

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 20. ALCOHOL, MIXED BEVERAGES AND LOW-POINT BEER**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Mixed Beverages
710:20-5-4 [AMENDED]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

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n/a

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n/a

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

Section 710:20-5-4 has been amended to conform with the provisions of Section 1 of Senate Bill 321 [2013] which amended the definition of total gross receipts contained in Section 576 of Title 37 of the Oklahoma Statutes relating to the imposition of mixed beverage gross receipts tax.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2014:

SUBCHAPTER 5. MIXED BEVERAGES

710:20-5-4. Calculation of gross receipts tax for mixed beverage transactions

(a) **Advertised price; admission charge.** The advertised price of a Mixed Beverage ~~shall~~ may be the sum of the total retail sale price and the Gross Receipts Tax levied thereon. Admission charges to a Mixed Beverage establishment which entitle a person to complimentary mixed beverages or discounted prices for mixed beverages are subject to the Gross Receipts Tax.

(b) **Records.** ~~On and after June 29, 1987,~~ Mixed Beverage Permittees shall maintain records of the total retail prices of all drinks and the Gross Receipts Tax shall be calculated on the individual total retail price of each drink and may be added thereto to form the advertised price.

(c) **Calculation of tax.**

(1) A mixed beverage tax permit holder shall report the following:

(A) The total amount received for mixed beverages sold, prepared or served at the total retail price;

(B) The total retail value, computed at the total retail price, of all mixed beverages sold, prepared or served either upon a discounted or complimentary basis;

(C) The total amount received for ice or nonalcoholic beverages sold, prepared, or served for the purpose of being mixed with alcoholic beverages and consumed on the premises where the sale, preparation, or service of mixed beverages occurs; and

(D) The total gross amount received as admission charges which entitle a person to complimentary mixed beverages or discounted prices for mixed beverages.

(2) The sum of the four amounts in (1) of this subsection, multiplied by the 13.5% tax rate, shall constitute the amount of the Gross Receipts Tax.

(d) **Example.** ~~If Assuming~~ the total retail sales price for a mixed drink is \$3.00, each drink sold, and each drink served as a "complimentary drink" incurs a Forty-one Cent Gross Receipts Tax ~~which shall be added to the total retail price to form an advertised price of \$3.41.~~ Sales tax shall be calculated on the total retail price of \$3.00. [See: 37 O.S. §576]