

House Bill 2204

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Interim Committee on Marijuana Legalization)

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**.

Changes statutory limitation on local government's authority to impose local tax or fee on retail sale of marijuana items.

Specifies that if electors of city or county approve ordinance imposing tax or fee, governing body of city or county may amend ordinance, without referring amendment to electors, to adjust rate of tax or fee.

A BILL FOR AN ACT

1
2 Relating to cannabis; amending ORS 475B.345.

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

4 **SECTION 1.** ORS 475B.345, as amended by section 3, chapter 91, Oregon Laws 2016, is amended
5 to read:

6 475B.345. (1) As used in this section, "designated primary caregiver" and "registry identification
7 cardholder" have the meanings given those terms in ORS 475B.410.

8 (2)(a) Except as expressly authorized by this section, the authority to impose a tax or fee on the
9 production, processing or sale of marijuana items in this state is vested solely in the Legislative
10 Assembly.

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

14 (3) Subject to subsection [(5)] **(6)** of this section, the governing body of a city or county may
15 adopt an ordinance to be referred to the electors of the city or county as described in subsection
16 (4) of this section that imposes a tax or a fee on the sale of marijuana items that are sold in the
17 area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of
18 a county by a [*person*] **marijuana retailer** that holds a license **issued** under ORS 475B.110.

19 (4) If the governing body of a city or county adopts an ordinance under this section, the gov-
20 erning body shall refer the measure of the ordinance to the electors of the city or county for ap-
21 proval at the next statewide general election.

22 **(5) Subject to subsection (6) of this section, if the electors of a city or county approve**
23 **an ordinance adopted under this section, the governing body of the city or county may amend**
24 **the ordinance, without referring the amendment to the electors of the city or county, to**
25 **adjust the rate of the tax or the fee.**

26 [(5)] **(6)** An ordinance adopted **or amended** under this section may not impose a tax or fee:

27 (a) In excess of [*three*] **eight percent of the sale price of a marijuana item**; or

28 (b) On a registry identification cardholder or on a designated primary caregiver who is pur-
29 chasing a marijuana item for a registry identification cardholder.

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.

