

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0966.01 Jacob Bennington x2371

HOUSE BILL 26-1409

HOUSE SPONSORSHIP

Brown and Sirota, Taggart

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Amabile

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DISTRIBUTION OF MONEY COLLECTED FROM THE
102 RETAIL MARIJUANA SALES TAX.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. Current law requires 3.5% of the gross retail marijuana sales tax revenue to be distributed to local governments. The bill eliminates the distribution to local governments and allocates the gross retail marijuana sales tax revenue as follows:

- 73.17% to the marijuana tax cash fund (fund);
- 11.33% to the state public school fund;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- 1.5% to the marijuana cash fund; and
- 14% to the general fund.

The bill also directs the state treasurer to transfer from the fund to the state public school fund at the end of each fiscal year, an amount equal to the difference between the balance of the fund and:

- 15% of the amount that the general assembly appropriated from the fund in that fiscal year; and
- Any amount of the fund designated to be part of the emergency reserve for that fiscal year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 39-28.8-203, **amend**
3 (1)(a)(I) and (1)(b)(I.6); and **add** (1)(b)(I.7) as follows:

4 **39-28.8-203. Disposition of collections - definitions.**

5 (1) The proceeds of all money collected from the retail marijuana
6 sales tax are initially credited to the old age pension fund created in
7 section 1 of article XXIV of the state constitution in accordance with
8 sections 2 (a) and 2 (f) of article XXIV of the state constitution and
9 thereafter are transferred to the general fund in accordance with section
10 7 of article XXIV of the state constitution. For each fiscal year in which
11 a tax is collected pursuant to this part 2, an amount shall be appropriated
12 or distributed from the general fund as follows:

13 (a) (I) Before July 1, 2017, an amount equal to fifteen percent of
14 the gross retail marijuana sales tax revenue collected by the department
15 is apportioned to local governments. On and after July 1, 2017, but before
16 July 1, 2025, an amount equal to ten percent of the gross retail marijuana
17 sales tax revenue collected by the department is apportioned to local
18 governments. On and after July 1, 2025, BUT BEFORE JULY 1, 2026, an
19 amount equal to three and one-half percent of the gross retail marijuana
20 sales tax revenue collected by the department is apportioned to local

1 governments. The city or town share is apportioned according to the
2 percentage that retail marijuana sales tax revenue collected by the
3 department within the boundaries of the city or town bear to the total
4 retail marijuana sales tax revenue collected by the department. The county
5 share is apportioned according to the percentage that retail marijuana
6 sales tax revenue collected by the department in the unincorporated area
7 of the county bear to total retail marijuana sales tax revenue collected by
8 the department.

9 (b) (I.6) On and after July 1, 2025, BUT BEFORE JULY 1, 2026, of
10 the ninety-six and one-half percent of the gross retail marijuana sales tax
11 revenue in the general fund remaining after the allocation to local
12 governments required by subsection (1)(a)(I) of this section is made, the
13 state treasurer shall retain fourteen and fifty-one one-hundredths percent
14 in the general fund for use for any lawful purpose and shall transfer from
15 the general fund:

16 (I.7) ON AND AFTER JULY 1, 2026, THE STATE TREASURER SHALL
17 RETAIN FOURTEEN PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX
18 REVENUE IN THE GENERAL FUND FOR USE FOR ANY LAWFUL PURPOSE AND
19 TRANSFER:

20 (A) SEVENTY-THREE AND SEVENTEEN ONE-HUNDREDTHS PERCENT
21 TO THE MARIJUANA TAX CASH FUND;

22 (B) ELEVEN AND THIRTY-THREE ONE-HUNDREDTHS PERCENT TO
23 THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1) FOR
24 USE AS SPECIFIED IN SECTION 22-54-139 (3); AND

25 (C) ONE AND FIFTY ONE-HUNDREDTHS PERCENT TO THE
26 MARIJUANA CASH FUND CREATED IN SECTION 44-10-801 (1)(a).

27 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **add**

1 (5)(c) as follows:

2 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
3 **- legislative declaration - repeal.**

4 (5) (c) ON JUNE 30, 2027, AND ON EACH JUNE 30 THEREAFTER, THE
5 STATE TREASURER SHALL TRANSFER FROM THE FUND TO THE STATE PUBLIC
6 SCHOOL FUND CREATED IN SECTION 22-54-114 (1) AN AMOUNT EQUAL TO
7 THE DIFFERENCE BETWEEN THE BALANCE OF THE FUND AND:

8 (I) FIFTEEN PERCENT OF THE AMOUNT THAT THE GENERAL
9 ASSEMBLY APPROPRIATED FROM THE FUND IN THE APPLICABLE FISCAL
10 YEAR; AND

11 (II) THE AMOUNT OF THE FUND, IF ANY, DESIGNATED BY THE
12 GENERAL ASSEMBLY IN THE GENERAL APPROPRIATION BILL OR BY
13 SEPARATE BILL TO CONSTITUTE ALL OR A PART OF THE EMERGENCY
14 RESERVE PURSUANT TO SECTION 24-77-104 (2) FOR THE APPLICABLE STATE
15 FISCAL YEAR.

16 **SECTION 3. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.