

Requested by Senator RILEY

**PROPOSED AMENDMENTS TO
SENATE BILL 218**

1 In line 2 of the printed bill, after “cannabis;” insert “creating new pro-
2 visions; amending ORS 475B.045 and 475B.710;”.

3 After line 13, insert:

4 **“SECTION 3.** ORS 475B.045 is amended to read:

5 “475B.045. (1) The Oregon Liquor Control Commission may not license an
6 applicant under the provisions of ORS 475B.010 to 475B.545 if the applicant
7 is under 21 years of age.

8 “(2) The commission may refuse to issue a license or may issue a re-
9 stricted license to an applicant under the provisions of ORS 475B.010 to
10 475B.545 if the commission makes a finding that the applicant:

11 “(a) Is in the habit of using alcoholic beverages, habit-forming drugs,
12 marijuana or controlled substances to excess.

13 “(b) Has made false statements to the commission.

14 “(c) Is incompetent or physically unable to carry on the management of
15 the establishment proposed to be licensed.

16 “(d) Has been convicted of violating a federal law, state law or local or-
17 dinance if the conviction is substantially related to the fitness and ability
18 of the applicant to lawfully carry out activities under the license.

19 “(e) Is not of good repute and moral character.

20 “(f) Does not have a good record of compliance with ORS 475B.010 to
21 475B.545 or any rule adopted under ORS 475B.010 to 475B.545.

1 “(g) Is not the legitimate owner of the premises proposed to be licensed,
2 or has not disclosed that other persons have ownership interests in the
3 premises proposed to be licensed.

4 “(h) Has not demonstrated financial responsibility sufficient to adequately
5 meet the requirements of the premises proposed to be licensed.

6 “(i) Is unable to understand the laws of this state relating to marijuana
7 items or the rules adopted under ORS 475B.010 to 475B.545.

8 “(3) Notwithstanding subsection (2)(d) of this section, in determining
9 whether to issue a license or a restricted license to an applicant, the com-
10 mission may not consider the prior conviction of the applicant or any owner,
11 director, officer, manager, employee, agent or other representative of the
12 applicant for:

13 “(a) The manufacture of marijuana, if:

14 “(A) The date of the conviction is two or more years before the date of
15 the application; and

16 “(B) The person has not been convicted more than once for the manufac-
17 ture or delivery of marijuana;

18 “(b) The delivery of marijuana to a person 21 years of age or older, if:

19 “(A) The date of the conviction is two or more years before the date of
20 the application; and

21 “(B) The person has not been convicted more than once for the manufac-
22 ture or delivery of marijuana; or

23 “(c) The possession of marijuana.

24 “(4) **The commission shall suspend for not less than 30 days a**
25 **marijuana retailer that holds a license issued under ORS 475B.105 if**
26 **the marijuana retailer has not paid the tax imposed under ORS**
27 **475B.705 or filed a return pursuant to ORS 475B.710 twice in any four**
28 **consecutive quarters. If at the conclusion of the suspension period the**
29 **marijuana retailer has not paid the tax or filed the returns, the com-**
30 **mission shall revoke the license.**

1 **“SECTION 4.** ORS 475B.710 is amended to read:

2 “475B.710. (1) Except as otherwise provided in ORS 475B.700 to 475B.760,
3 the tax imposed upon the consumer under ORS 475B.705 shall be collected
4 at the point of sale and remitted by each marijuana retailer that engages in
5 the retail sale of marijuana items. The tax is considered a tax upon the
6 marijuana retailer that is required to collect the tax, and the marijuana
7 retailer is considered a taxpayer.

8 “(2) The marijuana retailer shall file a return to the Department of Rev-
9 enue on or before the last day of January, April, July and October of each
10 year for the previous calendar quarter.

11 “(3) The marijuana retailer shall pay the tax to the department in the
12 form and manner prescribed by the department, but not later than with each
13 quarterly return, without regard to an extension granted under subsection
14 (5) of this section.

15 “(4) Marijuana retailers shall file the returns required under this section
16 regardless of whether any tax is owed.

17 “(5) For good cause, the department may extend the time for filing a re-
18 turn under this section. The extension may be granted at any time if a
19 written request is filed with the department during or prior to the period for
20 which the extension may be granted. The department may not grant an ex-
21 tension of more than 30 days.

22 “(6) Interest shall be added at the rate established under ORS 305.220 from
23 the time the return was originally required to be filed to the time of pay-
24 ment.

25 “(7) If a marijuana retailer fails to file a return or pay the tax as required
26 by this section, the department shall impose a penalty in the manner pro-
27 vided in ORS 314.400 **and notify the Oregon Liquor Control**
28 **Commission.**

29 “(8) Except as provided in subsections (9) and (10) of this section, the
30 period prescribed for the department to allow or make a refund of any

1 overpayment of tax paid under ORS 475B.700 to 475B.760 is as provided in
2 ORS 314.415.

3 “(9)(a) The department shall first apply any overpayment of tax by a
4 marijuana retailer to any marijuana tax that is owed by the marijuana
5 retailer.

6 “(b) If after any offset against any delinquent amount the overpayment
7 of tax remains greater than \$1,000, the remaining refund shall be applied as
8 a credit against the next subsequent calendar quarter as an estimated pay-
9 ment.

10 “(10) The department may not make a refund of, or credit, any overpay-
11 ment of tax under ORS 475B.700 to 475B.760 that was credited to the account
12 of a marijuana retailer under subsection (9)(b) of this section if the return
13 for that tax period is not filed within three years after the due date of that
14 return.

15 **“SECTION 5. The amendments to ORS 475B.045 by section 3 of this**
16 **2019 Act apply to tax years beginning on or after January 1, 2020.**

17 **“SECTION 6. (1) The amendments to ORS 475B.045 and 475B.710 by**
18 **sections 3 and 4 of this 2019 Act become operative on January 1, 2020.**

19 **“(2) The Oregon Liquor Control Commission and Department of**
20 **Revenue may take any action before the operative date specified in**
21 **subsection (1) of this section that is necessary to enable the commis-**
22 **sion and department to exercise, on and after the operative date**
23 **specified in subsection (1) of this section, all of the duties, functions**
24 **and powers conferred on the commission and department by the**
25 **amendments to ORS 475B.045 and 475B.710 by sections 3 and 4 of this**
26 **2019 Act.”.**

27 In line 14, delete “3” and insert “7”.

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