

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1125

By: Deevers

AS INTRODUCED

An Act relating to excise tax; authorizing counties and municipalities to levy excise tax upon the sale of medical marijuana; prescribing procedures for approval of excise tax; requiring a majority of voters to approve levy; prohibiting election for certain period if voters fail to approve levy; prescribing date of effectiveness upon approval; requiring initiative petitions to be in accordance with certain laws; prescribing deadlines for obtaining signatures and holding elections; requiring state purpose for levy of tax; requiring identification of the duration of the tax to voters; prohibiting municipalities from redirecting funds to another purpose without voter approval; creating county excise tax revolving funds upon levy of certain tax; providing sources of funds; providing purpose for expenditures; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2702.2 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Any municipality of this state may levy an excise tax upon the sale of medical marijuana on the gross proceeds or gross receipts derived from all sales within the municipality. Before the excise tax may be levied by the municipality, the imposition of the

1 tax shall first be approved by a majority of the registered voters
2 of the municipality voting thereon at a special election called by
3 the city council or by initiative petition signed by not less than
4 five percent (5%) of the registered voters of the municipality who
5 were registered at the time of the last general election. However,
6 if a majority of the registered voters of a municipality voting fail
7 to approve such a tax, the city council shall not call another
8 special election for such purpose for six (6) months. Any excise
9 tax approved by the registered voters of a municipality shall be
10 applicable only when the point of sale is within the territorial
11 limits of such municipality. Any excise tax levied or any change in
12 the rate of an excise tax levied pursuant to the provisions of this
13 section shall become effective on the first day of the calendar
14 quarter following approval by the voters of the municipality unless
15 another effective date, which shall also be on the first day of a
16 calendar quarter, is specified in the ordinance or resolution
17 levying the excise tax or changing the rate of excise tax.

18 B. Initiative petitions calling for a special election
19 concerning municipality excise tax proposals shall be in accordance
20 with Sections 2, 3, 6, 18, and 24 of Title 34 of the Oklahoma
21 Statutes. Petitions shall be submitted to the office of the city
22 clerk for approval as to form prior to circulation. Following
23 approval, the petitioner shall have ninety (90) days to secure the
24 required signatures. After securing the requisite number of

1 signatures, the petitioner shall submit the petition and signatures
2 to the city clerk. Following the verification of signatures, the
3 city clerk shall present the petition to the city council. The
4 special election shall be held within sixty (60) days of receipt of
5 the petition. The ballot title presented to the voters at the
6 special election shall be identical to the ballot as presented in
7 the initiative petition.

8 C. Any excise tax which may be levied by a municipality shall
9 be designated for any lawful purpose deemed necessary to protect and
10 promote the life, liberty, and property of the citizens within the
11 jurisdiction.

12 D. The duration of the tax could be limited or unlimited. The
13 municipality shall identify the duration of the tax when it is
14 presented to the voters pursuant to the provisions of subsections A
15 and B of this section.

16 E. Any municipality that levies a dedicated tax pursuant to a
17 vote of the people for a stated purpose shall not redirect all or a
18 portion of the dedicated tax revenue to another purpose without a
19 vote of the people authorizing such action.

20 F. If recreational marijuana is legalized under Oklahoma state
21 law, the provisions of this section shall automatically extend to
22 recreational marijuana at the same rates and conditions applicable
23 to medical marijuana.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2710 of Title 68, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any county of this state may levy an excise tax upon the
5 sale of medical marijuana on the gross proceeds or gross receipts
6 derived from all sales within the county. Before the excise tax may
7 be levied by the county, the imposition of the tax shall first be
8 approved by a majority of the registered voters of the county voting
9 thereon at a special election called by the board of county
10 commissioners or by initiative petition signed by not less than five
11 percent (5%) of the registered voters of the county who were
12 registered at the time of the last general election. However, if a
13 majority of the registered voters of a county voting fails to
14 approve such a tax, the board of county commissioners shall not call
15 another special election for such purpose for six (6) months. Any
16 excise tax approved by the registered voters of a county shall be
17 applicable only when the point of sale is within the territorial
18 limits of such county. Any excise tax levied or any change in the
19 rate of an excise tax levied pursuant to the provisions of this
20 section shall become effective on the first day of the calendar
21 quarter following approval by the voters of the county unless
22 another effective date, which shall also be on the first day of a
23 calendar quarter, is specified in the ordinance or resolution
24 levying the excise tax or changing the rate of excise tax.

1 B. Initiative petitions calling for a special election
2 concerning county excise tax proposals shall be in accordance with
3 Sections 2, 3, 6, 18, and 24 of Title 34 of the Oklahoma Statutes.
4 Petitions shall be submitted to the office of the county clerk for
5 approval as to form prior to circulation. Following approval, the
6 petitioner shall have ninety (90) days to secure the required
7 signatures. After securing the requisite number of signatures, the
8 petitioner shall submit the petition and signatures to the county
9 clerk. Following the verification of signatures, the county clerk
10 shall present the petition to the board of county commissioners.
11 The special election shall be held within sixty (60) days of
12 receiving the petition. The ballot title presented to the voters at
13 the special election shall be identical to the ballot as presented
14 in the initiative petition.

15 C. Any excise tax which may be levied by a county shall be
16 designated for a particular purpose.

17 D. The duration of the tax could be limited or unlimited. The
18 county shall identify the duration of the tax when it is presented
19 to the voters pursuant to the provisions of subsections A and B of
20 this section.

21 E. There are hereby created one or more county excise tax
22 revolving funds in each county which levies an excise tax under this
23 section. Each revolving fund shall be designated for a particular
24 purpose and shall consist of all monies generated by the excise tax

1 which are designated for such purpose. Monies in the funds shall
2 only be expended for the purposes specifically designated as
3 required by this section. A county excise tax revolving fund shall
4 be a continuing fund not subject to fiscal year limitations.

5 F. If recreational marijuana is legalized under Oklahoma state
6 law, the provisions of this section shall automatically extend to
7 recreational marijuana at the same rates and conditions applicable
8 to medical marijuana.

9 SECTION 3. This act shall become effective November 1, 2025.

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