

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0202.01 Nicole Myers x4326

SENATE BILL 15-040

SENATE SPONSORSHIP

Hodge,

HOUSE SPONSORSHIP

Priola and Moreno,

Senate Committees

Local Government
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF ANY COUNTY TO IMPLEMENT A SALES**
102 **TAX ON RETAIL MARIJUANA SUBJECT TO APPROVAL BY THE**
103 **ELIGIBLE ELECTORS OF THE COUNTY.**

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://www.leg.state.co.us/bills summaries>.)

Currently, any county that allows the sale of retail marijuana levies the standard county sales tax on the sale of retail marijuana in addition to the state retail marijuana sales tax.

The bill clarifies that counties are authorized, subject to voter approval, to levy, collect, and enforce a sales tax on all sales of retail

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

marijuana and retail marijuana products by a retailer, in addition to any sales tax imposed by the state or the county.

The bill specifies that an additional sales tax may not be levied until the proposed tax has been referred to and approved by the eligible electors of the county.

Any retail marijuana sales tax imposed by a county shall not be collected, administered, or enforced by the department of revenue. Instead, such tax shall be collected, administered, and enforced by the county imposing the tax.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-2-114 as
3 follows:

4 **29-2-114. County sales tax on retail marijuana and retail**
5 **marijuana products - election.** (1) IN ADDITION TO ANY SALES TAX
6 IMPOSED PURSUANT TO SECTION 29-2-103 AND ARTICLES 26 AND 28.8 OF
7 TITLE 39, C.R.S., AND NOTWITHSTANDING THE PROVISIONS OF SECTION
8 29-2-105 (1) (d), EACH COUNTY IN THE STATE IS AUTHORIZED TO LEVY,
9 COLLECT, AND ENFORCE A COUNTY SALES TAX UPON ALL SALES OF RETAIL
10 MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY A RETAILER, AS THOSE
11 TERMS ARE DEFINED IN SECTION 39-28.8-101, C.R.S. A COUNTY MAY
12 LEVY, COLLECT, AND ENFORCE A SALES TAX PURSUANT TO THIS
13 SUBSECTION (1), IN WHOLE OR IN PART, IN LESS THAN THE ENTIRE COUNTY
14 WHEN THE CONDITIONS SPECIFIED IN SECTION 29-2-103 (2) (b) AND (2) (c)
15 ARE SATISFIED.

16 (2) NO SALES TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS
17 OF SUBSECTION (1) OF THIS SECTION UNTIL THE PROPOSAL HAS BEEN
18 REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY
19 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, SECTION 20 OF
20 ARTICLE X OF THE STATE CONSTITUTION, AND THE "UNIFORM ELECTION

1 CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

2 (3) (a) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, ANY
3 RETAIL MARIJUANA SALES TAX IMPOSED BY A COUNTY PURSUANT TO THIS
4 SECTION SHALL NOT BE COLLECTED, ADMINISTERED, OR ENFORCED BY THE
5 DEPARTMENT OF REVENUE, BUT SHALL INSTEAD BE COLLECTED,
6 ADMINISTERED, AND ENFORCED BY THE COUNTY IMPOSING THE TAX.

7 (b) A COUNTY IN WHICH A SALES TAX IS IMPOSED PURSUANT TO
8 THIS SECTION MAY AUTHORIZE A RETAIL MARIJUANA STORE TO RETAIN A
9 PERCENTAGE, TO BE DETERMINED BY THE COUNTY, OF THE RETAIL
10 MARIJUANA SALES TAX COLLECTED PURSUANT TO SUBSECTION (1) OF THIS
11 SECTION TO COVER THE EXPENSES OF COLLECTING AND REMITTING THE
12 TAX TO THE COUNTY.

13 (4) NOTHING IN THIS SECTION SHALL PROHIBIT MUNICIPALITIES
14 AND COUNTIES FROM COOPERATING TO CREATE COUNTYWIDE UNIFORM
15 SALES TAXES ON RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.