



**COLORADO**  
Department of Revenue

Taxation Division

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**Interim Guidance on Seeds and Wet Whole Plant  
Colorado Department of Revenue  
Taxation**

The Department has not issued rules addressing the application of excise tax to sales of wet whole plants and seeds between licensees. In the interim, prior to the adoption of such rules, the Department will allow retail marijuana cultivation facilities that sell or transfer seeds and wet whole plants to follow the guidance below.

Seeds: Until a regulation is adopted that addresses an excise tax category for seeds, retail marijuana cultivation facilities that transfer or sell seeds to a retail marijuana store shall transfer such seeds in packets of no more than 6 seeds and pay excise tax for each packet at the immature plant rate. The excise tax in the interim shall not be paid on each individual seed, but shall be paid on the packet of 6 or fewer seeds.

Wet Whole Plant: Until a regulation is adopted that creates a wet whole plant excise tax category, retail marijuana cultivation facilities that transfer or sell wet whole plants shall pay excise tax at the trim rate on the total wet whole plant weight.

The plant must be weighed within 2 hours of the plant being harvested and without any further processing, and tax must be calculated and paid on that weight. If the Wet Whole Plant is not weighed within 2 hours of being harvested or is subjected to further processing before being weighed, the excise tax on such plant cannot be calculated and paid on the Wet Whole Plant basis and must be calculated and paid on the Bud and Trim rates.

The retail marijuana cultivation facility must maintain written records of the time each plant (identified by its RFID tag) was harvested and weighed and the weight of each plant. The records must be created contemporaneously with the harvesting and weighing.

March 28, 2016