

## DEFINITIONS.

### REGULATION 39-28.8-101.

With respect to rules promulgated under Article 28.8 of Title 39, the following terms have the following meanings:

- (1) Unless the context clearly requires otherwise, terms defined by section 12-43.4-103, C.R.S. or in Rule R 103 of 1 CCR 212-2, the Marijuana Enforcement Division's rules related to the Colorado Retail Marijuana Code, shall have the same meanings in these rules as therein defined.
- (2) "Average Market Rate" shall have the same meaning as defined in subsection 39-28.8-101(1), C.R.S., and shall be calculated pursuant to Department Rule 39-28.8.302.1(2) in the following categories:
  - (a) Dry Bud
  - (b) Dry Trim
  - (c) Dry Whole Plant
  - (d) Immature Plant
  - (e) Wet Bud
  - (f) Wet Trim
  - (g) Wet Whole Plant
- (3) "Bud" means the product of the "Flower" or "Flowering" stage as defined by Rule R 103 of 1 CCR 212-2 including the actual flower ~~and the small leaves immediately below the actual flower which contain levels of THC comparable to the Flower. These leaves are commonly known as "sugarleaf."~~
- (4) "Concentrate" means "Retail Marijuana Concentrate" as defined in Rule R 103 of 1 CCR 212-2.
- (5) "Immature Plant" shall have the same meaning as set forth by Rule R 103 of 1 CCR 212-2.
- (6) "Marijuana" means Medical Marijuana or Retail Marijuana.
- (7) "Medical Marijuana" shall have the same meaning as set forth by Rule R 103 of 1 CCR 212-2.
- (8) "Medical Marijuana Business" shall have the same meaning as set forth by Rule R 103 of 1 CCR 212-2.
- (9) "One-Time Transfer" means the act of declaring and converting Medical Marijuana or Medical Marijuana-Infused Product to Retail Marijuana or Retail Marijuana Product in accordance with subsections 12-43.4-104(1)(a)(III) and (IV), C.R.S. and Rule R 211, 1 CCR 212-2. This conversion may occur only one time when a Medical Marijuana Business adds a Retail Marijuana Establishment license or converts to a Retail Marijuana Establishment license.
- (10) "Retail Marijuana" shall have the same meaning as set forth by Rule R 103 of 1 CCR 212-2.

- (11) "Retail Marijuana Cultivation Facility" shall have the same meaning as set forth by Rule R 103 of 1 CCR 212-2.
- (12) "Retail Marijuana Excise Tax" means excise tax due under Article 28.8 of Title 39, C.R.S.
- (13) "Retail Marijuana Excise Tax Return" means the excise tax return upon which all sales or Transfers of retail marijuana subject to the excise tax and the amount of Retail Marijuana Excise Tax is reported.
- (14) "Retail Marijuana Sales Tax" means sales tax collected and due under Article 28.8 of Title 39, C.R.S.
- (15) "Retail Marijuana Sales Tax Return" means the sales tax return upon which all sales of Retail Marijuana Products and the amount of state and local Retail Marijuana Sales Tax is reported.
- (16) "Retail Sales Tax" means the sales tax collected and due under part 1 of Article 26 of Title 39, C.R.S.
- (17) "Retail Sales Tax Return" means the sales tax return upon which the amount of state sales and state-administered local jurisdictions sales tax imposed, collected, and due under part 1 of Article 26 of Title 39, C.R.S. is reported
- (18) "Test period" means:
- ~~(a) — With respect to sales made between January 1, 2014 and June 30, 2014, the Test Period shall be 2012 and 2013.~~
- ~~(b) — With respect to sales made between July 1, 2014 and December 31, 2014, the Test Period shall be January 1, 2014 through April 30, 2014.~~
- ~~(c) — With respect to sales made after January 1, 2015, the Test Period~~ the period of time used to for the calculation of the Average Market Rate. The Test Period shall be each November 1st to the subsequent April 30th, and each May 1st to the subsequent October 31st.
- (19) "Transfer" means to grant, convey, hand over, assign, sell, exchange, or barter, in any manner or by any means, with or without consideration, any Retail Marijuana or Retail Marijuana Product from one licensee to another or to a consumer. A Transfer includes the movement of Retail Marijuana or Retail Marijuana Product from one licensed premises to another, even if both premises are contiguous, and even if both premises are owned by a single entity or individual or group of individuals and also includes a virtual Transfer that is reflected on the Marijuana Inventory Tracking Solution ("MITS") system, even if no physical movement of the Retail Marijuana occurs.
- (20) "Trim" means any part other than the Bud of a Retail Marijuana plant and other than an Immature Plant that is sold to a Retail Marijuana Store, a Retail Marijuana Products Manufacturing Facility, or a Retail Marijuana Cultivation Facility.
- (21) "Unprocessed Retail Marijuana" means all Retail Marijuana that is sold or Transferred by a Retail Marijuana Cultivation Facility, even though it may have gone through some processing, and even though it may be subject to further processing by a Retail Marijuana Products Manufacturing Facility, another Retail Marijuana Cultivation Facility, or a Retail Marijuana Store.

- (22) "Wet" refers to Retail Marijuana that is not dried or cured. This term includes Whole Plants, Bud and Trim. With respect to any Wet Retail Marijuana, whether or not the marijuana is sold or Transferred before or after being trimmed, the plant material to be sold or Transferred must be weighed within 6 hours of the plant being harvested, and tax must be paid on that weight.
- (23) "Whole Plant" means a Retail Marijuana plant that is cut off just above the roots and not trimmed. The weight of the whole plant includes all bud, leaves, stems, and stalk. The Department treats 55% of the weight of a Whole Plant as Bud, 30% of the weight of the Whole Plant as Trim, and 15% of the weight of the Whole Plant as waste. These percentages are calculated into the Average Market Rate. The percentage treated as waste is not subject to the Retail Marijuana Excise Tax.