

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB24-1061 be amended as follows:

1 Amend printed bill, page 36, line 16, strike "STORE OR" and substitute
2 "STORE, RETAIL MARIJUANA CULTIVATION FACILITY, OR".

3 Page 37, after line 2 insert:

4 "(f) A RETAIL INDEPENDENT DELIVERER SHALL NOT ACCEPT ANY
5 RETAIL MARIJUANA PURCHASED FROM A RETAIL MARIJUANA CULTIVATION
6 FACILITY UNLESS THE RETAIL INDEPENDENT DELIVERER IS PROVIDED WITH
7 EVIDENCE THAT ANY APPLICABLE EXCISE TAX DUE, PURSUANT TO ARTICLE
8 28.8 OF TITLE 39, WAS PAID.".

9 Page 50, after line 24 insert:

10 "**SECTION 26.** In Colorado Revised Statutes, 39-28.8-302,
11 amend (1)(a)(I) as follows:

12 **39-28.8-302. Retail marijuana - excise tax levied at first
13 transfer from retail marijuana cultivation facility - tax rate.**

14 (1) (a) (I) Except as otherwise provided in subsection (1)(b) of this
15 section, there is levied and shall be collected, in addition to the sales tax
16 imposed pursuant to part 1 of article 26 of this title 39 and part 2 of this
17 article 28.8, a tax on the first sale or transfer of unprocessed retail
18 marijuana by a retail marijuana cultivation facility, at a rate of fifteen
19 percent of the average market rate of the unprocessed retail marijuana if
20 the transaction is between affiliated retail marijuana business licensees.
21 Except as otherwise provided in subsection (1)(b) of this section, there is
22 levied and shall be collected, in addition to the sales tax imposed pursuant
23 to part 1 of article 26 of this title 39 and part 2 of this article 28.8, a tax
24 on the first sale or transfer of unprocessed retail marijuana by a retail
25 marijuana cultivation facility, at a rate of fifteen percent of the contract
26 price for unprocessed retail marijuana if the transaction is between
27 unaffiliated retail marijuana business licensees. Retail marijuana excise
28 tax shall also be calculated as fifteen percent of the contract price when
29 the first transfer of retail marijuana that has been harvested for sale at a
30 retail marijuana store OR RETAIL MARIJUANA INDEPENDENT DELIVERER, or
31 HARVESTED FOR extraction by a retail marijuana product manufacturing
32 facility, is between unaffiliated retail marijuana cultivation facilities. The
33 tax shall be imposed at the time when the retail marijuana cultivation
34 facility first sells or transfers unprocessed retail marijuana from the retail
35 marijuana cultivation facility to a retail marijuana product manufacturing
36 facility, or a retail marijuana store, OR A RETAIL MARIJUANA INDEPENDENT
37 DELIVERER.

38 **SECTION 27.** In Colorado Revised Statutes, 39-28.8-303,

1 **amend** (1), (2), and (4) as follows:

2 **39-28.8-303. Books and records to be preserved.** (1) Every
3 retail marijuana cultivation facility shall keep at each licensed place of
4 business complete and accurate electronic records for that place of
5 business, including itemized invoices of all retail marijuana grown, held,
6 shipped, or otherwise transported or sold to retail marijuana product
7 manufacturing facilities, retail marijuana stores, RETAIL MARIJUANA
8 INDEPENDENT DELIVERERS, or other retail marijuana cultivation facilities
9 in this state.

10 (2) The records required by subsection (1) of this section shall
11 include the names and addresses of retail marijuana product
12 manufacturing facilities, retail marijuana stores, RETAIL MARIJUANA
13 INDEPENDENT DELIVERERS, or other retail marijuana cultivation facilities
14 to which unprocessed retail marijuana is sold or transferred, the inventory
15 of all unprocessed retail marijuana on hand, and other pertinent papers
16 and documents relating to the sale or transfer of unprocessed retail
17 marijuana.

18 (4) Every retail marijuana store AND RETAIL MARIJUANA
19 INDEPENDENT DELIVERER shall keep at its place of business complete and
20 accurate records to show that all retail marijuana received by the retail
21 marijuana store OR RETAIL MARIJUANA INDEPENDENT DELIVERER was
22 purchased from a retail marijuana cultivation facility. The retail marijuana
23 store AND RETAIL MARIJUANA INDEPENDENT DELIVERER shall provide a
24 copy of such records to the department if so requested. The department
25 may establish the acceptable form of such records.".

26 Renumber succeeding section accordingly.

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