

1 *Consideration* means something of value given by each party to a contract
 2 that induces that party to enter into the agreement to exchange mutual
 3 performances. Consideration must have a value that can be objectively
 4 determined.

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 7 *Discount(s) provided based on other paid consideration* means a reduction
 8 in the usual, advertised sales price or special offer based on an individual's
 9 status as a marijuana establishment employee, participation in a program
 10 offered by the retailer that requires dues or fees, or presentment of any of the
 11 following:

- 12 1. the purchaser presents a coupon, certificate or other
 13 documentation to the seller to claim a price reduction or
 14 discount where the coupon, certificate or documentation is
 15 authorized, distributed or granted by a third party with the
 16 understanding that the third party will reimburse any retailer to
 17 whom the coupon, certificate, or documentation is presented;
- 18 2. the purchaser identifies himself or herself to the seller as a
 19 member of an association, group or organization entitled to a
 20 price reduction or discount (a "preferred customer" card that is
 21 available to any patron does not constitute membership in such
 22 a group); or
- 23 3. the price reduction or discount is identified as a third party price
 24 reduction or discount on the invoice received by the purchaser
 25 or on a coupon, certificate or other documentation presented
 26 by the purchaser.

27
 28 *Retail sale* means any exchange or barter, in any manner or by any means
 29 whatsoever, for consideration, of marijuana or marijuana products by a
 30 retailer to a consumer.

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 32 *Sale(s) price* means the consideration, whether money, rights, credit or other
 33 property expressed in the terms of money paid or delivered by a consumer
 34 to a retailer after reduction by any special offer, without deduction for the cost
 35 of property sold, materials used, labor cost, discount(s) provided based on
 36 other paid consideration, delivery costs or any other expense whatsoever
 37 paid or accrued and without deduction on account of losses.

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 39 *Special offer* means a temporary reduction in sales price of marijuana or
 40 marijuana product offered to any purchaser as a promotion, such as a holiday
 41 or anniversary sale discount; or a reduction for which the retailer receives no
 42 consideration and is offered in recognition of a classification of purchasers
 43 such as a senior citizen discount, in recognition of a consumer's loyalty to the
 44 retailer such as for a preferred customer based on frequency of patronage,
 45 purchases, or other activity; or other similar reduction offered without any
 46 consideration paid for by, or on behalf of, the purchaser to the retailer or any
 47 third party.

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49 (AO No. 2016-49(S), § 1, 5-10-16)

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 51 **Section 2.** Anchorage Municipal Code section 12.50.220 is hereby amended to

1 read as follows (*the remainder of the section is not affected and therefore not set*
2 *out*):

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4 **12.50.220 Maintenance and inspection of documents and records**

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7 B. It shall be the responsibility of the retailer to obtain and preserve
8 evidence sufficient to support all acquisitions of marijuana and
9 marijuana products and retail sale transactions and allowable
10 deductions subject to this chapter, and all claimed exemptions from
11 payment, collection, or remittance of the retail marijuana sales taxes
12 under this chapter. Specification in this chapter of the records to be
13 kept by a retailer shall not relieve the retailer of its responsibility to
14 keep sufficient records. Unless a longer period is ordered by the chief
15 financial officer under section 12.50.230 or a court of competent
16 jurisdiction, a retailer shall keep and preserve all required records
17 within the municipality for not less than three calendar years after the
18 end of the calendar year in which such records are created and shall
19 make available such records for inspections by the department upon
20 request. Sufficient records shall include, but not necessarily be limited
21 to:

- 22 1. Each retail sale of marijuana or marijuana products within the
23 municipality shall be recorded by the retailer and the record
24 shall include, at minimum: the date of sale, the type of
25 marijuana or marijuana product sold, the quantity of marijuana
26 or marijuana products sold, the sales price, the amount of retail
27 sales taxes due on the sale, and the amount and method of
28 payment received including an explanation for any disparity
29 between the payment amount received and the price plus the
30 tax. A comparable receipt of sale shall be offered to each
31 consumer at the time of purchase;

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34 (AO No. 2016-49(S), § 1, 5-10-16)

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36 **Section 3.** This ordinance shall be effective immediately upon passage and
37 approval by the Assembly.

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39 PASSED AND APPROVED by the Anchorage Assembly this _____ day
40 of _____, 2019.

41
42
43
44
45 _____
46 Chair

47 ATTEST:

48
49 _____
50 Municipal Clerk