

House Bill 4132

Sponsored by Representative HELM (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies that marijuana retailer may not collect tax from consumer of marijuana item if consumer is registry identification cardholder or designated primary caregiver who is purchasing marijuana item for registry identification cardholder.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the sale of marijuana items by marijuana retailers to certain consumers who are au-
3 thorized to possess marijuana under the Oregon Medical Marijuana Act; creating new pro-
4 visions; amending ORS 475B.345; and prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 475B.700 to**
7 **475B.760.**

8 **SECTION 2. (1) As used in this section, "designated primary caregiver," "registry iden-**
9 **tification card" and "registry identification cardholder" have the meanings given those terms**
10 **in ORS 475B.410.**

11 **(2) Notwithstanding ORS 475B.705:**

12 **(a) A tax is not imposed upon the retail sale of marijuana items in this state to a registry**
13 **identification cardholder or to a designated primary caregiver who is purchasing a marijuana**
14 **item for a registry identification cardholder; and**

15 **(b) A marijuana retailer may not collect the tax imposed under ORS 475B.705 from a**
16 **consumer if, at the time at which the retail sale of the marijuana item occurs, the consumer**
17 **provides proof to the marijuana retailer that the consumer:**

18 **(A) Holds a registry identification card; or**

19 **(B) Holds an identification card issued pursuant to ORS 475B.415 (5)(b) and is purchasing**
20 **the marijuana item for a registry identification cardholder.**

21 **(3) The Department of Revenue:**

22 **(a) Shall adopt rules establishing procedures by which a marijuana retailer shall docu-**
23 **ment that a consumer holds a registry identification card or an identification card issued**
24 **pursuant to ORS 475B.415 (5)(b); and**

25 **(b) May adopt rules establishing procedures by which the department may verify that a**
26 **marijuana retailer collects the tax imposed under ORS 475B.705 on all consumers of**
27 **marijuana items other than registry identification cardholders and designated primary**
28 **caregivers.**

29 **SECTION 3. ORS 475B.345 is amended to read:**

30 **475B.345. (1) As used in this section, "designated primary caregiver" and "registry iden-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tification cardholder” have the meanings given those terms in ORS 475B.410.**

2 [(1)(a)] **(2)(a)** Except as expressly authorized by this section, the authority to impose a tax or
3 fee on the production, processing or sale of marijuana items in this state is vested solely in the
4 Legislative Assembly.

5 (b) Except as expressly authorized by this section, a county, city or other municipal corporation
6 or district may not adopt or enact ordinances imposing a tax or fee on the production, processing
7 or sale of marijuana items in this state.

8 [(2)] **(3)** Subject to subsection [(4)] **(5)** of this section, the governing body of a city or county
9 may adopt an ordinance to be referred to the electors of the city or county as described in sub-
10 section [(3)] **(4)** of this section that imposes a tax or a fee on the sale of marijuana items that are
11 sold in the area subject to the jurisdiction of the city or the unincorporated area subject to the ju-
12 risdiction of a county by a person that holds a license under ORS 475B.110.

13 [(3)] **(4)** If the governing body of a city or county adopts an ordinance under this section, the
14 governing body shall refer the measure of the ordinance to the electors of the city or county for
15 approval at the next statewide general election.

16 [(4)] **(5)** An ordinance adopted under this section may not impose a tax or fee:

17 **(a)** In excess of three percent[.]; **or**

18 **(b) On a registry identification cardholder or on a designated primary caregiver who is**
19 **purchasing a marijuana item for a registry identification cardholder.**

20 **SECTION 4. This 2016 Act takes effect on the 91st day after the date on which the 2016**
21 **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**

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