

ARTICLE TWELVE - COUNTY TAXES

DIVISION ONE - IMPOSE TAX ON MARIJUANA ITEMS SOLD BY MARIJUANA RETAILERS [Adopted as Division One of Article Twelve on June 12, 2016, approved in the general election of November 8, 2016 and effective on January 1, 2017.]

SECTION 12.01.010                      TITLE

Impose Tax on Marijuana Items Sold by Marijuana Retailers.

SECTION 12.01.020                      PURPOSE

The purpose of this Division is to impose a three percent (3%) tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the County.

SECTION 12.01.030                      DEFINITIONS

Except where the context otherwise requires, the definitions given in this section govern the construction of this ordinance.

- (1) Board means the Board of County Commissioners of Coos County.
- (2) Marijuana item(s) means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts as defined in ORS 475B.015(16).
- (3) Marijuana retailer means a person who sells marijuana items to a consumer in this state as defined in ORS 475B.015(20).
- (4) Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.
- (5) Tax Administrator means the Board or the person it so designates to receive returns and tax payments pursuant to this Ordinance.

SECTION 12.01.040                      IMPLEMENTING ORDINANCE AUTHORIZATION

The Board may, by separate ordinance, promulgate additional definitions, rules and regulations necessary or convenient for the administration, collection, refund, and enforcement of this ordinance.

SECTION 12.01.050

TAX IMPOSED

Pursuant to ORS 475B.345, Coos County hereby imposes a tax of three percent (3%) on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the County. The tax must be computed on the total retail price, including all charges other than taxes, paid by a consumer of marijuana items. The tax imposed by this Ordinance does not repeal or supersede any similar tax enacted by a city.

SECTION 12.01.060

COLLECTION AND REMITTANCE

- (1) The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items pursuant to the procedure set forth in this Ordinance and/or any subsequent rules promulgated by the Board.
  - (a) Every marijuana retailer shall keep records, render statements and comply with all rules adopted by the Board with respect to the tax imposed by this Ordinance; the records must be sufficient to show the tax liability of the marijuana retailer.
  - (b) Every marijuana retailer shall file a return with the County Tax Administrator, on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter in a form as set forth by the Board, or its designee, and subject to penalties for false swearing.
  - (c) When a return is required under this Ordinance, the marijuana retailer required to make the return shall remit the tax due to the Tax Administrator at the time fixed for filing the return.
  - (d) Every marijuana retailer shall be deemed to hold the amount collected pursuant to this Ordinance in trust for Coos County and for payment to the Tax Administrator.
  - (e) If any marijuana retailer fails to remit any amount held in trust for Coos County pursuant to this Ordinance, the County may enforce collection according to the rules and regulations adopted under Section 12.01.040 or as otherwise provided by law.

SECTION 12.01.070

EXEMPTIONS

The sale of medical marijuana by an entity registered with the Oregon Health Authority under ORS 475B.450 is exempt from the tax imposed under this Ordinance; provided however, that to the extent such an entity also engages in the sale of marijuana items as a marijuana retailer under Oregon Revised Statutes regulating the Recreational Use of Cannabis, no such exemption shall apply to those sales.

SECTION 12.01.080

PENALTIES

Violation of any of the provisions of this Ordinance shall constitute a Class A Violation, subject to a maximum penalty of \$2,000.00 for each day a violation occurs.