

SB259\_L.006

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.SB18-259 be amended as follows:

1 Amend printed bill, page 3, strike lines 16 through 18 and substitute  
2 "marijuana cultivation facility AT A RATE OF UP TO FIVE PERCENT OF THE  
3 AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF  
4 REVENUE PURSUANT TO SECTION 39-28.8-101 (1), OF THE UNPROCESSED  
5 RETAIL MARIJUANA IF THE TRANSACTION IS BETWEEN AFFILIATED RETAIL  
6 MARIJUANA BUSINESS LICENSEES AND AT A RATE OF UP TO FIVE PERCENT  
7 OF THE CONTRACT PRICE, AS DEFINED IN SECTION 39-28.8-101 (2.5), FOR  
8 UNPROCESSED RETAIL MARIJUANA IF THE TRANSACTION IS BETWEEN  
9 UNAFFILIATED RETAIL MARIJUANA BUSINESS LICENSEES; EXCEPT THAT A  
10 MUNICIPALITY WHICH, BEFORE NOVEMBER 1, 2018, OBTAINED THE  
11 APPROVAL OF THE ELIGIBLE ELECTORS OF THE MUNICIPALITY AS REQUIRED  
12 BY SUBSECTION (2)(b) OF THIS SECTION TO LEVY ONLY A MUNICIPAL  
13 EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL  
14 MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY THAT IS  
15 CALCULATED BASED UPON THE AVERAGE MARKET RATE OF UNPROCESSED  
16 RETAIL MARIJUANA AND IN WHICH THE ELIGIBLE ELECTORS THEREAFTER  
17 REJECTED A PROPOSED AMENDMENT TO ALLOW THE TAX TO BE  
18 CALCULATED BASED ON THE CONTRACT PRICE FOR TRANSACTIONS  
19 BETWEEN UNAFFILIATED RETAIL MARIJUANA BUSINESSES MAY CONTINUE  
20 TO COLLECT THE TAX ON SUCH TRANSACTIONS BASED ON AN AVERAGE  
21 MARKET RATE CALCULATION UNTIL DECEMBER 31, 2020. ~~Such excise tax~~  
22 ~~must be calculated based on the average market rate of the unprocessed~~  
23 ~~retail marijuana. The tax shall be imposed at the time".~~

24 Page 3, line 22, strike "The tax rate imposed".

25 Page 3, strike lines 23 through 26 and substitute "~~The tax rate imposed by~~  
26 ~~any statutory municipality pursuant to this subsection (2)(a) may not~~  
27 ~~exceed five percent of the average market rate, as determined by the~~  
28 ~~department of revenue pursuant to section 39-28.8-101 (1), of the~~  
29 ~~unprocessed retail marijuana."~~

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