

An Act

ENROLLED HOUSE
BILL NO. 2170

By: Pfeiffer of the House

and

Rader of the Senate

An Act relating to revenue and taxation; amending 18 O.S. 2021, Section 1142, which relates to filing fees; transferring duty to collect and enforce registered agent fee to the Secretary of State; amending 68 O.S. 2021, Section 118, as amended by Section 35, Chapter 310, O.S.L. 2023, 220, and 227, as last amended by Section 4, Chapter 113, O.S.L. 2023, 228.1, 254, and 418 (68 O.S. Supp. 2024, Sections 118 and 227), which relate to state revenue administration; modifying references; modifying provisions related to certain revenue forecast; modifying provisions related to waiver or remission of interest and penalty; modifying provisions related to claims for refund of certain taxes; authorizing imposition of fee with respect to reissuance of tax refunds; modifying provisions related to computation of time period for administrative wage garnishment; modifying provisions related to certain administrative fines; amending 68 O.S. 2021, Section 255.2, as amended by Section 6, Chapter 113, O.S.L. 2023 (68 O.S. Supp. 2024, Section 255.2), which relates to enforcement of medical marijuana tax provisions; providing for retention of fee amount; amending 63 O.S. 2021, Section 426, as last amended by Section 1, Chapter 34, 1st Extraordinary Session, O.S.L. 2023 (63 O.S. Supp. 2024, Section 426), which relates to the Medical Marijuana Tax Fund; modifying provisions related to retention of fee amount; repealing 68 O.S. 2021, Section 205.5, which relates to delinquent tax information; and providing an effective date.

SUBJECT: Revenue and taxation

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

SECTION 1. AMENDATORY 18 O.S. 2021, Section 1142, is amended to read as follows:

Section 1142. FILING AND OTHER SERVICE FEES

A. The Secretary of State, for services performed in the Office of the Secretary of State and for expense of mailing, shall charge and collect the following fees:

1. For any report, document, or other paper required to be filed in the Office of the Secretary of State, a fee of Twenty-five Dollars (\$25.00);

2. For reservation of corporate name, a fee of Ten Dollars (\$10.00);

3. For issuing extra copies of any certificate not requiring any extra filing of papers or documents of any kind, a fee of Ten Dollars (\$10.00);

4. For issuing any other certificate, a fee of Ten Dollars (\$10.00);

5. For receiving a filing or indexing the annual certificate of a foreign corporation doing business in this state, or both when filed together, a fee of Ten Dollars (\$10.00);

6. For preclearance of any document for filing, a fee of Fifty Dollars (\$50.00);

7. For each service of process made upon and accepted by the Secretary of State, a fee of Twenty-five Dollars (\$25.00);

8. For preparing and providing a report of a record search, a fee of Five Dollars (\$5.00);

9. For filing and issuing certificates of incorporation, the fee shall be one-tenth of one percent (1/10 of 1%) of the authorized capital stock of such corporation; provided, that the minimum fee for any such service shall be Fifty Dollars (\$50.00); provided further, that not-for-profit corporations shall only be required to pay a fee of Twenty-five Dollars (\$25.00);

10. For filing and issuing amended certificates of incorporation or certificates of restatement, reorganization, revival, extension or dissolution, the fee shall be Fifty Dollars (\$50.00); provided, however, not-for-profit corporations shall only be required to pay a fee of Twenty-five Dollars (\$25.00). If an amendment shall provide for an increase in authorized capital in excess of Fifty Thousand Dollars (\$50,000.00), the filing fee shall be an amount equal to one-tenth of one percent (1/10 of 1%) of such increase;

11. For filing and issuing certificates of consolidation, if the resulting corporation is a domestic corporation, or merger, if the surviving corporation is a domestic corporation, the fee shall be One Hundred Dollars (\$100.00); provided, however, not-for-profit corporations shall only be required to pay a fee of Twenty-five Dollars (\$25.00). If the merger or consolidation shall increase the authorized capital of the surviving or resulting corporation in excess of Fifty Thousand Dollars (\$50,000.00), the filing fee shall be an amount equal to one-tenth of one percent (1/10 of 1%) of such increase;

12. For filing and issuing a certificate of conversion, whenever the resulting corporation is a domestic corporation, the minimum fee shall be One Hundred Dollars (\$100.00); provided, however, if the certificate of incorporation of the resulting corporation authorizes capital stock in excess of Fifty Thousand Dollars (\$50,000.00), the filing fee shall be an amount equal to one-tenth of one percent (1/10 of 1%) of such authorized capital. If the resulting domestic corporation is not for profit, it shall only be required to pay a fee of Fifty Dollars (\$50.00);

13. For issuing a certificate to a foreign corporation to do business in this state, and filing a certificate and statement of such corporation required pursuant to the provisions of Section 1130 of this title, the fee shall be one-tenth of one percent (1/10 of 1%) of the maximum amount of capital invested by such corporation in the state at any time during the fiscal year such certificate is issued to any such foreign corporation; provided, that the minimum fee for any such service shall be Three Hundred Dollars (\$300.00); provided further, that no such corporation shall be required to pay a fee on an amount in excess of its authorized capital;

14. For amended certificate of qualification of a foreign corporation, a fee of Two Hundred Dollars (\$200.00); provided,

however, for a certificate solely reflecting a change of mailing address, a fee of Ten Dollars (\$10.00);

15. For filing a certificate of consolidation, if the resulting corporation is a foreign corporation, or merger, if the surviving corporation is a foreign corporation, the fee shall be One Hundred Dollars (\$100.00);

16. For filing a certificate of withdrawal of a foreign corporation doing business in this state, a fee of One Hundred Dollars (\$100.00);

17. Every foreign corporation on the anniversary of its qualification in this state each year, shall cause to be filed with the Secretary of State a certificate of its president, vice-president or other managing officers, in which shall be stated and shown the maximum amount of capital the corporation had invested in the state at any time subsequent to the issuance to it of a certificate to do business in this state and the amount of capital previously paid upon. If the amount of capital so invested as shown by said certificate exceeds the amount formerly paid upon, the corporation, at the time of filing said certificate, shall pay to the Secretary of State an additional fee equal to one-tenth of one percent ($1/10$ of 1%) of the amount of such excess capital so invested by the corporation in the state; provided, that no such corporation shall be required to pay a filing fee on an amount in excess of its authorized capital, or to file the certificate provided for in this paragraph after it shall have paid a filing fee on its total authorized capitalization;

18. For acting as the registered agent, a fee of One Hundred Dollars (\$100.00) payable on the first day of July each year, and if not paid before the next ensuing September 1st, the ~~Oklahoma Tax Commission~~ Secretary of State shall suspend and forfeit the charter of the delinquent corporation pursuant to the procedures prescribed in Section 1212 of Title 68 of the Oklahoma Statutes. The ~~Tax Commission~~ Secretary of State shall collect and audit the registered agent fee authorized pursuant to this paragraph ~~in conjunction with the collection and audit of franchise taxes as provided for in Sections 1201 through 1214 of Title 68 of the Oklahoma Statutes.~~ All monies received by the ~~Tax Commission~~ Secretary of State pursuant to the provisions of this paragraph shall be paid to the State Treasurer for deposit in the General Revenue Fund;

19. For filing a change of address for any individual, corporation, limited liability company or limited partnership designated by a corporation as its registered agent for service of process, or for the change of name or the resignation of a registered agent, a fee of Twenty-five Dollars (\$25.00), for the first forty corporations and Five Dollars (\$5.00) for each additional corporation within any bulk filing; and

20. For any response by means of telecommunications to inquiries regarding information required to be maintained by the Secretary of State, a fee of Five Dollars (\$5.00), unless otherwise provided. Fees collected pursuant to this paragraph shall be deposited in the Revolving Fund for the Office of the Secretary of State.

B. Except as otherwise provided by law, fees paid to the Secretary of State in accordance with the provisions of the Oklahoma General Corporation Act shall be properly accounted for and shall be paid monthly to the State Treasurer for deposit in the General Revenue Fund.

C. For any certificate supplied by the county clerk, such clerk shall receive a fee of One Dollar (\$1.00). Such fees shall be properly accounted for and shall be paid into the county treasury in the same manner as other fees collected by the county clerk for the filing and recording of mortgages and deeds.

D. In any court proceeding pursuant to the provisions of the Oklahoma General Corporation Act requiring the filing of any decree, order, report or other document in the Office of the Secretary of State or in the office of any county clerk, in addition to the usual court costs and the costs for filing in the office of the clerk of the court, fees equal to the amounts provided for in this section for such required filing shall be collected as costs in such proceedings and such amount shall be forwarded to the Secretary of State and the county clerk with the papers to be filed.

E. The provisions contained in this section relating to the payment of incorporation fees by foreign corporations are not intended and shall not be construed to relieve such corporations, where applicable, of the payment of the annual corporate franchise tax to the Tax Commission.

F. For the purposes of computing the fees to be collected by the Secretary of State pursuant to the provisions of this section,

each share without par value shall be treated the same as a share with a par value of Fifty Dollars (\$50.00), and the fees thereon shall be collected accordingly.

G. Payments for any required fees except as otherwise provided by law may be made as follows:

1. By the applicant's personal or company check, cash, or money order; or

2. By a nationally recognized credit card issued to the applicant. The Secretary of State may add a convenience fee, not to exceed four percent (4%) of the amount of such payment for services provided through telephonic or electronic media. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in this state. The Secretary of State shall determine which nationally recognized credit cards will be accepted; provided, however, the Secretary of State must ensure that no loss of state revenue will occur by the use of such card. The convenience fee collected pursuant to this paragraph shall be credited to the Revolving Fund for the Office of the Secretary of State, as established in Section 276.1 of Title 62 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 68 O.S. 2021, Section 118, as amended by Section 35, Chapter 310, O.S.L. 2023 (68 O.S. Supp. 2024, Section 118), is amended to read as follows:

Section 118. A. Upon receipt of a written request from a member or employee of the Legislature, the Oklahoma Tax Commission shall provide:

1. A written estimate of the revenue gain or loss to the state as a result of an actual or proposed change to any state tax law within the implementation, enforcement and collection duties and responsibilities of the Tax Commission; provided, upon request of a legislative member or staff, Service Oklahoma shall be responsible for furnishing written estimates of revenue gains or losses attributable to current or proposed amendments to any state law under its statutorily assigned functions and responsibilities;

2. A written statement of the Tax Commission's recommendation to the State Board of Equalization as to the change in the amount certified as available for appropriation by the Legislature as a result of an actual or proposed change to a state tax law; and

3. A written statement outlining all analysis and methodology provided by or made available by the Tax Commission to the State Board of Equalization for the purpose of influencing or serving as the basis for an official action of the State Board of Equalization.

The Tax Commission shall provide such estimate and statement within two (2) weeks of the date the request was received unless the member or employee of the Legislature specifies an earlier date.

B. On or after December 31, 2009, and subject to the availability of funds, the Tax Commission shall develop the estimates and statements required by subsection A of this section utilizing a dynamic revenue estimating model. Such model shall take into consideration changes in economic activity as a result of the proposed legislation and consequent revenue gains or losses due to factors such as taxpayer behavior, employment and business investment. The Tax Commission may, subject to the laws of this state relating to confidentiality of information, contract with institutions of higher education in this state or other entities to perform its duties as set forth in this subsection or subsection C of this section. The Tax Commission is authorized to promulgate rules to carry out the implementation of this section.

C. For the purpose of providing an annual forecast of gross production tax revenues ~~from the production of natural and casinghead gas~~ to the Office of Management and Enterprise Services, the Tax Commission ~~shall~~ may subscribe to appropriate reference materials which provide economic outlook of future gas prices that have most closely followed the historical trend of Oklahoma gas prices. To determine the average differential between the published forecasted prices and Oklahoma gas prices, the Tax Commission ~~shall~~ may compare prices in at least twenty-four (24) of the immediate thirty-six (36) previous months of production. The Tax Commission shall utilize the procedures provided herein to forecast the collection of gross production tax revenues ~~from the production of natural and casinghead gas~~ for the fiscal year beginning July 1, 2005, and each fiscal year thereafter.

SECTION 3. AMENDATORY 68 O.S. 2021, Section 220, is amended to read as follows:

Section 220. A. The interest or penalty or any portion thereof ordinarily accruing by reason of a taxpayer's failure to file a report or return or failure to file a report or return in the correct form as required by any state tax law or by this Code or to pay a state tax, except for the excise tax levied on the purchase price of aircraft as set forth in Section 6002 of this title, within the statutory period allowed for its payment may be waived or remitted by the Oklahoma Tax Commission or its designee provided the taxpayer's failure to file a report or return or to pay the tax is satisfactorily explained to the Tax Commission or such designee, or provided such failure has resulted from a mistake by the taxpayer of either the law or the facts subjecting him to such tax, or inability to pay such interest or penalty resulting from insolvency.

B. Except as otherwise provided by subsections C and D of this section, the waiver or remission of all or any part of any such interest or penalties in excess of Twenty-five Thousand Dollars (\$25,000.00) shall not become effective unless approved by one of the judges of the district court of Oklahoma County after a full hearing thereon.

The application for the approval of such waiver or remission shall be filed in the office of the court clerk of the court at least twenty (20) days prior to the entry of the order of the judge finally approving or disapproving the waiver or remission. The order so entered shall be a final order of the district court of the county.

C. Taxpayers who (1) do not have outstanding tax liabilities other than those reported pursuant to a voluntary disclosure agreement, (2) have not been contacted by the Oklahoma Tax Commission with respect to the taxpayer's potential or actual obligation to file a return or make a payment to the state, (3) have not collected taxes from others, such as sales and use taxes or payroll taxes, and not reported those taxes, and (4) have not within the preceding three (3) years entered into a voluntary disclosure agreement for the type of tax owed may enter into a voluntary disclosure agreement with the Tax Commission in order to report a state tax liability owed by the taxpayer. Taxpayers who have collected taxes from others, such as sales and use taxes or payroll taxes, and not reported those taxes, may enter into a modified voluntary disclosure agreement as is provided in subsection F of this section provided that they meet all the other requirements provided in this subsection. If the Tax Commission agrees with the

proposed terms for payment of the principal amount of tax due and owing, the penalty otherwise imposed by law upon the principal amount shall be waived by operation of law and no further action by the Tax Commission or by the taxpayer shall be required for the waiver of such penalty amount and fifty percent (50%) of the otherwise applicable interest amount shall be waived by operation of law and no further action by the Tax Commission or by the taxpayer shall be required for the waiver of such interest amount.

D. The Tax Commission shall limit the period for which additional taxes may be assessed (the lookback period) to three (3) taxable years for annually filed taxes or thirty-six (36) months for taxes that do not have an annual filing frequency.

E. Voluntary disclosure agreements may be denied or nullified by the Tax Commission if a taxpayer's failure to report or pay is determined to be the result of a pattern of intentional or gross negligence regarding compliance with the laws.

F. Taxpayers who meet all of the qualifications specified in subsection C of this section, except those who have collected taxes from others, such as sales and use taxes or payroll taxes, and not reported those taxes, may enter into a modified voluntary disclosure agreement.

G. The provisions of a modified voluntary disclosure agreement shall be the same as a voluntary disclosure agreement as specified in subsection C of this section, except that (1) waiver of interest shall not apply except as may be optionally granted at the discretion of the Tax Commission, and (2) the period for which taxes must be reported and remitted is extended beyond the three-year or thirty-six-month period provided in subsection C of this section to include all periods in which tax has been collected but not remitted.

SECTION 4. AMENDATORY 68 O.S. 2021, Section 227, as last amended by Section 4, Chapter 113, O.S.L. 2023 (68 O.S. Supp. 2024, Section 227), is amended to read as follows:

Section 227. A. Except as provided in subsection B of Section 1361.2 and subsection D of Section 1364.1 of this title, any taxpayer who has paid to the State of Oklahoma, through error of fact, or computation, or misinterpretation of law, any tax collected by the Tax Commission may, as hereinafter provided, be refunded the amount of such tax so erroneously paid, without interest.

B. 1. Except as otherwise provided by paragraph 2 of this subsection, any taxpayer who has so paid any such tax may, within three (3) years from the date of payment thereof file with the Tax Commission a verified claim for refund of such tax so erroneously paid. ~~The Tax Commission may accept an amended withholding tax or other report or return as a verified claim for refund if the amended report or return establishes a liability less than the original report or return previously filed~~ Any verified claim for refund shall be submitted on a form prescribed by the Tax Commission.

2. Upon August 26, 2016, with respect to the sales tax imposed by Section 1354 of this title and with respect to the use tax imposed by Section 1402 of this title, any taxpayer who has so paid such sales or use tax may, within two (2) years from the date of payment thereof file with the Tax Commission a verified claim for refund of such tax so erroneously paid. ~~The Tax Commission may accept an amended sales or use tax report or return as a verified claim for refund if the amended report or return establishes a liability less than the original report or return previously filed~~ Any verified claim for refund shall be submitted on a form prescribed by the Tax Commission.

C. The claim so filed with the Tax Commission, ~~except for an amended report or return,~~ shall specify the name of the taxpayer, the time when and period for which the tax was paid, the nature and kind of tax so paid, the amount of the tax which the taxpayer claimed was erroneously paid, the grounds upon which a refund is sought, and such other information or data relative to such payment as may be necessary to an adjustment thereof by the Tax Commission. It shall be the duty of the Commission to determine what amount of refund, if any, is due as soon as practicable after such claim has been filed and advise the taxpayer about the correctness of his claim and the claim for refund shall be approved or denied by written notice to the taxpayer.

D. If the claim for refund is denied, the taxpayer may file a demand for hearing with the Commission. The demand for hearing must be filed on or before the sixtieth day after the date indicated on the notice of denial. If the taxpayer fails to file a demand for hearing, the claim for refund shall be barred.

E. Upon the taxpayer's timely filing of a demand for hearing, the Commission shall set a date for hearing upon the claim for refund which date shall not be later than sixty (60) days from the

date the demand for hearing was mailed. The taxpayer shall be notified of the time and place of the hearing. The hearing may be held after the sixty-day period provided by this subsection upon agreement of the taxpayer.

F. The provisions of this section shall not apply:

1. To refunds of income tax erroneously paid, refunds of which tax shall be payable out of the income tax adjustment fund as provided by law;

2. To estate tax because the payment of such tax is covered by an order of the Tax Commission and the estate and interested parties are given notice that Commission's position and computation of the tax will become final unless they protest and resist the payment thereof as provided by statute; nor

3. In any case where the tax was paid after an assessment thereof was made by the Tax Commission which assessment became final under the law.

SECTION 5. AMENDATORY 68 O.S. 2021, Section 228.1, is amended to read as follows:

Section 228.1. A. Except as otherwise provided by law, claims for refunds which are required to be paid by the Oklahoma Tax Commission shall be paid from funds in the official depository clearing account of the Tax Commission, derived from collections from the same source from which the overpayment occurred. Provided, in the case of refunds due to taxpayers who are required to remit taxes to the Tax Commission on a monthly or quarterly basis, the Tax Commission may, in lieu of such refund, credit the account of the taxpayer for such amount. If current collections from the same source are insufficient to pay refunds, available cash funds from the unclassified taxes account may be used for such purpose.

B. The Oklahoma Tax Commission is authorized to charge a fee to a taxpayer for reissuing a refund requested by the taxpayer. The fee shall be the same amount as specified in Section 89.6 of Title 62 of the Oklahoma Statutes for handling a stop-payment processed by the State Treasurer. All receipts of the fee shall be placed to the credit of the Oklahoma Tax Commission Fund.

SECTION 6. AMENDATORY 68 O.S. 2021, Section 254, is amended to read as follows:

Section 254. A. Upon a hearing with notice the Oklahoma Tax Commission shall be entitled to proceed by garnishment to collect any delinquent tax and to collect any penalty or interest due and owing as a result of a tax delinquency. Provided, that upon proper application under the procedures outlined herein, the court may issue an order continuing the garnishment for the collection of delinquent taxes, penalties or interest until the total amount of such delinquent taxes, penalties or interest have been collected.

B. The Oklahoma Tax Commission may garnish the accrued earnings of a delinquent taxpayer employee by sending notice to the taxpayer's employer. For the purpose of this section, "earnings" means any form of payment to an individual including, but not limited to, salary, wages, commission or other compensation, but does not include reimbursements for travel expenses for state employees. Such notice may be served by mail or by delivery by a field agent of the Tax Commission to the taxpayer's employer along with a copy to the delinquent taxpayer. Upon receipt of such notice of delinquency, the employer shall withhold from compensation due, or to become due to the employee, the total amount shown by the notice. The Tax Commission may direct the employer to withhold part of the amount due, not to exceed twenty-five percent (25%) of earnings per pay period, until the total amount as shown by the notice, plus interest and penalty, has been withheld and remitted to the Tax Commission. The employer's response and calculation of amounts withheld shall be on a form prescribed by the Tax Commission.

C. Within seven (7) days after the end of each pay period, or if the delinquent taxpayer does not have regular pay periods, within thirty (30) days from the date of the notice, the employer shall withhold amounts due or provide an explanation to the Tax Commission why amounts due will not be withheld and remitted to the Tax Commission. In any case in which the employee ceases to be employed by the employer before the full amount set forth in the notice of delinquency, plus delinquent penalty and interest, has been withheld by the employer, the employer shall immediately notify the Tax Commission in writing the date the employee resigned or was terminated. Any employer who knowingly and willfully refuses to respond by any means to the notice as provided in subsection B of this section may be liable for the total amount as set forth in the notice. The employer may not terminate the delinquent taxpayer employee based upon the notice of administrative wage garnishment.

D. An administrative wage garnishment may be issued after ~~ninety (90) days in which the~~ 1) tax has become ninety (90) days delinquent, 2) notice has been sent to the taxpayer of the delinquency and possible remedies to resolve the delinquency have been provided to the taxpayer, and 3) a tax warrant has been issued and filed pursuant to Section 231 of this title. The taxpayer shall have ten (10) days after the issuance of the notice to the employer to provide any additional information to the Tax Commission for the garnishment of wages to be withdrawn or released by the Tax Commission. The Tax Commission shall withdraw or adjust the garnishment for wages upon proof to the satisfaction of the Tax Commission that the delinquent tax, interest and penalty referred to in the notice have been paid or the taxpayer can show the wages subject to garnishment are exempt pursuant to state or federal law.

E. The Tax Commission shall prescribe or approve forms and promulgate rules and regulations for implementing the provisions of this section.

SECTION 7. AMENDATORY 68 O.S. 2021, Section 418, is amended to read as follows:

Section 418. A. It shall be unlawful for any person to transport or possess tobacco products where the tax on such tobacco products has not been paid and exceeds the sum of One Hundred Dollars (\$100.00).

B. Except as otherwise provided in subsections C and D of this section, any person found guilty of violating the provisions of Section 400 et seq. of this title shall be punished by an administrative fine of not more than One Thousand Dollars (\$1,000.00) for a first offense or not more than Four Thousand Dollars (\$4,000.00) for a second or subsequent offense. Provided, any person in possession of more than one thousand small or large cigars or two hundred sixteen (216) ounces of smokeless tobacco or smoking tobacco in packages or containers for which the tax required by law has not been paid shall be punished by administrative fines in the manner and amounts provided in subsection D of this section.

C. Any retailer violating the provisions of Section 403.2 of this title shall:

1. For a first offense, be punished by an administrative fine of not more than Two Thousand Dollars (\$2,000.00);

2. For a second offense, be punished by an administrative fine of not more than Ten Thousand Dollars (\$10,000.00); and

3. For a third or subsequent offense, be punished by an administrative fine of not more than Twenty Thousand Dollars (\$20,000.00).

D. Any wholesaler violating the provisions of Section 403.2 of this title shall:

1. For a first offense, be punished by an administrative fine of not more than Ten Thousand Dollars (\$10,000.00); and

2. For a second or subsequent offense, be punished by an administrative fine of not more than Twenty Thousand Dollars (\$20,000.00).

~~Administrative fines collected pursuant to the provisions of this subsection shall be deposited to the revolving fund created in Section 305.2 of this title.~~

E. The Oklahoma Tax Commission shall immediately revoke the license of a person punished for a violation pursuant to the provisions of paragraph 3 of subsection C of this section or a person punished for a violation pursuant to the provisions of subsection D of this section. A person whose license is so revoked shall not be eligible to receive another license pursuant to the provisions of Section 301 et seq. of this title for a period of ten (10) years.

F. Fines collected pursuant to the provisions of subsections B, C and D of this section shall be deposited in the Tobacco Products Tax Enforcement Unit Revolving Fund created in Section 7 of Enrolled House Bill No. 2292 of the 1st Session of the 58th Oklahoma Legislature.

SECTION 8. AMENDATORY 68 O.S. 2021, Section 255.2, as amended by Section 6, Chapter 113, O.S.L. 2023 (68 O.S. Supp. 2024, Section 255.2), is amended to read as follows:

Section 255.2. As provided in Section 426 of Title 63 of the Oklahoma Statutes, the Oklahoma Medical Marijuana Authority and the Oklahoma Tax Commission shall enter into a contract whereby the Tax Commission shall have authority to assess, collect and enforce the seven percent (7%) tax on retail medical marijuana sales and any

penalties and interest thereon. Such assessment, collection and enforcement authority shall apply to any tax and any penalty or interest liability on retail medical marijuana sales existing at the time of contracting. The contract shall provide for the assessment, collection and enforcement of the tax on retail medical marijuana sales in the same manner as the administration, collection and enforcement of any tax payable by any taxpayer subject to taxation under any state tax law. For providing such collection assistance, the Tax Commission shall ~~charge the Oklahoma Medical Marijuana Authority~~ retain a fee of one and five-tenths percent (1.5%) of the gross collection proceeds. All funds retained by the Tax Commission for the collection services shall be deposited in the Tax Commission Reimbursement Fund in the State Treasury.

SECTION 9. AMENDATORY 63 O.S. 2021, Section 426, as last amended by Section 1, Chapter 34, 1st Extraordinary Session, O.S.L. 2023 (63 O.S. Supp. 2024, 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, less the collection fee retained by the Oklahoma Tax Commission pursuant to Section 255.2 of Title 68 of the Oklahoma Statutes, shall be deposited into the Medical Marijuana Tax Fund created in Section ~~3~~ 427.5a of this ~~act~~ title.

C. 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.

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 State Department of Health, and
- c. six and fifteen hundredths percent (6.15%) to the 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.

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 10. REPEALER 68 O.S. 2021, Section 205.5, is hereby repealed.

SECTION 11. This act shall become effective November 1, 2025.

Passed the House of Representatives the 13th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 30th day of April, 2025.

Presiding Officer of the Senate

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: _____