  
5 of participating in federal programs or accredited as defined by the  
6 Oklahoma State Regents for Higher Education which are exempt from  
7 taxation pursuant to the provisions of the Internal Revenue Code, 26  
8 U.S.C., Section 501(c)(3);

9        13. a. Sales of tangible personal property made by:

- 10            (1) a public school,
- 11            (2) a private school offering instruction for grade  
12                    levels kindergarten through twelfth grade,
- 13            (3) a public school district,
- 14            (4) a public or private school board,
- 15            (5) a public or private school student group or  
16                    organization,
- 17            (6) a parent-teacher association or organization  
18                    other than as specified in subparagraph b of this  
19                    paragraph, or
- 20            (7) public or private school personnel for purposes  
21                    of raising funds for the benefit of a public or  
22                    private school, public school district, public or  
23                    private school board or public or private school  
24                    student group or organization, or

1           b.   Sales of tangible personal property made by or to  
2                nonprofit parent-teacher associations or organizations  
3                exempt from taxation pursuant to the provisions of the  
4                Internal Revenue Code, 26 U.S.C., Section 501(c)(3),  
5                nonprofit local public or private school foundations  
6                which solicit money or property in the name of any  
7                public or private school or public school district.

8           The exemption provided by this paragraph for sales made by a  
9           public or private school shall be limited to those public or private  
10          schools accredited by the State Department of Education or  
11          registered by the State Board of Education for purposes of  
12          participating in federal programs. Sale of tangible personal  
13          property in this paragraph shall include sale of admission tickets  
14          and concessions at athletic events;

15          14. Sales of tangible personal property by:

- 16           a.   local 4-H clubs,
- 17           b.   county, regional or state 4-H councils,
- 18           c.   county, regional or state 4-H committees,
- 19           d.   4-H leader associations,
- 20           e.   county, regional or state 4-H foundations, and
- 21           f.   authorized 4-H camps and training centers.

22          The exemption provided by this paragraph shall be limited to  
23          sales for the purpose of raising funds for the benefit of such  
24



1 organizations. Sale of tangible personal property exempted by this  
2 paragraph shall include sale of admission tickets;

3 15. The first Seventy-five Thousand Dollars (\$75,000.00) each  
4 year from sale of tickets and concessions at athletic events by each  
5 organization exempt from taxation pursuant to the provisions of the  
6 Internal Revenue Code, 26 U.S.C., Section 501(c)(4);

7 16. Sales of tangible personal property or services to any  
8 person with whom the Oklahoma Tourism and Recreation Department has  
9 entered into a public contract and which is necessary for carrying  
10 out such contract to assist the Department in the development and  
11 production of advertising, promotion, publicity and public relations  
12 programs;

13 17. Sales of tangible personal property or services to fire  
14 departments organized pursuant to Section 592 of Title 18 of the  
15 Oklahoma Statutes which items are to be used for the purposes of the  
16 fire department. Any person making purchases on behalf of any such  
17 fire department shall certify, in writing, on the copy of the  
18 invoice or sales ticket to be retained by the vendor that the  
19 purchases are made for and on behalf of such fire department and set  
20 out the name of such fire department. Any person who wrongfully or  
21 erroneously certifies that the purchases are for any such fire  
22 department or who otherwise violates the provisions of this section  
23 shall be deemed guilty of a misdemeanor and upon conviction thereof,  
24

1 shall be fined an amount equal to double the amount of sales tax  
2 involved or incarcerated for not more than sixty (60) days, or both;

3 18. Complimentary or free tickets for admission to places of  
4 amusement, sports, entertainment, exhibition, display or other  
5 recreational events or activities which are issued through a box  
6 office or other entity which is operated by a state institution of  
7 higher education with institutional employees or by a municipality  
8 with municipal employees;

9 19. The first Fifteen Thousand Dollars (\$15,000.00) each year  
10 from sales of tangible personal property by fire departments  
11 organized pursuant to Titles 11, 18, or 19 of the Oklahoma Statutes  
12 for the purposes of raising funds for the benefit of the fire  
13 department. Fire departments selling tangible personal property for  
14 the purposes of raising funds shall be limited to no more than six  
15 (6) days each year to raise such funds in order to receive the  
16 exemption granted by this paragraph;

17 20. Sales of tangible personal property or services to any Boys  
18 & Girls Clubs of America affiliate in this state which is not  
19 affiliated with the Salvation Army and which is exempt from taxation  
20 pursuant to the provisions of the Internal Revenue Code, 26 U.S.C.,  
21 Section 501(c)(3);

22 21. Sales of tangible personal property or services to any  
23 organization, which takes court-adjudicated juveniles for purposes  
24 of rehabilitation, and which is exempt from taxation pursuant to the

1 provisions of the Internal Revenue Code, 26 U.S.C., Section  
2 501(c)(3), provided that at least fifty percent (50%) of the  
3 juveniles served by such organization are court adjudicated and the  
4 organization receives state funds in an amount less than ten percent  
5 (10%) of the annual budget of the organization;

6 22. Sales of tangible personal property or services to:

7 a. any health center as defined in Section 254b of Title  
8 42 of the United States Code,

9 b. any clinic receiving disbursements of state monies  
10 from the Indigent Health Care Revolving Fund pursuant  
11 to the provisions of Section 66 of Title 56 of the  
12 Oklahoma Statutes,

13 c. any community-based health center which meets all of  
14 the following criteria:

15 (1) provides primary care services at no cost to the  
16 recipient, and

17 (2) is exempt from taxation pursuant to the  
18 provisions of Section 501(c)(3) of the Internal  
19 Revenue Code, 26 U.S.C., Section 501(c)(3), and

20 d. any community mental health center as defined in  
21 Section 3-302 of Title 43A of the Oklahoma Statutes;

22 23. Dues or fees including free or complimentary dues or fees  
23 which have a value equivalent to the charge that could have  
24

1 otherwise been made, to YMCAs, YWCAs or municipally-owned recreation  
2 centers for the use of facilities and programs;

3 24. The first Fifteen Thousand Dollars (\$15,000.00) each year  
4 from sales of tangible personal property or services to or by a  
5 cultural organization established to sponsor and promote  
6 educational, charitable and cultural events for disadvantaged  
7 children, and which organization is exempt from taxation pursuant to  
8 the provisions of the Internal Revenue Code, 26 U.S.C., Section  
9 501(c) (3);

10 25. Sales of tangible personal property or services to museums  
11 or other entities which have been accredited by the American  
12 Association of Museums. Any person making purchases on behalf of  
13 any such museum or other entity shall certify, in writing, on the  
14 copy of the invoice or sales ticket to be retained by the vendor  
15 that the purchases are made for and on behalf of such museum or  
16 other entity and set out the name of such museum or other entity.  
17 Any person who wrongfully or erroneously certifies that the  
18 purchases are for any such museum or other entity or who otherwise  
19 violates the provisions of this paragraph shall be deemed guilty of  
20 a misdemeanor and, upon conviction thereof, shall be fined an amount  
21 equal to double the amount of sales tax involved or incarcerated for  
22 not more than sixty (60) days, or by both such fine and  
23 incarceration;

1        26. Sales of tickets for admission by any museum accredited by  
2 the American Association of Museums. In order to be eligible for  
3 the exemption provided by this paragraph, an amount equivalent to  
4 the amount of the tax which would otherwise be required to be  
5 collected pursuant to the provisions of Section 1350 et seq. of this  
6 title shall be separately stated on the admission ticket and shall  
7 be collected and used for the sole purpose of servicing or aiding in  
8 the servicing of debt incurred by the museum to effect the  
9 construction, enlarging or renovation of any facility to be used for  
10 entertainment, edification or cultural cultivation to which entry is  
11 gained with a paid admission ticket;

12        27. Sales of tangible personal property or services occurring  
13 on or after June 1, 1995, to children's homes which are supported or  
14 sponsored by one or more churches, members of which serve as  
15 trustees of the home;

16        28. Sales of tangible personal property or services to the  
17 organization known as the Disabled American Veterans, Department of  
18 Oklahoma, Inc., and subordinate chapters thereof;

19        29. Sales of tangible personal property or services to youth  
20 camps which are supported or sponsored by one or more churches,  
21 members of which serve as trustees of the organization;

22        30. a. Until July 1, 2022, transfer of tangible personal  
23 property made pursuant to Section 3226 of Title 63 of  
24

1 the Oklahoma Statutes by the University Hospitals  
2 Trust, and

3 b. Effective July 1, 2022, transfer of tangible personal  
4 property or services to or by:

5 (1) the University Hospitals Trust created pursuant  
6 to Section 3224 of Title 63 of the Oklahoma  
7 Statutes, or

8 (2) nonprofit entities which are exempt from taxation  
9 pursuant to the provisions of the Internal  
10 Revenue Code of the United States, 26 U.S.C.,  
11 Section 501(c)(3), which have entered into a  
12 joint operating agreement with the University  
13 Hospitals Trust;

14 31. Sales of tangible personal property or services to a  
15 municipality, county or school district pursuant to a lease or  
16 lease-purchase agreement executed between the vendor and a  
17 municipality, county or school district. A copy of the lease or  
18 lease-purchase agreement shall be retained by the vendor;

19 32. Sales of tangible personal property or services to any  
20 spaceport user, as defined in the Oklahoma Space Industry  
21 Development Act;

22 33. The sale, use, storage, consumption or distribution in this  
23 state, whether by the importer, exporter or another person, of any  
24 satellite or any associated launch vehicle including components of,

1 and parts and motors for, any such satellite or launch vehicle,  
2 imported or caused to be imported into this state for the purpose of  
3 export by means of launching into space. This exemption provided by  
4 this paragraph shall not be affected by:

- 5 a. the destruction in whole or in part of the satellite
- 6 or launch vehicle,
- 7 b. the failure of a launch to occur or be successful, or
- 8 c. the absence of any transfer or title to, or possession
- 9 of, the satellite or launch vehicle after launch;

10 34. The sale, lease, use, storage, consumption or distribution  
11 in this state of any space facility, space propulsion system or  
12 space vehicle, satellite or station of any kind possessing space  
13 flight capacity including components thereof;

14 35. The sale, lease, use, storage, consumption or distribution  
15 in this state of tangible personal property, placed on or used  
16 aboard any space facility, space propulsion system or space vehicle,  
17 satellite, or station possessing space flight capacity, which is  
18 launched into space, irrespective of whether such tangible property  
19 is returned to this state for subsequent use, storage, or  
20 consumption in any manner;

21 36. The sale, lease, use, storage, consumption or distribution  
22 in this state of tangible personal property meeting the definition  
23 of "section 38 property" as defined in Sections 48(a)(1)(A) and  
24 (B)(i) of the Internal Revenue Code of 1986, that is an integral

1 part of and used primarily in support of space flight; however,  
2 section 38 property used in support of space flight shall not  
3 include general office equipment, any boat, mobile home, motor  
4 vehicle or other vehicle of a class or type required to be  
5 registered, licensed, titled or documented in this state or by the  
6 United States government, or any other property not specifically  
7 suited to supporting space activity. The term "in support of space  
8 flight", for purposes of this paragraph, means the altering,  
9 monitoring, controlling, regulating, adjusting, servicing or  
10 repairing of any space facility, space propulsion systems or space  
11 vehicle, satellite or station possessing space flight capacity  
12 including the components thereof;

13 37. The purchase or lease of machinery and equipment for use at  
14 a fixed location in this state, which is used exclusively in the  
15 manufacturing, processing, compounding or producing of any space  
16 facility, space propulsion system or space vehicle, satellite or  
17 station of any kind possessing space flight capacity. Provided, the  
18 exemption provided for in this paragraph shall not be allowed unless  
19 the purchaser or lessee signs an affidavit stating that the item or  
20 items to be exempted are for the exclusive use designated herein.  
21 Any person furnishing a false affidavit to the vendor for the  
22 purpose of evading payment of any tax imposed by Section 1354 of  
23 this title shall be subject to the penalties provided by law. As  
24 used in this paragraph, "machinery and equipment" means "section 38



property" as defined in Sections 48(a)(1)(A) and (B)(i) of the Internal Revenue Code of 1986, which is used as an integral part of the manufacturing, processing, compounding or producing of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph;

38. The amount of a surcharge or any other amount which is separately stated on an admission ticket which is imposed, collected and used for the sole purpose of constructing, remodeling or enlarging facilities of a public trust having a municipality or county as its sole beneficiary;

39. Sales of tangible personal property or services which are directly used in or for the benefit of a state park in this state, which are made to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is organized primarily for the purpose of supporting one or more state parks located in this state;

40. The sale, lease or use of parking privileges by an institution of The Oklahoma State System of Higher Education;

41. Sales of tangible personal property or services for use on campus or school construction projects for the benefit of institutions of The Oklahoma State System of Higher Education, private institutions of higher education accredited by the Oklahoma State Regents for Higher Education or any public school or school

1 district when such projects are financed by or through the use of  
2 nonprofit entities which are exempt from taxation pursuant to the  
3 provisions of the Internal Revenue Code, 26 U.S.C., Section  
4 501(c)(3);

5 42. Sales of tangible personal property or services by an  
6 organization which is exempt from taxation pursuant to the  
7 provisions of the Internal Revenue Code, 26 U.S.C., Section  
8 501(c)(3), in the course of conducting a national championship  
9 sports event, but only if all or a portion of the payment in  
10 exchange therefor would qualify as the receipt of a qualified  
11 sponsorship payment described in Internal Revenue Code, 26 U.S.C.,  
12 Section 513(i). Sales exempted pursuant to this paragraph shall be  
13 exempt from all Oklahoma sales, use, excise and gross receipts  
14 taxes;

15 43. Sales of tangible personal property or services to or by an  
16 organization which:

- 17 a. is exempt from taxation pursuant to the provisions of  
18 the Internal Revenue Code, 26 U.S.C., Section  
19 501(c)(3),
- 20 b. is affiliated with a comprehensive university within  
21 The Oklahoma State System of Higher Education, and
- 22 c. has been organized primarily for the purpose of  
23 providing education and teacher training and  
24 conducting events relating to robotics;

1        44. The first Fifteen Thousand Dollars (\$15,000.00) each year  
2 from sales of tangible personal property to or by youth athletic  
3 teams which are part of an athletic organization exempt from  
4 taxation pursuant to the provisions of the Internal Revenue Code, 26  
5 U.S.C., Section 501(c)(4), for the purposes of raising funds for the  
6 benefit of the team;

7        45. Sales of tickets for admission to a collegiate athletic  
8 event that is held in a facility owned or operated by a municipality  
9 or a public trust of which the municipality is the sole beneficiary  
10 and that actually determines or is part of a tournament or  
11 tournament process for determining a conference tournament  
12 championship, a conference championship, or a national championship;

13        46. Sales of tangible personal property or services to or by an  
14 organization which is exempt from taxation pursuant to the  
15 provisions of the Internal Revenue Code, 26 U.S.C., Section  
16 501(c)(3) and is operating the Oklahoma City National Memorial and  
17 Museum, an affiliate of the National Park System;

18        47. Sales of tangible personal property or services to  
19 organizations which are exempt from federal taxation pursuant to the  
20 provisions of Section 501(c)(3) of the Internal Revenue Code, 26  
21 U.S.C., Section 501(c)(3), the memberships of which are limited to  
22 honorably discharged veterans, and which furnish financial support  
23 to area veterans' organizations to be used for the purpose of  
24 constructing a memorial or museum;

1        48. Sales of tangible personal property or services on or after  
2 January 1, 2003, to an organization which is exempt from taxation  
3 pursuant to the provisions of the Internal Revenue Code, 26 U.S.C.,  
4 Section 501(c)(3) that is expending monies received from a private  
5 foundation grant in conjunction with expenditures of local sales tax  
6 revenue to construct a local public library;

7        49. Sales of tangible personal property or services to a state  
8 that borders this state or any political subdivision of that state,  
9 but only to the extent that the other state or political subdivision  
10 exempts or does not impose a tax on similar sales of items to this  
11 state or a political subdivision of this state;

12        50. Effective July 1, 2005, sales of tangible personal property  
13 or services to the Career Technology Student Organizations under the  
14 direction and supervision of the Oklahoma Department of Career and  
15 Technology Education;

16        51. Sales of tangible personal property to a public trust  
17 having either a single city, town or county or multiple cities,  
18 towns or counties or combination thereof as beneficiary or  
19 beneficiaries or a nonprofit organization which is exempt from  
20 taxation pursuant to the provisions of the Internal Revenue Code, 26  
21 U.S.C., Section 501(c)(3) for the purpose of constructing  
22 improvements to or expanding a hospital or nursing home owned and  
23 operated by any such public trust or nonprofit entity prior to July  
24 1, 2008, in counties with a population of less than one hundred

1 thousand (100,000) persons, according to the most recent Federal  
2 Decennial Census. As used in this paragraph, "constructing  
3 improvements to or expanding" shall not mean any expense for routine  
4 maintenance or general repairs and shall require a project cost of  
5 at least One Hundred Thousand Dollars (\$100,000.00). For purposes  
6 of this paragraph, sales made to a contractor or subcontractor that  
7 enters into a contractual relationship with a public trust or  
8 nonprofit entity as described by this paragraph shall be considered  
9 sales made to the public trust or nonprofit entity. The exemption  
10 authorized by this paragraph shall be administered in the form of a  
11 refund from the sales tax revenues apportioned pursuant to Section  
12 1353 of this title and the vendor shall be required to collect the  
13 sales tax otherwise applicable to the transaction. The purchaser  
14 may apply for a refund of the sales tax paid in the manner  
15 prescribed by this paragraph. Within thirty (30) days after the end  
16 of each fiscal year, any purchaser that is entitled to make  
17 application for a refund based upon the exempt treatment authorized  
18 by this paragraph may file an application for refund of the sales  
19 taxes paid during such preceding fiscal year. The Tax Commission  
20 shall prescribe a form for purposes of making the application for  
21 refund. The Tax Commission shall determine whether or not the total  
22 amount of sales tax exemptions claimed by all purchasers is equal to  
23 or less than Six Hundred Fifty Thousand Dollars (\$650,000.00). If  
24 such claims are less than or equal to that amount, the Tax

1 Commission shall make refunds to the purchasers in the full amount  
2 of the documented and verified sales tax amounts. If such claims by  
3 all purchasers are in excess of Six Hundred Fifty Thousand Dollars  
4 (\$650,000.00), the Tax Commission shall determine the amount of each  
5 purchaser's claim, the total amount of all claims by all purchasers,  
6 and the percentage each purchaser's claim amount bears to the total.  
7 The resulting percentage determined for each purchaser shall be  
8 multiplied by Six Hundred Fifty Thousand Dollars (\$650,000.00) to  
9 determine the amount of refundable sales tax to be paid to each  
10 purchaser. The pro rata refund amount shall be the only method to  
11 recover sales taxes paid during the preceding fiscal year and no  
12 balance of any sales taxes paid on a pro rata basis shall be the  
13 subject of any subsequent refund claim pursuant to this paragraph;

14 52. Effective July 1, 2006, sales of tangible personal property  
15 or services to any organization which assists, trains, educates, and  
16 provides housing for physically and mentally handicapped persons and  
17 which is exempt from taxation pursuant to the provisions of the  
18 Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and that  
19 receives at least eighty-five percent (85%) of its annual budget  
20 from state or federal funds. In order to receive the benefit of the  
21 exemption authorized by this paragraph, the taxpayer shall be  
22 required to make payment of the applicable sales tax at the time of  
23 sale to the vendor in the manner otherwise required by law.  
24 Notwithstanding any other provision of the Oklahoma Uniform Tax

1 Procedure Code to the contrary, the taxpayer shall be authorized to  
2 file a claim for refund of sales taxes paid that qualify for the  
3 exemption authorized by this paragraph for a period of one (1) year  
4 after the date of the sale transaction. The taxpayer shall be  
5 required to provide documentation as may be prescribed by the  
6 Oklahoma Tax Commission in support of the refund claim. The total  
7 amount of sales tax qualifying for exempt treatment pursuant to this  
8 paragraph shall not exceed One Hundred Seventy-five Thousand Dollars  
9 (\$175,000.00) each fiscal year. Claims for refund shall be  
10 processed in the order in which such claims are received by the  
11 Oklahoma Tax Commission. If a claim otherwise timely filed exceeds  
12 the total amount of refunds payable for a fiscal year, such claim  
13 shall be barred;

14 53. The first Two Thousand Dollars (\$2,000.00) each year of  
15 sales of tangible personal property or services to, by, or for the  
16 benefit of a qualified neighborhood watch organization that is  
17 endorsed or supported by or working directly with a law enforcement  
18 agency with jurisdiction in the area in which the neighborhood watch  
19 organization is located. As used in this paragraph, "qualified  
20 neighborhood watch organization" means an organization that is a  
21 not-for-profit corporation under the laws of the State of Oklahoma  
22 that was created to help prevent criminal activity in an area  
23 through community involvement and interaction with local law  
24 enforcement and which is one of the first two thousand organizations

1 which makes application to the Oklahoma Tax Commission for the  
2 exemption after March 29, 2006;

3 54. Sales of tangible personal property to a nonprofit  
4 organization, exempt from taxation pursuant to the provisions of the  
5 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), organized  
6 primarily for the purpose of providing services to homeless persons  
7 during the day and located in a metropolitan area with a population  
8 in excess of five hundred thousand (500,000) persons according to  
9 the latest Federal Decennial Census. The exemption authorized by  
10 this paragraph shall be applicable to sales of tangible personal  
11 property to a qualified entity occurring on or after January 1,  
12 2005;

13 55. Sales of tangible personal property or services to or by an  
14 organization which is exempt from taxation pursuant to the  
15 provisions of the Internal Revenue Code, 26 U.S.C., Section  
16 501(c)(3) for events the principal purpose of which is to provide  
17 funding for the preservation of wetlands and habitat for wild ducks;

18 56. Sales of tangible personal property or services to or by an  
19 organization which is exempt from taxation pursuant to the  
20 provisions of the Internal Revenue Code, 26 U.S.C., Section  
21 501(c)(3) for events the principal purpose of which is to provide  
22 funding for the preservation and conservation of wild turkeys;

23 57. Sales of tangible personal property or services to an  
24 organization which:



1           a.    is exempt from taxation pursuant to the provisions of  
2               the Internal Revenue Code, 26 U.S.C., Section  
3               501(c)(3), and

4           b.    is part of a network of community-based, autonomous  
5               member organizations that meets the following  
6               criteria:

7               (1)   serves people with workplace disadvantages and  
8               disabilities by providing job training and  
9               employment services, as well as job placement  
10              opportunities and post-employment support,

11              (2)   has locations in the United States and at least  
12              twenty other countries,

13              (3)   collects donated clothing and household goods to  
14              sell in retail stores and provides contract labor  
15              services to business and government, and

16              (4)   provides documentation to the Oklahoma Tax  
17              Commission that over seventy-five percent (75%)  
18              of its revenues are channeled into employment,  
19              job training and placement programs and other  
20              critical community services;

21       58.   Sales of tickets made on or after September 21, 2005, and  
22   complimentary or free tickets for admission issued on or after  
23   September 21, 2005, which have a value equivalent to the charge that  
24   would have otherwise been made, for admission to a professional

1 athletic event in which a team in the National Basketball  
2 Association is a participant, which is held in a facility owned or  
3 operated by a municipality, a county or a public trust of which a  
4 municipality or a county is the sole beneficiary, and sales of  
5 tickets made on or after July 1, 2007, and complimentary or free  
6 tickets for admission issued on or after July 1, 2007, which have a  
7 value equivalent to the charge that would have otherwise been made,  
8 for admission to a professional athletic event in which a team in  
9 the National Hockey League is a participant, which is held in a  
10 facility owned or operated by a municipality, a county or a public  
11 trust of which a municipality or a county is the sole beneficiary;

12 59. Sales of tickets for admission and complimentary or free  
13 tickets for admission which have a value equivalent to the charge  
14 that would have otherwise been made to a professional sporting event  
15 involving ice hockey, baseball, basketball, football or arena  
16 football, or soccer. As used in this paragraph, "professional  
17 sporting event" means an organized athletic competition between  
18 teams that are members of an organized league or association with  
19 centralized management, other than a national league or national  
20 association, that imposes requirements for participation in the  
21 league upon the teams, the individual athletes or both, and which  
22 uses a salary structure to compensate the athletes;

23 60. Sales of tickets for admission to an annual event sponsored  
24 by an educational and charitable organization of women which is

1 exempt from taxation pursuant to the provisions of the Internal  
2 Revenue Code, 26 U.S.C., Section 501(c)(3) and has as its mission  
3 promoting volunteerism, developing the potential of women and  
4 improving the community through the effective action and leadership  
5 of trained volunteers;

6       61. Sales of tangible personal property or services to an  
7 organization, which is exempt from taxation pursuant to the  
8 provisions of the Internal Revenue Code, 26 U.S.C., Section  
9 501(c)(3), and which is itself a member of an organization which is  
10 exempt from taxation pursuant to the provisions of the Internal  
11 Revenue Code, 26 U.S.C., Section 501(c)(3), if the membership  
12 organization is primarily engaged in advancing the purposes of its  
13 member organizations through fundraising, public awareness or other  
14 efforts for the benefit of its member organizations, and if the  
15 member organization is primarily engaged either in providing  
16 educational services and programs concerning health-related diseases  
17 and conditions to individuals suffering from such health-related  
18 diseases and conditions or their caregivers and family members or  
19 support to such individuals, or in health-related research as to  
20 such diseases and conditions, or both. In order to qualify for the  
21 exemption authorized by this paragraph, the member nonprofit  
22 organization shall be required to provide proof to the Oklahoma Tax  
23 Commission of its membership status in the membership organization;

1        62. Sales of tangible personal property or services to or by an  
2 organization which is part of a national volunteer women's service  
3 organization dedicated to promoting patriotism, preserving American  
4 history and securing better education for children and which has at  
5 least 168,000 members in 3,000 chapters across the United States;

6        63. Sales of tangible personal property or services to or by a  
7 YWCA or YMCA organization which is part of a national nonprofit  
8 community service organization working to meet the health and social  
9 service needs of its members across the United States;

10       64. Sales of tangible personal property or services to or by a  
11 veteran's organization which is exempt from taxation pursuant to the  
12 provisions of the Internal Revenue Code, 26 U.S.C., Section  
13 501(c)(19) and which is known as the Veterans of Foreign Wars of the  
14 United States, Oklahoma Chapters;

15       65. Sales of boxes of food by a church or by an organization,  
16 which is exempt from taxation pursuant to the provisions of the  
17 Internal Revenue Code, 26 U.S.C., Section 501(c)(3). To qualify  
18 under the provisions of this paragraph, the organization must be  
19 organized for the primary purpose of feeding needy individuals or to  
20 encourage volunteer service by requiring such service in order to  
21 purchase food. These boxes shall only contain edible staple food  
22 items;

23       66. Sales of tangible personal property or services to any  
24 person with whom a church has duly entered into a construction

1 contract, necessary for carrying out such contract or to any  
2 subcontractor to such a construction contract;

3 67. Sales of tangible personal property or services used  
4 exclusively for charitable or educational purposes, to or by an  
5 organization which:

6 a. is exempt from taxation pursuant to the provisions of  
7 the Internal Revenue Code, 26 U.S.C., Section  
8 501(c)(3),

9 b. has filed a Not-for-Profit Certificate of  
10 Incorporation in this state, and

11 c. is organized for the purpose of:

12 (1) providing training and education to  
13 developmentally disabled individuals,

14 (2) educating the community about the rights,  
15 abilities and strengths of developmentally  
16 disabled individuals, and

17 (3) promoting unity among developmentally disabled  
18 individuals in their community and geographic  
19 area;

20 68. Sales of tangible personal property or services to any  
21 organization which is a shelter for abused, neglected, or abandoned  
22 children and which is exempt from taxation pursuant to the  
23 provisions of the Internal Revenue Code, 26 U.S.C., Section  
24 501(c)(3); provided, until July 1, 2008, such exemption shall apply

1 only to eligible shelters for children from birth to age twelve (12)  
2 and after July 1, 2008, such exemption shall apply to eligible  
3 shelters for children from birth to age eighteen (18);

4 69. Sales of tangible personal property or services to a child  
5 care center which is licensed pursuant to the Oklahoma Child Care  
6 Facilities Licensing Act and which:

- 7 a. possesses a 3-star rating from the Department of Human  
8 Services Reaching for the Stars Program or a national  
9 accreditation, and
- 10 b. allows on-site universal prekindergarten education to  
11 be provided to four-year-old children through a  
12 contractual agreement with any public school or school  
13 district.

14 For the purposes of this paragraph, sales made to any person,  
15 firm, agency or entity that has entered previously into a  
16 contractual relationship with a child care center for construction  
17 and improvement of buildings and other structures owned by the child  
18 care center and operated for educational purposes shall be  
19 considered sales made to a child care center. Any such person,  
20 firm, agency or entity making purchases on behalf of a child care  
21 center shall certify, in writing, on the copy of the invoice or  
22 sales ticket the nature of the purchase. Any such person, or person  
23 acting on behalf of a firm, agency or entity making purchases on  
24 behalf of a child care center in violation of this paragraph shall

1 be guilty of a misdemeanor and upon conviction thereof shall be  
2 fined an amount equal to double the amount of sales tax involved or  
3 incarcerated for not more than sixty (60) days or both;

4       70. a. Sales of tangible personal property to a service  
5 organization of mothers who have children who are  
6 serving or who have served in the military, which  
7 service organization is exempt from taxation pursuant  
8 to the provisions of the Internal Revenue Code, 26  
9 U.S.C., Section 501(c)(19) and which is known as the  
10 Blue Star Mothers of America, Inc. The exemption  
11 provided by this paragraph shall only apply to the  
12 purchase of tangible personal property actually sent  
13 to United States military personnel overseas who are  
14 serving in a combat zone and not to any other tangible  
15 personal property purchased by the organization.  
16 Provided, this exemption shall not apply to any sales  
17 tax levied by a city, town, county, or any other  
18 jurisdiction in this state.

19       b. The exemption authorized by this paragraph shall be  
20 administered in the form of a refund from the sales  
21 tax revenues apportioned pursuant to Section 1353 of  
22 this title, and the vendor shall be required to  
23 collect the sales tax otherwise applicable to the  
24 transaction. The purchaser may apply for a refund of

1 the state sales tax paid in the manner prescribed by  
2 this paragraph. Within sixty (60) days after the end  
3 of each calendar quarter, any purchaser that is  
4 entitled to make application for a refund based upon  
5 the exempt treatment authorized by this paragraph may  
6 file an application for refund of the state sales  
7 taxes paid during such preceding calendar quarter.  
8 The Tax Commission shall prescribe a form for purposes  
9 of making the application for refund.

10 c. A purchaser who applies for a refund pursuant to this  
11 paragraph shall certify that the items were actually  
12 sent to military personnel overseas in a combat zone.  
13 Any purchaser that applies for a refund for the  
14 purchase of items that are not authorized for  
15 exemption under this paragraph shall be subject to a  
16 penalty in the amount of Five Hundred Dollars  
17 (\$500.00);

18 71. Sales of food and snack items to or by an organization  
19 which is exempt from taxation pursuant to the provisions of the  
20 Internal Revenue Code, 26 U.S.C., Section 501(c)(3), whose primary  
21 and principal purpose is providing funding for scholarships in the  
22 medical field;

23 72. Sales of tangible personal property or services for use  
24 solely on construction projects for organizations which are exempt



1 from taxation pursuant to the provisions of the Internal Revenue  
2 Code, 26 U.S.C., Section 501(c)(3) and whose purpose is providing  
3 end-of-life care and access to hospice services to low-income  
4 individuals who live in a facility owned by the organization. The  
5 exemption provided by this paragraph applies to sales to the  
6 organization as well as to sales to any person with whom the  
7 organization has duly entered into a construction contract,  
8 necessary for carrying out such contract or to any subcontractor to  
9 such a construction contract. Any person making purchases on behalf  
10 of such organization shall certify, in writing, on the copy of the  
11 invoice or sales ticket to be retained by the vendor that the  
12 purchases are made for and on behalf of such organization and set  
13 out the name of such organization. Any person who wrongfully or  
14 erroneously certifies that purchases are for any of the above-named  
15 organizations or who otherwise violates this section shall be guilty  
16 of a misdemeanor and upon conviction thereof shall be fined an  
17 amount equal to double the amount of sales tax involved or  
18 incarcerated for not more than sixty (60) days or both;

19 73. Sales of tickets for admission to events held by  
20 organizations exempt from taxation pursuant to the provisions of the  
21 Internal Revenue Code, 26 U.S.C., Section 501(c)(3) that are  
22 organized for the purpose of supporting general hospitals licensed  
23 by the State Department of Health;

24 74. Sales of tangible personal property or services:

- 1           a.    to a foundation which is exempt from taxation pursuant  
2                   to the provisions of the Internal Revenue Code, 26  
3                   U.S.C., Section 501(c)(3) and which raises tax-  
4                   deductible contributions in support of a wide range of  
5                   firearms-related public interest activities of the  
6                   National Rifle Association of America and other  
7                   organizations that defend and foster Second Amendment  
8                   rights, and
- 9           b.    to or by a grassroots fundraising program for sales  
10                   related to events to raise funds for a foundation  
11                   meeting the qualifications of subparagraph a of this  
12                   paragraph;

13       75.   Sales by an organization or entity which is exempt from  
14   taxation pursuant to the provisions of the Internal Revenue Code, 26  
15   U.S.C., Section 501(c)(3) which are related to a fundraising event  
16   sponsored by the organization or entity when the event does not  
17   exceed any five (5) consecutive days and when the sales are not in  
18   the organization's or the entity's regular course of business.  
19   Provided, the exemption provided in this paragraph shall be limited  
20   to tickets sold for admittance to the fundraising event and items  
21   which were donated to the organization or entity for sale at the  
22   event;

23       76.   Effective November 1, 2017, sales of tangible personal  
24   property or services to an organization which is exempt from

1 taxation pursuant to the provisions of the Internal Revenue Code, 26  
2 U.S.C., Section 501(c)(3) and operates as a collaborative model  
3 which connects community agencies in one location to serve  
4 individuals and families affected by violence and where victims have  
5 access to services and advocacy at no cost to the victim;

6 77. Effective July 1, 2018, sales of tangible personal property  
7 or services to or by an association which is exempt from taxation  
8 pursuant to the provisions of the Internal Revenue Code, 26 U.S.C.,  
9 Section 501(c)(19) and which is known as the National Guard  
10 Association of Oklahoma;

11 78. Effective July 1, 2018, sales of tangible personal property  
12 or services to or by an association which is exempt from taxation  
13 pursuant to the provisions of the Internal Revenue Code, 26 U.S.C.,  
14 Section 501(c)(4) and which is known as the Marine Corps League of  
15 Oklahoma;

16 79. Sales of tangible personal property or services to the  
17 American Legion, whether the purchase is made by the entity  
18 chartered by the United States Congress or is an entity organized  
19 under the laws of this or another state pursuant to the authority of  
20 the national American Legion organization;

21 80. Sales of tangible personal property or services to or by an  
22 organization which is:

- 23 a. exempt from taxation pursuant to the provisions of the  
24 Internal Revenue Code, 26 U.S.C., Section 501(c)(3),

- b. verified with a letter from the MIT Fab Foundation as an official member of the Fab Lab Network in compliance with the Fab Charter, and
- c. able to provide documentation that its primary and principal purpose is to provide community access to advanced 21st century manufacturing and digital fabrication tools for science, technology, engineering, art and math (STEAM) learning skills, developing inventions, creating and sustaining businesses and producing personalized products;

81. Effective November 1, 2021, sales of tangible personal property or services used solely for construction and remodeling projects to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which meets the following requirements:

- a. its primary purpose is to construct or remodel and sell affordable housing and provide homeownership education to residents of Oklahoma that have an income that is below one hundred percent (100%) of the Family Median Income guidelines as defined by the U.S. Department of Housing and Urban Development,
- b. it conducts its activities in a manner that serves public or charitable purposes, rather than commercial purposes,

1 c. it receives funding and revenue and charges fees in a  
2 manner that does not incentivize it or its employees  
3 to act other than in the best interests of its  
4 clients, and

5 d. it compensates its employees in a manner that does not  
6 incentivize employees to act other than in the best  
7 interests of its clients;

8 82. Effective November 1, 2021, sales of tangible personal  
9 property or services to a nonprofit entity, organized pursuant to  
10 Oklahoma law before January 1, 2022, exempt from federal income  
11 taxation pursuant to Section 501(c) of the Internal Revenue Code of  
12 1986, as amended, the principal functions of which are to provide  
13 assistance to natural persons following a disaster, with program  
14 emphasis on repair or restoration to single-family residential  
15 dwellings or the construction of a replacement single-family  
16 residential dwelling. As used in this paragraph, "disaster" means  
17 damage to property with or without accompanying injury to persons  
18 from heavy rain, high winds, tornadic winds, drought, wildfire,  
19 snow, ice, geologic disturbances, explosions, chemical accidents or  
20 spills and other events causing damage to property on a large scale.  
21 For purposes of this paragraph, an entity that expended at least  
22 seventy-five percent (75%) of its funds on the restoration to  
23 single-family housing following a disaster including related general  
24

1 and administrative expenses, shall be eligible for the exemption  
2 authorized by this paragraph;

3 83. Effective November 1, 2021, through December 31, 2024,  
4 sales of tangible personal property or services to a museum that:

- 5 a. operates as a part of an organization which is exempt  
6 from taxation pursuant to the provisions of the  
7 Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
- 8 b. is not accredited by the American Alliance of Museums,  
9 and
- 10 c. operates on an annual budget of less than One Million  
11 Dollars (\$1,000,000.00);

12 84. Until July 1, 2022, sales of tangible personal property or  
13 services for use in a clinical practice or medical facility operated  
14 by an organization which is exempt from taxation pursuant to the  
15 provisions of the Internal Revenue Code of the United States, 26  
16 U.S.C., Section 501(c)(3), and which has entered into a joint  
17 operating agreement with the University Hospitals Trust created  
18 pursuant to Section 3224 of Title 63 of the Oklahoma Statutes. The  
19 exemption provided by this paragraph shall be limited to the  
20 purchase of tangible personal property and services for use in  
21 clinical practices or medical facilities acquired or leased by the  
22 organization from the University Hospitals Authority, University  
23 Hospitals Trust, or the University of Oklahoma on or after June 1,  
24 2021; ~~and~~

1        85. Sales of tangible personal property or services to a  
2 nonprofit entity, organized pursuant to Oklahoma law before January  
3 1, 2019, exempt from federal income taxation pursuant to Section  
4 501(c) of the Internal Revenue Code of 1986, as amended, the  
5 principal functions of which are to provide assistance to natural  
6 persons following a disaster, with program emphasis on repair or  
7 restoration to single-family residential dwellings or the  
8 construction of a replacement single-family residential dwelling.  
9 For purposes of this paragraph, an entity operated exclusively for  
10 charitable and educational purposes through the coordination of  
11 volunteers for the disaster recovery of homes (as derived from Part  
12 III, Statement of Program Services, of Internal Revenue Service Form  
13 990) and offers its services free of charge to disaster survivors  
14 statewide who are low income with no or limited means of recovery on  
15 their own for the restoration to single-family housing following a  
16 disaster including related general and administrative expenses,  
17 shall be eligible for the exemption authorized by this paragraph.  
18 The exemption provided by this paragraph shall only be applicable to  
19 sales made on or after the effective date of this act. As used in  
20 this paragraph, "disaster" means damage to property with or without  
21 accompanying injury to persons from heavy rain, high winds, tornadic  
22 winds, drought, wildfire, snow, ice, geologic disturbances,  
23 explosions, chemical accidents or spills and other events causing  
24 damage to property on a large scale; and

1       86. Sales of tangible personal property or services to a  
2 nonprofit organization, created pursuant to the provisions of  
3 Oklahoma law or authorized to conduct activity in Oklahoma pursuant  
4 to the nonprofit entity law of another state, having exempt status  
5 pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986,  
6 as amended, in good standing and having gross revenues not to exceed  
7 Three Million Dollars (\$3,000,000.00) during the tax year ending on  
8 the date immediately preceding the first date after the end of such  
9 tax year upon which the entity seeks to make otherwise taxable  
10 purchases of tangible personal property or services. The provisions  
11 of this section shall not be applicable to purchases of alcohol or  
12 tobacco by the nonprofit entity.

13       SECTION 2. This act shall become effective July 1, 2023.

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

18  
19       59-1-7571           MAH       02/20/23  
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