

1 **SENATE FLOOR VERSION**

2 April 7, 2025

3 ENGROSSED HOUSE
4 BILL NO. 2170

By: Pfeiffer of the House

and

Rader of the Senate

8 An Act relating to revenue and taxation; amending 18
9 O.S. 2021, Section 1142, which relates to filing
10 fees; transferring duty to collect and enforce
11 registered agent fee to the Secretary of State;
12 amending 68 O.S. 2021, Section 118, as amended by
13 Section 35, Chapter 310, O.S.L. 2023, 220, and 227,
14 as last amended by Section 4, Chapter 113, O.S.L.
15 2023, 228.1, 254, and 418 (68 O.S. Supp. 2024,
16 Sections 118 and 227), which relate to state revenue
17 administration; modifying references; modifying
18 provisions related to certain revenue forecast;
19 modifying provisions related to waiver or remission
20 of interest and penalty; modifying provisions related
21 to claims for refund of certain taxes; authorizing
22 imposition of fee with respect to reissuance of tax
23 refunds; modifying provisions related to computation
24 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.

1
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

5 Section 1142. FILING AND OTHER SERVICE FEES

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

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

12 2. For reservation of corporate name, a fee of Ten Dollars
13 (\$10.00);

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

17 4. For issuing any other certificate, a fee of Ten Dollars
18 (\$10.00);

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

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

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

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

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

11 10. For filing and issuing amended certificates of
12 incorporation or certificates of restatement, reorganization,
13 revival, extension or dissolution, the fee shall be Fifty Dollars
14 (\$50.00); provided, however, not-for-profit corporations shall only
15 be required to pay a fee of Twenty-five Dollars (\$25.00). If an
16 amendment shall provide for an increase in authorized capital in
17 excess of Fifty Thousand Dollars (\$50,000.00), the filing fee shall
18 be an amount equal to one-tenth of one percent (1/10 of 1%) of such
19 increase;

20 11. For filing and issuing certificates of consolidation, if
21 the resulting corporation is a domestic corporation, or merger, if
22 the surviving corporation is a domestic corporation, the fee shall
23 be One Hundred Dollars (\$100.00); provided, however, not-for-profit
24 corporations shall only be required to pay a fee of Twenty-five

1 Dollars (\$25.00). If the merger or consolidation shall increase the
2 authorized capital of the surviving or resulting corporation in
3 excess of Fifty Thousand Dollars (\$50,000.00), the filing fee shall
4 be an amount equal to one-tenth of one percent (1/10 of 1%) of such
5 increase;

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

15 13. For issuing a certificate to a foreign corporation to do
16 business in this state, and filing a certificate and statement of
17 such corporation required pursuant to the provisions of Section 1130
18 of this title, the fee shall be one-tenth of one percent (1/10 of
19 1%) of the maximum amount of capital invested by such corporation in
20 the state at any time during the fiscal year such certificate is
21 issued to any such foreign corporation; provided, that the minimum
22 fee for any such service shall be Three Hundred Dollars (\$300.00);
23 provided further, that no such corporation shall be required to pay
24 a fee on an amount in excess of its authorized capital;

1 14. For amended certificate of qualification of a foreign
2 corporation, a fee of Two Hundred Dollars (\$200.00); provided,
3 however, for a certificate solely reflecting a change of mailing
4 address, a fee of Ten Dollars (\$10.00);

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

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

12 17. Every foreign corporation on the anniversary of its
13 qualification in this state each year, shall cause to be filed with
14 the Secretary of State a certificate of its president, vice-
15 president or other managing officers, in which shall be stated and
16 shown the maximum amount of capital the corporation had invested in
17 the state at any time subsequent to the issuance to it of a
18 certificate to do business in this state and the amount of capital
19 previously paid upon. If the amount of capital so invested as shown
20 by said certificate exceeds the amount formerly paid upon, the
21 corporation, at the time of filing said certificate, shall pay to
22 the Secretary of State an additional fee equal to one-tenth of one
23 percent (1/10 of 1%) of the amount of such excess capital so
24 invested by the corporation in the state; provided, that no such

1 corporation shall be required to pay a filing fee on an amount in
2 excess of its authorized capital, or to file the certificate
3 provided for in this paragraph after it shall have paid a filing fee
4 on its total authorized capitalization;

5 18. For acting as the registered agent, a fee of One Hundred
6 Dollars (\$100.00) payable on the first day of July each year, and if
7 not paid before the next ensuing September 1st, the ~~Oklahoma Tax~~
8 ~~Commission~~ Secretary of State shall suspend and forfeit the charter
9 of the delinquent corporation pursuant to the procedures prescribed
10 in Section 1212 of Title 68 of the Oklahoma Statutes. The ~~Tax~~
11 ~~Commission~~ Secretary of State shall collect and audit the registered
12 agent fee authorized pursuant to this paragraph ~~in conjunction with~~
13 ~~the collection and audit of franchise taxes as provided for in~~
14 ~~Sections 1201 through 1214 of Title 68 of the Oklahoma Statutes.~~

15 All monies received by the ~~Tax Commission~~ Secretary of State
16 pursuant to the provisions of this paragraph shall be paid to the
17 State Treasurer for deposit in the General Revenue Fund;

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

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

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

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

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

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

8 F. For the purposes of computing the fees to be collected by
9 the Secretary of State pursuant to the provisions of this section,
10 each share without par value shall be treated the same as a share
11 with a par value of Fifty Dollars (\$50.00), and the fees thereon
12 shall be collected accordingly.

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

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

17 2. By a nationally recognized credit card issued to the
18 applicant. The Secretary of State may add a convenience fee, not to
19 exceed four percent (4%) of the amount of such payment for services
20 provided through telephonic or electronic media. For purposes of
21 this paragraph, "nationally recognized credit card" means any
22 instrument or device, whether known as a credit card, credit plate,
23 charge plate, or by any other name, issued with or without fee by an
24 issuer for the use of the cardholder in obtaining goods, services,

1 or anything else of value on credit which is accepted by over one
2 thousand merchants in this state. The Secretary of State shall
3 determine which nationally recognized credit cards will be accepted;
4 provided, however, the Secretary of State must ensure that no loss
5 of state revenue will occur by the use of such card. The
6 convenience fee collected pursuant to this paragraph shall be
7 credited to the Revolving Fund for the Office of the Secretary of
8 State, as established in Section 276.1 of Title 62 of the Oklahoma
9 Statutes.

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

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

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

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

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

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

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

1 C. For the purpose of providing an annual forecast of gross
2 production tax revenues ~~from the production of natural and~~
3 ~~casinghead gas~~ to the Office of Management and Enterprise Services,
4 the Tax Commission ~~shall~~ may subscribe to appropriate reference
5 materials which provide economic outlook of future gas prices that
6 have most closely followed the historical trend of Oklahoma gas
7 prices. To determine the average differential between the published
8 forecasted prices and Oklahoma gas prices, the Tax Commission ~~shall~~
9 may compare prices in at least twenty-four (24) of the immediate
10 thirty-six (36) previous months of production. The Tax Commission
11 shall utilize the procedures provided herein to forecast the
12 collection of gross production tax revenues ~~from the production of~~
13 ~~natural and casinghead gas~~ for the fiscal year beginning July 1,
14 2005, and each fiscal year thereafter.

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

17 Section 220. A. The interest or penalty or any portion thereof
18 ordinarily accruing by reason of a taxpayer's failure to file a
19 report or return or failure to file a report or return in the
20 correct form as required by any state tax law or by this Code or to
21 pay a state tax, except for the excise tax levied on the purchase
22 price of aircraft as set forth in Section 6002 of this title, within
23 the statutory period allowed for its payment may be waived or
24 remitted by the Oklahoma Tax Commission or its designee provided the

1 taxpayer's failure to file a report or return or to pay the tax is
2 satisfactorily explained to the Tax Commission or such designee, or
3 provided such failure has resulted from a mistake by the taxpayer of
4 either the law or the facts subjecting him to such tax, or inability
5 to pay such interest or penalty resulting from insolvency.

6 B. Except as otherwise provided by subsections C and D of this
7 section, the waiver or remission of all or any part of any such
8 interest or penalties in excess of Twenty-five Thousand Dollars
9 (\$25,000.00) shall not become effective unless approved by one of
10 the judges of the district court of Oklahoma County after a full
11 hearing thereon.

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

18 C. Taxpayers who (1) do not have outstanding tax liabilities
19 other than those reported pursuant to a voluntary disclosure
20 agreement, (2) have not been contacted by the Oklahoma Tax
21 Commission with respect to the taxpayer's potential or actual
22 obligation to file a return or make a payment to the state, (3) have
23 not collected taxes from others, such as sales and use taxes or
24 payroll taxes, and not reported those taxes, and (4) have not within

1 the preceding three (3) years entered into a voluntary disclosure
2 agreement for the type of tax owed may enter into a voluntary
3 disclosure agreement with the Tax Commission in order to report a
4 state tax liability owed by the taxpayer. Taxpayers who have
5 collected taxes from others, such as sales and use taxes or payroll
6 taxes, and not reported those taxes, may enter into a modified
7 voluntary disclosure agreement as is provided in subsection F of
8 this section provided that they meet all the other requirements
9 provided in this subsection. If the Tax Commission agrees with the
10 proposed terms for payment of the principal amount of tax due and
11 owing, the penalty otherwise imposed by law upon the principal
12 amount shall be waived by operation of law and no further action by
13 the Tax Commission or by the taxpayer shall be required for the
14 waiver of such penalty amount and fifty percent (50%) of the
15 otherwise applicable interest amount shall be waived by operation of
16 law and no further action by the Tax Commission or by the taxpayer
17 shall be required for the waiver of such interest amount.

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

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

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

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

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

20 Section 227. A. Except as provided in subsection B of Section
21 1361.2 and subsection D of Section 1364.1 of this title, any
22 taxpayer who has paid to the State of Oklahoma, through error of
23 fact, or computation, or misinterpretation of law, any tax collected
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1 by the Tax Commission may, as hereinafter provided, be refunded the
2 amount of such tax so erroneously paid, without interest.

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

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

23 C. The claim so filed with the Tax Commission, ~~except for an~~
24 ~~amended report or return,~~ shall specify the name of the taxpayer,

1 the time when and period for which the tax was paid, the nature and
2 kind of tax so paid, the amount of the tax which the taxpayer
3 claimed was erroneously paid, the grounds upon which a refund is
4 sought, and such other information or data relative to such payment
5 as may be necessary to an adjustment thereof by the Tax Commission.
6 It shall be the duty of the Commission to determine what amount of
7 refund, if any, is due as soon as practicable after such claim has
8 been filed and advise the taxpayer about the correctness of his
9 claim and the claim for refund shall be approved or denied by
10 written notice to the taxpayer.

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

16 E. Upon the taxpayer's timely filing of a demand for hearing,
17 the Commission shall set a date for hearing upon the claim for
18 refund which date shall not be later than sixty (60) days from the
19 date the demand for hearing was mailed. The taxpayer shall be
20 notified of the time and place of the hearing. The hearing may be
21 held after the sixty-day period provided by this subsection upon
22 agreement of the taxpayer.

23 F. The provisions of this section shall not apply:
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1 1. To refunds of income tax erroneously paid, refunds of which
2 tax shall be payable out of the income tax adjustment fund as
3 provided by law;

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

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

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

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

1 with a copy to the delinquent taxpayer. Upon receipt of such notice
2 of delinquency, the employer shall withhold from compensation due,
3 or to become due to the employee, the total amount shown by the
4 notice. The Tax Commission may direct the employer to withhold part
5 of the amount due, not to exceed twenty-five percent (25%) of
6 earnings per pay period, until the total amount as shown by the
7 notice, plus interest and penalty, has been withheld and remitted to
8 the Tax Commission. The employer's response and calculation of
9 amounts withheld shall be on a form prescribed by the Tax
10 Commission.

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

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1 notice. The employer may not terminate the delinquent taxpayer
2 employee based upon the notice of administrative wage garnishment.

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

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

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

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

3 B. Except as otherwise provided in subsections C and D of this
4 section, any person found guilty of violating the provisions of
5 Section 400 et seq. of this title shall be punished by an
6 administrative fine of not more than One Thousand Dollars
7 (\$1,000.00) for a first offense or not more than Four Thousand
8 Dollars (\$4,000.00) for a second or subsequent offense. Provided,
9 any person in possession of more than one thousand small or large
10 cigars or two hundred sixteen (216) ounces of smokeless tobacco or
11 smoking tobacco in packages or containers for which the tax required
12 by law has not been paid shall be punished by administrative fines
13 in the manner and amounts provided in subsection D of this section.

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

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

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

20 3. For a third or subsequent offense, be punished by an
21 administrative fine of not more than Twenty Thousand Dollars
22 (\$20,000.00).

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

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

3 2. For a second or subsequent offense, be punished by an
4 administrative fine of not more than Twenty Thousand Dollars
5 (\$20,000.00).

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

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

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

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

1 Section 255.2. As provided in Section 426 of Title 63 of the
2 Oklahoma Statutes, the Oklahoma Medical Marijuana Authority and the
3 Oklahoma Tax Commission shall enter into a contract whereby the Tax
4 Commission shall have authority to assess, collect and enforce the
5 seven percent (7%) tax on retail medical marijuana sales and any
6 penalties and interest thereon. Such assessment, collection and
7 enforcement authority shall apply to any tax and any penalty or
8 interest liability on retail medical marijuana sales existing at the
9 time of contracting. The contract shall provide for the assessment,
10 collection and enforcement of the tax on retail medical marijuana
11 sales in the same manner as the administration, collection and
12 enforcement of any tax payable by any taxpayer subject to taxation
13 under any state tax law. For providing such collection assistance,
14 the Tax Commission shall ~~charge the Oklahoma Medical Marijuana~~
15 ~~Authority~~ retain a fee of one and five-tenths percent (1.5%) of the
16 gross collection proceeds. All funds retained by the Tax Commission
17 for the collection services shall be deposited in the Tax Commission
18 Reimbursement Fund in the State Treasury.

19 SECTION 9. AMENDATORY 63 O.S. 2021, Section 426, as last
20 amended by Section 1, Chapter 34, 1st Extraordinary Session, O.S.L.
21 2023 (63 O.S. Supp. 2024, Section 426), is amended to read as
22 follows:
23
24

1 Section 426. A. The tax on retail medical marijuana sales
2 shall be established at seven percent (7%) of the gross amount
3 received by the seller.

4 B. This tax shall be collected at the point of sale. Except as
5 provided for in subsection D, tax proceeds, less the collection fee
6 retained by the Oklahoma Tax Commission pursuant to Section 255.2 of
7 Title 68 of the Oklahoma Statutes, shall be deposited into the
8 Medical Marijuana Tax Fund created in Section ~~3~~ 427.5a of this ~~act~~
9 title.

10 C. Pursuant to Section 255.2 of Title 68 of the Oklahoma
11 Statutes, the Oklahoma Tax Commission shall have authority to
12 assess, collect and enforce the tax specified in subsection A of
13 this section including any interest and penalty thereon.

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

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

18 a. fifty-nine and twenty-three hundredths percent
19 (59.23%) to the State Public Common School Building
20 Equalization Fund,

21 b. thirty-four and sixty-two hundredths percent (34.62%)
22 to the Oklahoma Medical Marijuana Authority, a
23 division within the State Department of Health, and
24

1 c. six and fifteen hundredths percent (6.15%) to the
2 State Department of Health and earmarked for drug and
3 alcohol rehabilitation; and

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

6 E. If any medical marijuana business licensee intentionally
7 does not remit the taxes as required by the provisions of this
8 section or the provisions of Section 1354 of Title 68 of the
9 Oklahoma Statutes, the Authority shall permanently revoke the
10 medical marijuana business license of the business licensee and the
11 business licensee shall be permanently ineligible to receive any
12 other type of medical marijuana business license issued by the
13 Authority, including licenses for a dispensary, commercial grower
14 operation, processing facility, transporter, research, education
15 facility, and waste disposal facility.

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON REVENUE AND TAXATION
20 April 7, 2025 - DO PASS