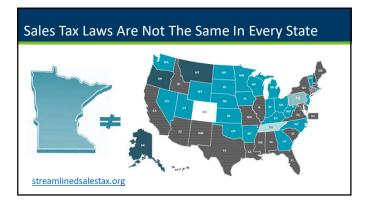


# Disclaimer This presentation is for educational purposes only and does not provide tax advice. It is meant to accompany an oral presentation and not to be used as a standalone This presentation is based on the facts and circumstances being discussed, and on the laws in effect when it is presented. It does not supersede or alter any provisions of Minnesota laws, administrative rules, court cases, or revenue notices. Minnesota Business Tax Education Program Providing education opportunities about Minnesota tax laws. **Course Description** This course covers how Minnesota Sales and Use Tax laws apply to the retail sale of cannabis. The taxability of items and services depends on their exact use in each situation. What items are exempt? What items are taxable? **Course Objectives** After completing this course, you will be able to: • Apply the basic sales and use tax concepts for Minnesota and its local taxing jurisdictions to your business • Distinguish how sales and use tax law applies to cannabis retail • Identify what products are subject to sales tax and cannabis tax and the • Recognize how to use and when to accept an exemption certificate • Use e-Services to file a sales and use tax return • List several resources that answer your sales and use tax questions

# Minnesota Office of Cannabis Management

### For People Interested in Starting a Business:

- Social Equity Applicants
- Grant Programs
- Hosting Cannabis Events
- General Licenses
- Hemp-Derived Cannabinoid Products







# Retailer vs Wholesaler Retailers sell goods or services to the final customer Wholesalers sell goods that will be resold



# Cannabis Tax is a Gross Receipts Tax

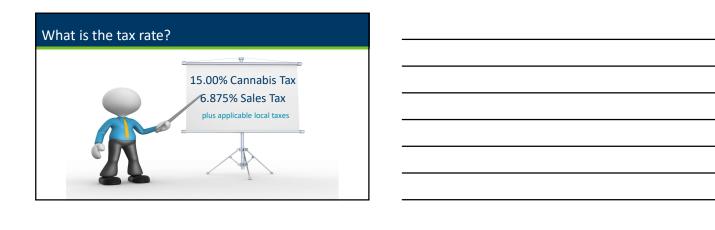
- Seller is liable for tax on the gross receipts from the sale of taxable cannabis products
- Cannabis tax is reported on the Sales and Use Tax return
- Tax must be remitted by due date

### **Transaction Tax**

Look at each transaction to determine its taxability



# ABC Cannabis Store 105 5th St E 5t. Paul, MN 55101 Phone: 651-555-5555 General Merchandise Storage Bucket 25.0 T Hand Pipe 15.0 T Hand Pipe 15.0 T Hand Pipe 15.0 T Hat 5.0 G Clothing T-Shirt 20.00 E Hat 5.0 G Cannabis S. Sg Blurby Do 45.0 G Subtotal 110.00 Subtotal 110.00 Sales Tax on 85.00 4.50 Cannabis Tax on 45.00 4.50 Total 122.89 Total 122.89



### Do I need to collect and remit?

You must remit **Minnesota Cannabis Tax** on taxable cannabis products, unless an exemption applies.

You must collect and remit **Minnesota Sales Tax** on goods **sourced** to Minnesota, unless an exemption applies.

# Sourcing of Transactions Sourcing determines where the sale takes place, and which taxes are imposed on the sale. 1. Seller's Address 2. Delivery Address 3. Billing Address

### **Bundled Transactions**

Bundled transactions are two or more items included for one non-itemized price.

• Taxable when any of the included items are taxable.

Gummies/Hat	\$10.00
15% Cannabis Tax	1.50
Tax (6.875%)	0.69
Total due	\$12.19

Gummies	\$ 5.00
Hat	5.00
Subtotal	10.00
15% Cannabis Tax	0.75
Tax (6.875%)	0.34
Total due	\$11.09
1 ' '	

### Taxable Sales – Cannabis Tax

Examples of taxable cannabis sales:

- Cannabis flower
- Cannabis products
- Lower-potency hemp edibles
- Hemp-derived consumer products
- Cannabis solution products
- Any similar item

### Taxable Sales – Sales Tax

Examples of taxable sales:

- Taxable cannabis products
- Immature cannabis plants and seedlings
- Childproof packaging containers
- Books and videos
- Magazines

- Hemp fiber products
- Nonintoxicating topical products
- Products that detect the presence of fentanyl or a fentanyl analog

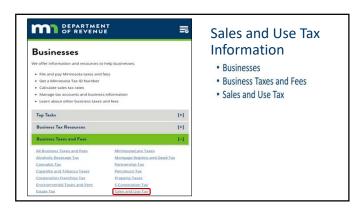
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# Taxable Sales Price Includes • Retail price of the product or service • All items required as a condition of the sale • Delivery or handling charges • Fabrication labor Installation charges Service charges • Taxes that are the obligation of the seller **Exempt Sales** • Cannabis sold on Tribally Regulated Land • Medical cannabis • Products sold for resale • Items shipped out of Minnesota • Food (grocery items) for human consumption · Clothing for general use • Prescription and over-the-counter drugs for humans • Publications sold by subscription **Exempt Purchases** • Inventory purchased for resale (Retailers and Wholesalers Publication) • Advertising materials shipped out-of-state (Advertising Publication) • Items consumed in performing a taxable service • Items used or consumed in agricultural production (Agricultural • Materials used or consumed in the manufacturing process

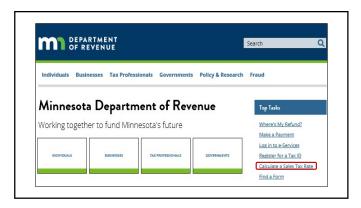
Taxable Purchases	<u> </u>
General items used in your business:	
Office supplies	
Retail equipment and supplies	
Taxable services	
Promotional Items	
• Utilities	
	-
Taxable Tracking Equipment	
Taxable purchases for mandated tracking production	
Plant Identification/Tracking Supplies	
• Scanners	
Software	
Authorized Exemption Certificates	
Form ST3, Certificate of Exemption	
Form F0003, Certificate of Exemption	
Uniform Sales and Use Tax Certificate	
• Other state's exemption certificates*	
Self-prepared exemption certificate *	-
*If all required elements are included	

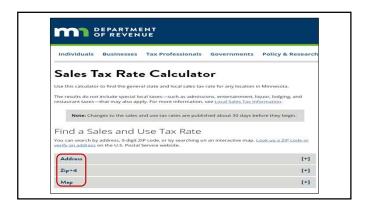
# Required Elements for Exemption Certificates • Purchaser's name and address Purchaser's Minnesota tax ID number • Purchaser's type of business Reason for exemption • Purchaser's signature (unless on-line order form or shopping cart) Other Fields on the Exemption Certificate M DEPARTMENT • One-time exemption on a Form ST3, Certificate of Exemption purchase Seller's name and address Purchaser's Responsibilities • Know if you qualify to claim an exemption • Complete an exemption certificate • Give it to the seller at the time of purchase • Pay any use tax, penalty, or interest if used incorrectly

# Seller's Responsibilities • Review all exemption certificates • Keep exemption certificates as part of your business records • Do not unlawfully solicit exemption certificates **Local Taxes** Local taxes are added to the state general sales tax rate to compute the total tax rate. • City tax County tax • Special local tax • Motor vehicle \$20 excise tax **Tools to Find Tax Rates** We offer a variety of tools including: • Sales Tax Rate Calculators • Sales Tax Rate Map • Sales Tax API (Application Program Interface) • Sales Tax Rate Spreadsheet • Local Sales Tax Rate Publication • Twin Cities Area Local Tax Rate Publication











## **Use Tax Basics**

- Applies to taxable purchases when sales tax was not charged
- Complements sales tax
- Self-assessed
- Paid directly to the state

# Use Tax Use tax is based on your purchase price of taxable items or services. This is true whether you: • Buy items without paying sales tax • Take items out of inventory 。 Use in your business 。 Donate to a charitable organization 。 Give away as promotional gifts • Buy items in another Minnesota city or county with a lower (or no) **Review Your Invoices** • Determine if items on the invoice are taxable • Look for taxable items purchased with an exemption certificate • Look for vendor changes • Watch for remote sellers that are not required to charge sales tax **Recording Use Tax** • Always self-assess the tax and remit it directly to the Department of Revenue • Never add use tax to a vendor payment • Record the amount of use tax accrued on the invoice

# Variable Rate Credit • Minnesota allows a credit for sales tax paid to another state • Must be legally due to the other state to receive credit Calculating Variable Rate 1. Calculate the applicable amount of tax due (variable rate X sales price). 2. Enter the amount as variable rate use tax on your sales and use tax return. Minnesota sales tax rate 6.875% Wisconsin state and local sales tax (5.500%) Variable rate tax due to Minnesota **Recordkeeping Basics** Use a record-keeping system that: • Incorporates Generally Accepted Accounting Principles (GAAP) • Tracks the data you need • Easy to maintain • Works for your business

# **Sales Documentation** You should retain sales documents that detail the following: • Date of the transaction • Description of the item(s) • Sales price • Where the sales was sourced • Any sales tax collected **Purchase Documentation** • Record this information: Date of purchase 。Invoice number 。 Vendor's name and description of item(s) 。 Taxable amount 。 Amount of state and local sales or use tax paid • Keep a copy of the backup documentation Fundamentals of a Recordkeeping System Make sure that you: • Record each transaction the same • Do not mix personal and business transactions • Do not mix business records, if you have more than one • Use the appropriate accounting method (cash or accrual)

# **Accounting Methods**

### Cash Basis

- Record income when you receive payment
- Report sales tax when you receive payment
- Report use tax when you pay the invoice

### Accrual Basis

- Record income when you make the sale
- Report sales tax when you make the sale
- Report use tax based on the invoice date

# Filing and Paying

# **@**·Services

You must do two things to avoid late filing and late payment penalties:

- 1. File your return by the due date.
- 2. Pay your sales and use tax liability on or before the due date.

# Filing Due Dates

Filing Frequency	Average Tax Liability	Due Date
Annual filers	Less than \$100 per month (less than \$1,200 per year)	February 5 of the following year
Quarterly filers	Less than \$500 per month (less than \$6,000 per year)	20th day of the month following the end of the quarter
Monthly filers	More than \$500 per month (more than \$6,000 per year)	20th day of the following month

# Cash Payment Waiver

- Most businesses are required to remit payment electronically
- Cannabis businesses unable to secure banking because of their involvement with cannabis may request a waiver to pay in cash (MN Stat. 289A.33)

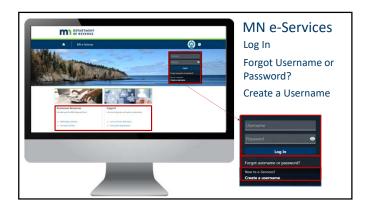
# Late Filing and Late Payment Penalties

Days Late	Late Filing Penalty	Late Payment Penalty
1-30 days	5 percent	5 percent
31-60 days	5 percent	10 percent
60+ days	5 percent	15 percent

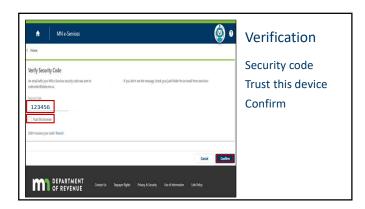


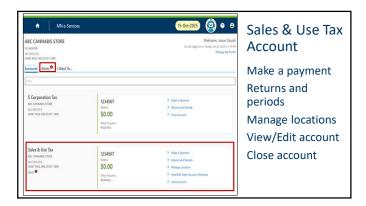
Cannabis Posting Process
If you:
Are subject to the cannabis gross receipts tax, AND
Owe one of the following tax types: Sales, Withholding, Corporate Income, S Corp, and Partnership minimum fees
income, 3 corp, and Partnership minimum rees
A Cannabis Posting Intent Letter will be issued
Cannabis Posting Process
Carriabis 1 Osting 1 rocess
10-day notice to pay in full
If the full payment is not received:
Posted on the Tax Delinquency list
Prevents the delivery of cannabis products from wholesale
distributors
Cannabic Posting Process
Cannabis Posting Process
To be removed from the Tax Delinquency list the business
must:
Call the Minnesota Department of Revenue at 651-556-6830
<ul> <li>Obtain the required payoff amount</li> <li>Pay in full with secured funds</li> </ul>
Pay in full with secured funds
Then the business may receive cannabis deliveries again
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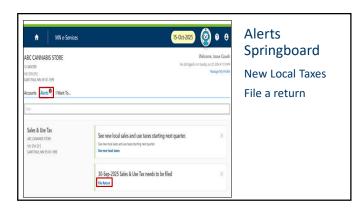


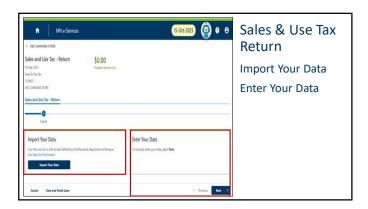




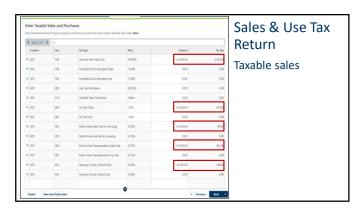


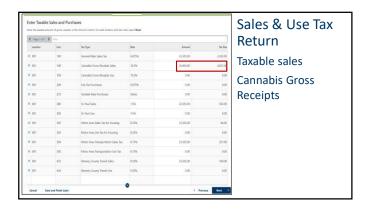


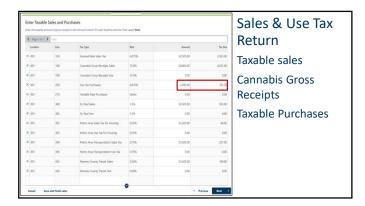


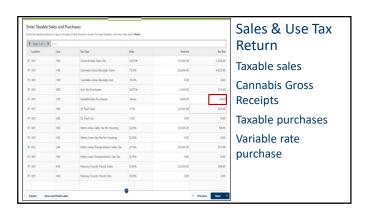


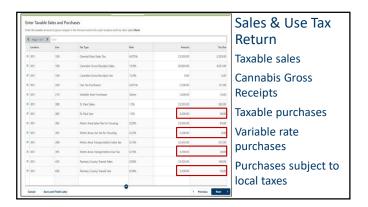


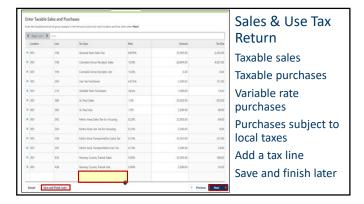




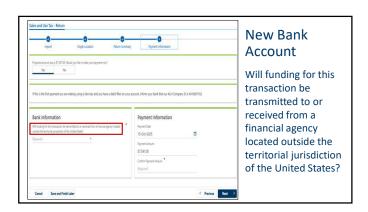


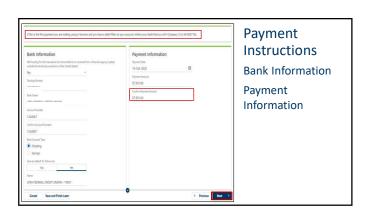


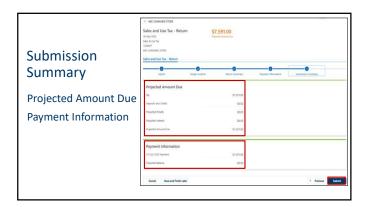


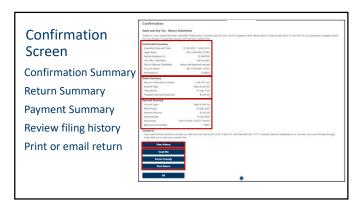


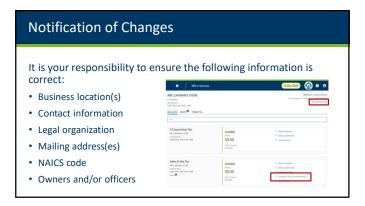












# **Amending Returns**

Common reasons for amending a return:

- Reported too much or not enough tax on your return
- Reported the tax on the wrong tax line
- Charged tax incorrectly to a customer and refunded the tax to the customer
- Received a completed exemption certificate from a customer for tax you paid and now refunded back to the customer

# Letters or Bills Did you receive a letter or a bill from us?



# Are you looking for additional resources? Visit our website at revenue.state.mn.us For Cannabis specific information: Cannabis Tax | Minnesota Department of Revenue (state.mn.us) Sales and Use Tax Contact Information Sales taxability questions Email: salesuse.tech@state.mn.us Sales and Use Tax account questions Email: <a href="mailto:salesuse.tax@state.mn.us">salesuse.tax@state.mn.us</a> ■ Telephone assistance Phone: 651-296-6181 or 1-800-657-3777 (toll free) Other Division Contact Information • Business Income Taxes 。 651-556-3075 。 Email: <u>businessincome.tax@state.mn.us</u> Withholding Tax 。 651-282-9999 or 1-800-657-3594 。 Email: withholding.tax@state.mn.us • Business Registration 。 651-282-5225 or 1-800-657-3605 Email: <u>Business.Registration@state.mn.us</u>

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# Sales and Use Tax Education Classes Cannabis related webinars: Sales and Use Tax for Cannabis Agricultural Production Sales and Use Tax for Cannabis Manufacturing Other helpful Webinars: Introduction to Sales and Uses Taxes Sales and Use Tax for Retailers Sales and Use Tax for e-Services

# During this class, we discussed ... The basic sales and use tax concepts for Minnesota and its local taxing jurisdictions How sales tax and cannabis tax applies to retail cannabis businesses The difference between taxable goods and those that are nontaxable or exempt How to use and when to accept an exemption certificate The documentation necessary for your records and returns e-Services and how to file a sales and use tax return Where to find information to help you answer your questions Thank you! Fermisson of the Minoscola Department of Revenue must be secured before enhibiting, reproducing, distributing or making any other use of any part of this presentation.

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