

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0897.04 Michael Dohr x4347

HOUSE BILL 13-1317

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Jahn and Baumgardner,

House Committees

State, Veterans, & Military Affairs
Finance
Appropriations

Senate Committees

Finance
Appropriations

SENATE
Amended 3rd Reading
May 8, 2013

A BILL FOR AN ACT

101 **CONCERNING THE RECOMMENDATIONS MADE IN THE PUBLIC PROCESS**
102 **FOR THE PURPOSE OF IMPLEMENTING RETAIL MARIJUANA**
103 **LEGALIZED BY SECTION 16 OF ARTICLE XVIII OF THE**
104 **COLORADO CONSTITUTION, AND, IN CONNECTION THEREWITH,**
105 **MAKING AN APPROPRIATION.**

SENATE
Amended 2nd Reading
May 7, 2013

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

HOUSE
3rd Reading Unamended
April 29, 2013

Sections 1 through 4. The bill converts the medical marijuana

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 27, 2013

enforcement division to the marijuana enforcement division and gives the division the authority to regulate medical marijuana and retail marijuana. The bill allows the division to receive moneys from the general fund. The bill deposits all of the application and licensing fees and sales, use, and special marijuana sales taxes from retail marijuana into a cash fund and permits supplementing the fund with moneys from the general fund to allow the division to operate. Once the division achieves a balance of cash funds sufficient to support the division, any excess revenue up to the amount of general fund moneys provided shall be transferred to the general fund. The bill sets the application fees for applicants who are current medical marijuana licensees or applicants at \$500 and at \$5,000 for new applicants. One half of the fee is transferred to the local jurisdiction. On September 30, 2014, and each year thereafter, the state licensing authority must provide a report to the joint budget committee and the finance committees regarding the amount of revenue generated by retail marijuana and its regulatory work.

The bill creates the regulatory framework for retail marijuana. The bill allows an existing medical marijuana licensee or an existing medical marijuana applicant the opportunity to apply for a retail marijuana license with the option of converting its operation to a retail marijuana business or retaining a medical marijuana business and adding a retail marijuana business. The bill places a 3-month moratorium on retail marijuana license applications from individuals who are not currently licensed for medical marijuana or an applicant for a medical marijuana license. The state licensing authority must act upon the applications no sooner than 45 days after receipt and no later than 90 days after receipt. The following businesses must be licensed to operate a retail marijuana business: retail marijuana stores, retail marijuana products manufacturers, retail marijuana cultivation facilities, and marijuana testing facilities. The bill allows the state licensing authority to issue a state license that is conditioned on the local jurisdiction's approval.

The bill requires the state licensing authority to promulgate rules as required by the constitution and authorizes the state licensing authority to promulgate other rules with the assistance of the department of public health and environment.

The bill describes persons who are prohibited from being licensees and requires license applicants to undergo a background check. The bill also limits the areas where a licensed operation may be located. The state licensing authority may set fees for the various types of licenses it issues. The bill requires all officers, managers, and employees of a retail marijuana business to be residents of Colorado. All owners must be residents of Colorado for at least 2 years prior to applying for licensure.

A licensed retail marijuana store and licensed retail marijuana products manufacturer may either grow its own marijuana or purchase it from a retail marijuana cultivation facility.

A retail marijuana store may only sell one-fourth of an ounce of marijuana to a nonresident during a single transaction. A retail marijuana store may not sell any retail marijuana product that contains nicotine or alcohol. A retail marijuana store must place each sold item in a sealed nontransparent container at the point of sale.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-201, **amend**
3 (1) and (2), as follows:

4 **12-43.3-201. State licensing authority - creation.** (1) For the
5 purpose of regulating and controlling the licensing of the cultivation,
6 manufacture, distribution, and sale of medical marijuana AND RETAIL
7 MARIJUANA in this state, there is hereby created the state licensing
8 authority, which shall be the executive director of the department of
9 revenue or the deputy director of the department of revenue if the
10 executive director so designates. THE STATE LICENSING AUTHORITY SHALL
11 ADOPT REGULATIONS REGARDING RETAIL MARIJUANA AND RETAIL
12 MARIJUANA PRODUCTS BY JULY 1, 2013.

13 (2) The executive director of the department of revenue shall be
14 the chief administrative officer of the state licensing authority and may
15 employ, pursuant to section 13 of article XII of the state constitution, such
16 officers and employees as may be determined to be necessary, which
17 officers and employees shall be part of the department of revenue. ~~The~~
18 ~~state licensing authority shall, at its discretion, based upon workload,~~
19 ~~employ no more than one full-time equivalent employee for each ten~~
20 ~~medical marijuana centers licensed by or making application with the~~
21 ~~authority. No moneys shall be appropriated to the state licensing authority~~
22 ~~from the general fund for the operation of this article, nor shall the state~~
23 ~~licensing authority expend any general fund moneys for the operation of~~

1 ~~this article.~~

2 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-501, **amend**
3 (1) as follows:

4 **12-43.3-501. Marijuana cash fund - repeal.** (1) (a) All moneys
5 collected by the state licensing authority pursuant to this article AND
6 ARTICLE 43.4 OF THIS TITLE shall be transmitted to the state treasurer, who
7 shall credit the same to the ~~medical~~ marijuana ~~license~~ cash fund, which
8 fund is hereby created and referred to in this section as the "fund". THE
9 FUND CONSISTS OF:

10 (I) The moneys in the fund COLLECTED BY THE STATE LICENSING
11 AUTHORITY;

12 (II) ANY APPLICABLE RETAIL MARIJUANA EXCISE TAX
13 TRANSFERRED PURSUANT TO SECTION 39-28.8-306 (1) (b), C.R.S.;

14 (III) ANY APPLICABLE RETAIL MARIJUANA SALES TAX
15 TRANSFERRED PURSUANT TO SECTION 39-28.8-203 (1) (b), C.R.S.;

16 (IV) ANY SALES TAX IMPOSED PURSUANT TO SECTION 39-26-106,
17 C.R.S., ON THE RETAIL SALE OF MARIJUANA OR MARIJUANA PRODUCTS
18 UNDER THIS ARTICLE AND ARTICLE 43.4 OF THIS TITLE; AND

19 (V) ANY ADDITIONAL GENERAL FUND MONEYS APPROPRIATED TO
20 THE FUND THAT ARE NECESSARY FOR THE OPERATION OF THE STATE
21 LICENSING AUTHORITY.

22 (b) MONEYS IN THE FUND shall be subject to annual appropriation
23 by the general assembly to:

24 (I) The department of revenue for the direct and indirect costs
25 associated with implementing this article article, 43.4 OF THIS TITLE, AND
26 ARTICLE 28.8 OF TITLE 39, C.R.S.;

27 (II) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF

1 PUBLIC SAFETY FOR THE STUDY OF MARIJUANA IMPLEMENTATION
2 PURSUANT TO SECTION 24-33.5-514, C.R.S.:

3 (III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR
4 THE MONITORING OF THE HEALTH EFFECTS OF MARIJUANA PURSUANT TO
5 SECTION 25-1.5-111, C.R.S.;

6 (IV) THE DEPARTMENT OF LAW FOR THE TRAINING DESCRIBED IN
7 SECTION 24-31-313, C.R.S.; AND

8 (V) THE GENERAL FUND TO REPAY TWO MILLION DOLLARS TO THE
9 GENERAL FUND FOR THE TRANSFERS REQUIRED BY SECTION 39-26-123 (6),
10 C.R.S.

11 (c) Any moneys in the fund not expended for the purposes of this
12 article THESE PURPOSES may be invested by the state treasurer as provided
13 by law. All interest and income derived from the investment and deposit
14 of moneys in the fund shall be credited to the fund. Any unexpended and
15 unencumbered moneys remaining in the fund at the end of a fiscal year
16 shall remain in the fund and shall not be credited or transferred to the
17 general fund or another fund. UPON A DETERMINATION BY THE GENERAL
18 ASSEMBLY THAT THE DEPARTMENT OF REVENUE HAS ESTABLISHED A
19 SUFFICIENT REVENUE STREAM TO FUND THE STATE LICENSING
20 AUTHORITY'S REGULATORY EFFORTS AND ALL OTHER PROGRAMS TO BE
21 FUNDED BY THE FUND, THE GENERAL ASSEMBLY SHALL DIRECT THE STATE
22 TREASURER TO TRANSFER ANY EXCESS BALANCE IN THE FUND TO THE
23 GENERAL FUND TO REPAY ANY APPROPRIATION MADE FROM THE GENERAL
24 FUND TO INITIALLY SUPPORT THE SPENDING AUTHORITY OF THE STATE
25 LICENSING AUTHORITY.

26 (d) (I) ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE
27 MEDICAL MARIJUANA CASH FUND AS OF JULY 1, 2013, IS APPROPRIATED TO

1 THE STATE LICENSING AUTHORITY FOR THE FISCAL YEAR 2013-2014.

2 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2014.

3 (e) ON JUNE 30, 2014, AND ON EACH JUNE 30 THEREAFTER, THE
4 STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS FROM THE
5 FUND TO THE GENERAL FUND.

6 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-501, **amend**
7 **as amended by Senate Bill 13-283** (1) as follows:

8 **12-43.3-501. Marijuana cash fund - repeal.** (1) (a) All moneys
9 collected by the state licensing authority pursuant to this article and article
10 43.4 of this title shall be transmitted to the state treasurer, who shall credit
11 the same to the marijuana cash fund, which fund is hereby created and
12 referred to in this section as the "fund". The fund consists of:

13 (I) The moneys ~~in the fund so~~ collected BY THE STATE LICENSING
14 AUTHORITY;

15 (II) Any APPLICABLE RETAIL MARIJUANA excise tax ~~or additional~~
16 sales tax imposed TRANSFERRED pursuant to ~~article 28.8 of title 39~~
17 SECTION 39-28.8-306 (1) (b), C.R.S.;

18 (III) Any ~~other~~ APPLICABLE RETAIL MARIJUANA sales tax
19 TRANSFERRED PURSUANT TO SECTION 39-28.8-203 (1) (b), C.R.S.;

20 (IV) ANY SALES TAX IMPOSED PURSUANT TO SECTION 39-26-106,
21 C.R.S., ON THE RETAIL SALE OF PRODUCTS UNDER THIS ARTICLE AND
22 ARTICLE 43.4 OF THIS TITLE; and

23 (V) Any additional general fund moneys appropriated to the fund
24 that are necessary for the operation of the state licensing authority.

25 (b) Moneys in the fund shall be subject to annual appropriation by
26 the general assembly to:

27 (I) The department of revenue for the direct and indirect costs

1 associated with implementing this article, and article 43.4 of this title,
2 AND ARTICLE 28.8 OF TITLE 39, C.R.S.:

3 (II) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
4 PUBLIC SAFETY FOR THE STUDY OF MARIJUANA IMPLEMENTATION
5 PURSUANT TO SECTION 24-33.5-514, C.R.S.:

6 (III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR
7 THE MONITORING OF THE HEALTH EFFECTS OF MARIJUANA PURSUANT TO
8 SECTION 25-1.5-111, C.R.S.:

9 (IV) THE DEPARTMENT OF LAW FOR THE TRAINING DESCRIBED IN
10 SECTION 24-31-313, C.R.S.; AND

11 (V) THE GENERAL FUND TO REPAY TWO MILLION DOLLARS TO THE
12 GENERAL FUND FOR THE TRANSFERS REQUIRED BY SECTION 39-26-123 (6),
13 C.R.S.


14 (c) Any moneys in the fund not expended for the purpose of this
15 article or article 43.4 of this title THESE PURPOSES may be invested by the
16 state treasurer as provided by law. All interest and income derived from
17 the investment and deposit of moneys in the fund shall be credited to the
18 fund. Any unexpended and unencumbered moneys remaining in the fund
19 at the end of a fiscal year shall remain in the fund and shall not be
20 credited or transferred to the general fund or another fund. Upon a
21 determination by the general assembly that the department of revenue has
22 established a sufficient revenue stream to fund the state licensing
23 authority's regulatory efforts and all other programs to be funded by the
24 fund, the general assembly shall direct the state treasurer to transfer any
25 excess balance in the fund to the general fund to repay any appropriation
26 made from the general fund to initially support the spending authority of
27 the state licensing authority.

1 EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE PROTECTION OF
2 THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH, PEACE, AND
3 MORALS OF THE PEOPLE OF THIS STATE.

4 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS
5 UNLAWFUL UNDER STATE LAW TO CULTIVATE, MANUFACTURE,
6 DISTRIBUTE, OR SELL RETAIL MARIJUANA AND RETAIL MARIJUANA
7 PRODUCTS, EXCEPT IN COMPLIANCE WITH THE TERMS, CONDITIONS,
8 LIMITATIONS, AND RESTRICTIONS IN SECTION 16 OF ARTICLE XVIII OF THE
9 STATE CONSTITUTION AND THIS ARTICLE.

10 **12-43.4-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
13 THE DEPARTMENT OF REVENUE.

14 
15 (2) "IMMATURE PLANT" MEANS A NONFLOWERING MARIJUANA
16 PLANT THAT IS NO TALLER THAN EIGHT INCHES AND NO WIDER THAN EIGHT
17 INCHES IS PRODUCED FROM A CUTTING, CLIPPING, OR SEEDLING, AND IS IN
18 A CULTIVATING CONTAINER.

19 (3) "LICENSE" MEANS TO GRANT A LICENSE OR REGISTRATION
20 PURSUANT TO THIS ARTICLE.

21 (4) "LICENSED PREMISES" MEANS THE PREMISES SPECIFIED IN AN
22 APPLICATION FOR A LICENSE UNDER THIS ARTICLE, WHICH ARE OWNED OR
23 IN POSSESSION OF THE LICENSEE AND WITHIN WHICH THE LICENSEE IS
24 AUTHORIZED TO CULTIVATE, MANUFACTURE, DISTRIBUTE, SELL, OR TEST
25 RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS IN ACCORDANCE
26 WITH THIS ARTICLE.

27 (5) "LICENSEE" MEANS A PERSON LICENSED OR REGISTERED

1 PURSUANT TO THIS ARTICLE.

2 (6) "LOCAL JURISDICTION" MEANS A LOCALITY AS DEFINED IN
3 SECTION 16 (2) (e) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

4 (7) "LOCAL LICENSING AUTHORITY" MEANS, FOR ANY LOCAL
5 JURISDICTION THAT HAS CHOSEN TO ADOPT A LOCAL LICENSING
6 REQUIREMENT IN ADDITION TO THE STATE LICENSING REQUIREMENTS OF
7 THIS ARTICLE, AN AUTHORITY DESIGNATED BY MUNICIPAL, COUNTY, OR
8 CITY AND COUNTY CHARTER, ORDINANCE, OR RESOLUTION, OR THE
9 GOVERNING BODY OF A MUNICIPALITY OR CITY AND COUNTY, OR THE
10 BOARD OF COUNTY COMMISSIONERS OF A COUNTY IF NO SUCH AUTHORITY
11 IS DESIGNATED.

12 (8) "LOCATION" MEANS A PARTICULAR PARCEL OF LAND THAT MAY
13 BE IDENTIFIED BY AN ADDRESS OR OTHER DESCRIPTIVE MEANS.

14 (9) "MARIJUANA ACCESSORIES" HAS THE SAME MEANING AS
15 DEFINED IN SECTION 16 (2) (g) OF ARTICLE XVIII OF THE STATE
16 CONSTITUTION.

17

18 (10) "MOBILE DISTRIBUTION CENTER" MEANS ANY VEHICLE OTHER
19 THAN A COMMON PASSENGER LIGHT-DUTY VEHICLE WITH A SHORT WHEEL
20 BASE USED TO CARRY A QUANTITY OF MARIJUANA GREATER THAN ONE
21 OUNCE.

22 (11) "OPERATING FEES", AS REFERRED TO IN SECTION 16 (5) (f) OF
23 ARTICLE XVIII OF THE STATE CONSTITUTION, MEANS FEES THAT MAY BE
24 CHARGED BY A LOCAL JURISDICTION FOR COSTS, INCLUDING BUT NOT
25 LIMITED TO INSPECTION, ADMINISTRATION, AND ENFORCEMENT OF RETAIL
26 MARIJUANA ESTABLISHMENTS AUTHORIZED PURSUANT TO THIS ARTICLE.

27 (12) "OWNER" MEANS ANY PERSON HAVING A BENEFICIAL

1 INTEREST, AS DEFINED BY THE STATE LICENSING AUTHORITY, IN A RETAIL
2 MARIJUANA ESTABLISHMENT.

3 (13) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,
4 ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, OR
5 ORGANIZATION; EXCEPT THAT "PERSON" DOES NOT INCLUDE ANY
6 GOVERNMENTAL ORGANIZATION.

7 (14) "PREMISES" MEANS A DISTINCTLY IDENTIFIED AS REQUIRED BY
8 THE STATE LICENSING AUTHORITY AND DEFINITE LOCATION, WHICH MAY
9 INCLUDE A BUILDING, A PART OF A BUILDING, A ROOM, OR ANY OTHER
10 DEFINITE CONTIGUOUS AREA.

11 (15) "RETAIL MARIJUANA" MEANS "MARIJUANA" OR "MARIHUANA"
12 AS DEFINED IN SECTION 16 (2) (f) OF ARTICLE XVIII OF THE STATE
13 CONSTITUTION, THAT IS CULTIVATED, MANUFACTURED, DISTRIBUTED, OR
14 SOLD BY A LICENSED RETAIL MARIJUANA ESTABLISHMENT.

15 (16) "RETAIL MARIJUANA CULTIVATION FACILITY" HAS THE SAME
16 MEANING AS "MARIJUANA CULTIVATION FACILITY" AS DEFINED IN SECTION
17 16 (2) (h) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

18 (17) "RETAIL MARIJUANA ESTABLISHMENT" MEANS A RETAIL
19 MARIJUANA STORE, A RETAIL MARIJUANA CULTIVATION FACILITY, A
20 RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR A RETAIL MARIJUANA
21 TESTING FACILITY.

22 (18) "RETAIL MARIJUANA PRODUCTS" MEANS "MARIJUANA
23 PRODUCTS AS DEFINED IN SECTION 16 (2) (k) OF ARTICLE XVIII OF THE
24 STATE CONSTITUTION THAT ARE PRODUCED AT A RETAIL MARIJUANA
25 PRODUCTS MANUFACTURER.

26 (19) "RETAIL MARIJUANA PRODUCTS MANUFACTURER" HAS THE
27 SAME MEANING AS "MARIJUANA PRODUCT MANUFACTURING FACILITY" AS

1 DEFINED IN SECTION 16 (2) (j) OF ARTICLE XVIII OF THE STATE
2 CONSTITUTION.

3 (20) "RETAIL MARIJUANA STORE" HAS THE SAME MEANING AS
4 DEFINED IN SECTION 16 (2) (n) OF ARTICLE XVIII OF THE STATE
5 CONSTITUTION.

6 (21) "RETAIL MARIJUANA TESTING FACILITY" MEANS _____
7 "MARIJUANA TESTING FACILITY" AS DEFINED IN SECTION 16 (2) (l) OF
8 ARTICLE XVIII OF THE STATE CONSTITUTION THAT IS LICENSED PURSUANT
9 TO THIS ARTICLE.

10 (22) "SALE" OR "SELL" INCLUDES TO EXCHANGE, BARTER, OR
11 TRAFFIC IN, TO SOLICIT OR RECEIVE AND ORDER EXCEPT THROUGH A
12 LICENSEE LICENSED UNDER THIS ARTICLE, TO DELIVER FOR VALUE IN ANY
13 WAY OTHER THAN GRATUITOUSLY, TO PEDDLE OR POSSESS WITH INTENT
14 TO SELL, OR TO TRAFFIC IN FOR ANY CONSIDERATION PROMISED OR
15 OBTAINED DIRECTLY OR INDIRECTLY.

16 (23) "SCHOOL" MEANS A PUBLIC OR PRIVATE PRESCHOOL OR A
17 PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, HIGH SCHOOL, OR
18 INSTITUTE OF HIGHER EDUCATION.

19 (24) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY
20 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE
21 LICENSING OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, SALE,
22 AND TESTING OF RETAIL MARIJUANA IN THIS STATE, PURSUANT TO SECTION
23 12-43.4-201.

24 **12-43.4-104. Applicability - retail marijuana - repeal.**

25 (1) (a) (I) ON OR AFTER OCTOBER 1, 2013, A PERSON, WHO IS OPERATING
26 IN GOOD STANDING A LICENSED MEDICAL MARIJUANA CENTER, AN
27 OPTIONAL PREMISES CULTIVATION LICENSE, OR A LICENSED MEDICAL

1 MARIJUANA-INFUSED PRODUCTS BUSINESS OR A PERSON WHO HAD A
2 PENDING APPLICATION WITH THE STATE LICENSING AUTHORITY PRIOR TO
3 DECEMBER 10, 2012, HAS PAID ALL APPLICABLE LICENSING FEES, AND HAS
4 NOT YET HAD THAT APPLICATION APPROVED, MAY APPLY FOR A RETAIL
5 MARIJUANA ESTABLISHMENT LICENSE UNDER THIS ARTICLE.

6 (II) AN APPLICANT PURSUANT TO THIS PARAGRAPH (a) SHALL
7 INDICATE WHETHER HE OR SHE WANTS TO SURRENDER THE CURRENT
8 MEDICAL MARIJUANA LICENSE ISSUED PURSUANT TO PART 4 OF ARTICLE
9 43.3 OF THIS TITLE, OR INTENDS TO RETAIN THE LICENSE IN ADDITION TO
10 THE RETAIL MARIJUANA ESTABLISHMENT LICENSE.

11 (III) IF THE APPLICANT INDICATES A DESIRE TO SURRENDER THE
12 MEDICAL MARIJUANA LICENSE, THE APPLICANT SHALL CONTINUE TO
13 OPERATE UNDER THAT LICENSE SO LONG AS THE LICENSE REMAINS IN
14 EFFECT UNTIL A RETAIL MARIJUANA ESTABLISHMENT LICENSE IS
15 APPROVED. IF THE RETAIL MARIJUANA ESTABLISHMENT LICENSE IS
16 GRANTED, THE APPLICANT SHALL HAVE FOURTEEN DAYS FROM THE
17 EFFECTIVE DATE OF THE LICENSE TO SURRENDER THE MEDICAL MARIJUANA
18 LICENSE TO THE STATE LICENSING AUTHORITY. IF THE RETAIL MARIJUANA
19 LICENSE IS GRANTED, ON THE EFFECTIVE DATE OF THE LICENSE ALL
20 MEDICAL MARIJUANA PLANTS AND INVENTORY SHALL BECOME RETAIL
21 MARIJUANA PLANTS AND INVENTORY ON THE DATE OF THE RETAIL
22 MARIJUANA ESTABLISHMENT LICENSE.

23 (IV) AN APPLICANT PURSUANT TO THIS PARAGRAPH (a) MAY APPLY
24 FOR A RETAIL MARIJUANA ESTABLISHMENT LICENSE AND RETAIN THE
25 MEDICAL MARIJUANA LICENSE. THE APPLICANT MAY APPLY TO HAVE THE
26 MEDICAL MARIJUANA LICENSED OPERATION AND THE RETAIL MARIJUANA
27 ESTABLISHMENT AT THE SAME LOCATION ONLY IF THE LOCAL JURISDICTION

1 PERMITS THE MEDICAL MARIJUANA LICENSED OPERATION AND THE RETAIL
2 MARIJUANA ESTABLISHMENT TO BE OPERATED AT THE SAME LOCATION. AT
3 THE TIME THAT THE RETAIL MARIJUANA ESTABLISHMENT LICENSE
4 BECOMES EFFECTIVE, THE APPLICANT SHALL IDENTIFY THE MEDICAL
5 MARIJUANA INVENTORY THAT WILL BECOME RETAIL MARIJUANA
6 INVENTORY.

7 (V) AN APPLICANT PURSUANT TO THIS PARAGRAPH (a) WHO
8 RETAINS A MEDICAL MARIJUANA LICENSE AND OBTAINS A RETAIL
9 MARIJUANA ESTABLISHMENT LICENSE FOR THE TWO LICENSED PREMISES
10 MUST MAINTAIN ACTUAL PHYSICAL SEPARATION BETWEEN THE TWO OR
11 ONLY SELL MEDICAL MARIJUANA TO PERSONS TWENTY-ONE YEARS OF AGE
12 OR OLDER.

13 (VI) (A) NO RETAIL MARIJUANA LICENSE SHALL BE EFFECTIVE
14 UNTIL JANUARY 1, 2014. NOTWITHSTANDING THE PROVISIONS OF
15 SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), AN APPLICANT MAY
16 CONTINUE TO OPERATE UNDER THE MEDICAL MARIJUANA LICENSE AND ALL
17 PLANTS AND INVENTORY REMAIN MEDICAL MARIJUANA UNTIL THAT DATE.

18 (B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,
19 2014.

20 (b) (I) (A) AFTER JANUARY 1, 2014, PERSONS WHO DID NOT MEET
21 REQUIREMENTS OF SUBSECTION (I) OF PARAGRAPH (a) OF THIS SUBSECTION
22 (1) MAY SUBMIT NOTICE OF INTENT TO APPLY FOR LICENSURE PURSUANT
23 TO THIS ARTICLE. THE STATE LICENSING AUTHORITY SHALL ESTABLISH A
24 FORM FOR THE NOTICE AND MAY COLLECT A NOTICE FEE THAT SHALL BE
25 APPLIED TO THE AMOUNT OF THE APPLICATION FEE. THE STATE LICENSING
26 AUTHORITY SHALL FORWARD TO THE LOCAL JURISDICTION THE NOTICE OF
27 INTENT TO APPLY AND ONE-HALF OF THE NOTICE FEE UNLESS THE LOCAL

1 JURISDICTION HAS PROHIBITED THE OPERATION OF RETAIL MARIJUANA
2 ESTABLISHMENTS PURSUANT TO SECTION 16 (5) (f) OF ARTICLE XVIII OF
3 THE STATE CONSTITUTION.

4 (B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2015.

5 (II) ON AND AFTER JULY 1, 2014, PERSONS WHO DID NOT MEET THE
6 REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS
7 SUBSECTION (1) MAY APPLY FOR LICENSURE PURSUANT TO THIS ARTICLE.

8 A LICENSE ISSUED TO A PERSON PURSUANT TO THIS SUBPARAGRAPH (II) IS
9 NOT EFFECTIVE UNTIL OCTOBER 1, 2014.

10 (c) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (a)
11 AND (b) OF THIS SUBSECTION (1), ON OR AFTER OCTOBER 1, 2013, A
12 PERSON MAY APPLY FOR A RETAIL MARIJUANA TESTING FACILITY LICENSE.

13 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2015.

14 (2) (a) A PERSON APPLYING PURSUANT TO SUBSECTION (1) OF THIS
15 SECTION SHALL COMPLETE FORMS AS PROVIDED BY THE STATE LICENSING
16 AUTHORITY AND SHALL PAY THE APPLICATION FEE AND THE LICENSING
17 FEE, WHICH SHALL BE CREDITED TO THE MARIJUANA CASH FUND
18 ESTABLISHED PURSUANT TO SECTION 12-43.4-501. THE STATE LICENSING
19 AUTHORITY SHALL WITHIN SEVEN DAYS FORWARD ONE-HALF OF THE
20 LICENSE APPLICATION FEE TO THE LOCAL JURISDICTION UNLESS THE LOCAL
21 JURISDICTION HAS PROHIBITED THE OPERATION OF RETAIL MARIJUANA
22 ESTABLISHMENTS PURSUANT TO SECTION 16 (5) (f) OF ARTICLE XVIII OF
23 THE STATE CONSTITUTION. IF THE LICENSE IS DENIED, THE STATE
24 LICENSING AUTHORITY SHALL REFUND THE LICENSING FEE TO THE
25 APPLICANT.

26 (b) (I) THE STATE LICENSING AUTHORITY SHALL ACT UPON AN
27 APPLICATION MADE PURSUANT TO THIS SUBSECTION (1) NO SOONER THAN

1 FORTY-FIVE DAYS AND NO LATER THAN NINETY DAYS AFTER THE DATE OF
2 THE APPLICATION. THE STATE LICENSING AUTHORITY SHALL PROCESS
3 APPLICATIONS IN THE ORDER IN WHICH COMPLETE APPLICATIONS ARE
4 RECEIVED BY THE STATE LICENSING AUTHORITY.

5 (II) (A) THE STATE LICENSING AUTHORITY SHALL PROVIDE
6 PREFERENCE TO APPLICANTS WHO SUBMITTED A NOTICE OF INTENT TO
7 APPLY PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (b) OF
8 SUBSECTION (1) OF THIS SECTION.

9 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
10 2015.

11

12 (3) AS PROVIDED IN SECTION 16 (5) (f) OF ARTICLE XVIII OF THE
13 STATE CONSTITUTION, ANY LOCAL JURISDICTION MAY ENACT ORDINANCES
14 OR REGULATIONS GOVERNING THE TIME, PLACE, MANNER, AND NUMBER OF
15 RETAIL MARIJUANA ESTABLISHMENTS, WHICH MAY INCLUDE A LOCAL
16 LICENSING REQUIREMENT, OR MAY PROHIBIT THE OPERATION OF RETAIL
17 MARIJUANA ESTABLISHMENTS THROUGH THE ENACTMENT OF AN
18 ORDINANCE OR THROUGH A REFERRED OR INITIATED MEASURE.

19 (4) THIS ARTICLE SETS FORTH THE EXCLUSIVE MEANS BY WHICH
20 CULTIVATION, MANUFACTURE, SALE, DISTRIBUTION, DISPENSING, AND
21 TESTING OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS MAY
22 OCCUR IN THE STATE OF COLORADO.

23 (5) (a) NOTHING IN THIS ARTICLE IS INTENDED TO REQUIRE AN
24 EMPLOYER TO PERMIT OR ACCOMMODATE THE USE, CONSUMPTION,
25 POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, SALE, OR
26 CULTIVATING OF MARIJUANA IN THE WORKPLACE OR TO AFFECT THE
27 ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE USE OF

1 MARIJUANA BY EMPLOYEES.

2 (b) NOTHING IN THIS ARTICLE PROHIBITS A PERSON, EMPLOYER,
3 SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION, OR ANY OTHER
4 ENTITY WHO OCCUPIES, OWNS, OR CONTROLS A PROPERTY FROM
5 PROHIBITING OR OTHERWISE REGULATING THE POSSESSION, CONSUMPTION,
6 USE, DISPLAY, TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION, OR
7 CULTIVATING OF MARIJUANA ON OR IN THAT PROPERTY.

8 (6) ON OR BEFORE APRIL 1, 2014, AND ON OR BEFORE APRIL 1
9 EACH YEAR THEREAFTER, THE STATE LICENSING AUTHORITY SHALL SUBMIT
10 A REPORT TO THE JOINT BUDGET COMMITTEE AND THE FINANCE
11 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY
12 SUCCESSOR COMMITTEES, ON:

13 (a) THE PROGRESS THAT THE STATE LICENSING AUTHORITY IS
14 MAKING IN PROCESSING LICENSES;

15 (b) AN OVERVIEW OF THE RETAIL MARIJUANA AND RETAIL
16 MARIJUANA PRODUCTS MARKETS, INCLUDING BUT NOT LIMITED TO ACTUAL
17 AND ANTICIPATED MARKET DEMAND AND MARKET SUPPLY;

18 (c) DETAILING THE AMOUNT OF REVENUE GENERATED BY MEDICAL
19 AND RETAIL MARIJUANA, INCLUDING APPLICABLE EXCISE TAXES, SALES
20 TAXES, APPLICATION AND LICENSE FEES, AND ANY OTHER FEES, AND
21 DETAILING THE EXPENSES INCURRED BY THE STATE LICENSING AUTHORITY,
22 BROKEN DOWN INTO CATEGORIES AS DETERMINED BY THE AUTHORITY;

23 (d) THE NUMBER OF APPLICATIONS FOR CONVERSION FROM
24 MEDICAL MARIJUANA LICENSEES TO RETAIL MARIJUANA ESTABLISHMENTS;

25 (e) THE NUMBER OF PERSONS WHO HAVE FILED A NOTICE OF INTENT
26 TO APPLY FOR LICENSURE PURSUANT TO SUBPARAGRAPH (I) OF
27 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; AND

1 (f) THE ENFORCEMENT MEASURES TAKEN AGAINST PERSONS
2 LICENSED PURSUANT TO THIS ARTICLE FOR VIOLATION OF REGULATIONS
3 PROMULGATED PURSUANT TO THIS ARTICLE.

4 **12-43.4-105. Limited access areas.** SUBJECT TO THE PROVISIONS
5 OF SECTION 12-43.4-701, A LIMITED ACCESS AREA SHALL BE A BUILDING,
6 ROOM, OR OTHER CONTIGUOUS AREA UPON THE LICENSED PREMISES
7 WHERE RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ARE
8 CULTIVATED, STORED, WEIGHED, PACKAGED, OR TESTED, UNDER CONTROL
9 OF THE LICENSEE, WITH LIMITED ACCESS TO ONLY THOSE PERSONS
10 LICENSED BY THE STATE LICENSING AUTHORITY. ALL AREAS OF INGRESS
11 OR EGRESS TO LIMITED ACCESS AREAS SHALL BE CLEARLY IDENTIFIED AS
12 SUCH BY A SIGN AS DESIGNATED BY THE STATE LICENSING AUTHORITY.

13 PART 2

14 STATE LICENSING AUTHORITY

15 **12-43.4-201. State licensing authority.** FOR THE PURPOSE OF
16 REGULATING AND CONTROLLING THE LICENSING OF THE CULTIVATION,
17 MANUFACTURE, DISTRIBUTION, SALE, AND TESTING OF RETAIL MARIJUANA
18 AND RETAIL MARIJUANA PRODUCTS IN THIS STATE, THE STATE LICENSING
19 AUTHORITY CREATED IN SECTION 12-43.3-201, SHALL ALSO HAVE
20 REGULATORY AUTHORITY FOR RETAIL MARIJUANA AND RETAIL MARIJUANA
21 PRODUCTS AS PERMITTED IN SECTION 16 OF ARTICLE XVIII OF THE STATE
22 CONSTITUTION AND THIS ARTICLE.

23 **12-43.4-202. Powers and duties of state licensing authority.**
24 (1) THE STATE LICENSING AUTHORITY SHALL DEVELOP AND MAINTAIN A
25 SEED-TO-SALE TRACKING SYSTEM, THAT TRACKS RETAIL MARIJUANA FROM
26 EITHER SEED OR IMMATURE PLANT STAGE UNTIL THE MARIJUANA OR
27 RETAIL MARIJUANA PRODUCT IS SOLD TO A CUSTOMER AT A RETAIL

1 MARIJUANA STORE, TO ENSURE THAT NO MARIJUANA GROWN OR
2 PROCESSED BY A RETAIL MARIJUANA ESTABLISHMENT IS SOLD OR
3 OTHERWISE TRANSFERRED EXCEPT BY A RETAIL MARIJUANA STORE.

4 (2) THE STATE LICENSING AUTHORITY HAS THE AUTHORITY TO:

5 (a) GRANT OR REFUSE STATE LICENSES FOR THE CULTIVATION,
6 MANUFACTURE, DISTRIBUTION, SALE, AND TESTING OF RETAIL MARIJUANA
7 AND RETAIL MARIJUANA PRODUCTS AS PROVIDED BY LAW; SUSPEND, FINE,
8 RESTRICT, OR REVOKE SUCH LICENSES UPON A VIOLATION OF THIS ARTICLE,
9 OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE; AND IMPOSE
10 ANY PENALTY AUTHORIZED BY THIS ARTICLE OR ANY RULE PROMULGATED
11 PURSUANT TO THIS ARTICLE. THE STATE LICENSING AUTHORITY MAY TAKE
12 ANY ACTION WITH RESPECT TO A REGISTRATION PURSUANT TO THIS
13 ARTICLE AS IT MAY WITH RESPECT TO A LICENSE PURSUANT TO THIS
14 ARTICLE, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT
15 TO THIS ARTICLE.

16 (b) PROMULGATE ON OR BEFORE JULY 1, 2013, RULES FOR THE
17 PROPER REGULATION AND CONTROL OF THE CULTIVATION, MANUFACTURE,
18 DISTRIBUTION, SALE, AND TESTING OF RETAIL MARIJUANA AND RETAIL
19 MARIJUANA PRODUCTS AND FOR THE ENFORCEMENT OF THIS ARTICLE; AND
20 PROMULGATE AMENDED RULES AND SUCH SPECIAL RULINGS AND FINDINGS
21 AS NECESSARY;

22 (c) HEAR AND DETERMINE AT A PUBLIC HEARING ANY CONTESTED
23 STATE LICENSE DENIAL AND ANY COMPLAINTS AGAINST A LICENSEE AND
24 ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF
25 PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS
26 NECESSARY TO THE DETERMINATION OF ANY HEARING SO HELD, ALL IN
27 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. THE STATE LICENSING

1 AUTHORITY MAY, AT ITS DISCRETION, DELEGATE TO THE DEPARTMENT OF
2 REVENUE HEARING OFFICERS THE AUTHORITY TO CONDUCT LICENSING,
3 DISCIPLINARY, AND RULE-MAKING HEARINGS. WHEN CONDUCTING SUCH
4 HEARINGS, THE HEARING OFFICERS ARE EMPLOYEES OF THE STATE
5 LICENSING AUTHORITY UNDER THE DIRECTION AND SUPERVISION OF THE
6 EXECUTIVE DIRECTOR AND THE STATE LICENSING AUTHORITY.

7 (d) MAINTAIN THE CONFIDENTIALITY OF REPORTS OR OTHER
8 INFORMATION OBTAINED FROM A LICENSEE SHOWING THE SALES VOLUME
9 OR QUANTITY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS
10 SOLD, OR REVEALING ANY CUSTOMER INFORMATION, OR ANY OTHER
11 RECORDS THAT ARE EXEMPT FROM PUBLIC INSPECTION PURSUANT TO
12 STATE LAW. SUCH REPORTS OR OTHER INFORMATION MAY BE USED ONLY
13 FOR A PURPOSE AUTHORIZED BY THIS ARTICLE OR FOR ANY OTHER STATE
14 OR LOCAL LAW ENFORCEMENT PURPOSE. ANY CUSTOMER INFORMATION
15 MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE.

16 (e) DEVELOP SUCH FORMS, LICENSES, IDENTIFICATION CARDS, AND
17 APPLICATIONS AS ARE NECESSARY OR CONVENIENT IN THE DISCRETION OF
18 THE STATE LICENSING AUTHORITY FOR THE ADMINISTRATION OF THIS
19 ARTICLE OR ANY OF THE RULES PROMULGATED UNDER THIS ARTICLE; AND

20 (f) PREPARE AND TRANSMIT ANNUALLY, IN THE FORM AND
21 MANNER PRESCRIBED BY THE HEADS OF THE PRINCIPAL DEPARTMENTS
22 PURSUANT TO SECTION 24-1-136, C.R.S., A REPORT ACCOUNTING TO THE
23 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES
24 ASSIGNED BY LAW OR DIRECTIVE TO THE STATE LICENSING AUTHORITY.

25 (3) (a) RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF
26 SUBSECTION (2) OF THIS SECTION MUST INCLUDE, BUT NEED NOT BE
27 LIMITED TO, THE FOLLOWING SUBJECTS:

1 (I) PROCEDURES CONSISTENT WITH THIS ARTICLE FOR THE
2 ISSUANCE, RENEWAL, SUSPENSION, AND REVOCATION OF LICENSES TO
3 OPERATE RETAIL MARIJUANA ESTABLISHMENTS;

4 (II) SUBJECT TO THE LIMITATIONS CONTAINED IN SECTION 16 (5)
5 (a) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION AND CONSISTENT
6 WITH THIS ARTICLE, A SCHEDULE OF APPLICATION, LICENSING, AND
7 RENEWAL FEES FOR RETAIL MARIJUANA ESTABLISHMENTS;

8 (III) QUALIFICATIONS FOR LICENSURE UNDER THIS ARTICLE,
9 INCLUDING BUT NOT LIMITED TO THE REQUIREMENT FOR A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK FOR ALL OWNERS,
11 OFFICERS, MANAGERS, CONTRACTORS, EMPLOYEES, AND OTHER SUPPORT
12 STAFF OF ENTITIES LICENSED PURSUANT TO THIS ARTICLE;

13 (IV) (A) ESTABLISHING A MARIJUANA AND MARIJUANA PRODUCTS
14 INDEPENDENT TESTING AND CERTIFICATION PROGRAM, WITHIN AN
15 IMPLEMENTATION TIME FRAME ESTABLISHED BY THE DEPARTMENT,
16 REQUIRING LICENSEES TO TEST MARIJUANA TO ENSURE AT A MINIMUM
17 THAT PRODUCTS SOLD FOR HUMAN CONSUMPTION DO NOT CONTAIN
18 CONTAMINANTS THAT ARE INJURIOUS TO HEALTH AND TO ENSURE
19 CORRECT LABELING.

20 (B) TESTING SHALL INCLUDE, BUT NOT BE LIMITED TO, ANALYSIS
21 FOR RESIDUAL SOLVENTS, POISONS, OR TOXINS; HARMFUL CHEMICALS;
22 DANGEROUS MOLDS OR MILDEW; FILTH; AND HARMFUL MICROBIALS SUCH
23 AS E. COLI OR SALMONELLA AND PESTICIDES.

24 (C) IN THE EVENT THAT TEST RESULTS INDICATE THE PRESENCE OF
25 QUANTITIES OF ANY SUBSTANCE DETERMINED TO BE INJURIOUS TO
26 HEALTH, SUCH PRODUCTS SHALL BE IMMEDIATELY QUARANTINED AND
27 IMMEDIATE NOTIFICATION TO THE MARIJUANA ENFORCEMENT DIVISION

1 SHALL BE MADE. THE ADULTERATED PRODUCT SHALL BE DOCUMENTED
2 AND PROPERLY DESTROYED.

3 (D) TESTING SHALL ALSO VERIFY THC POTENCY
4 REPRESENTATIONS FOR CORRECT LABELING.

5 (E) THE AGENCY SHALL DETERMINE AN ACCEPTABLE VARIANCE
6 FOR POTENCY REPRESENTATIONS AND PROCEDURES TO ADDRESS POTENCY
7 MISREPRESENTATIONS.

8 (F) THE AGENCY SHALL DETERMINE THE PROTOCOLS AND
9 FREQUENCY OF MARIJUANA TESTING BY LICENSEES.

10 (G) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
11 HEALTH AND ENVIRONMENT SHALL PROVIDE TO THE STATE LICENSING
12 AUTHORITY STANDARDS FOR LICENSING LABORATORIES PURSUANT TO THE
13 REQUIREMENTS AS OUTLINED IN SUB-SUBPARAGRAPH (A) OF THIS
14 SUBPARAGRAPH (IV) FOR MARIJUANA AND MARIJUANA PRODUCTS.

15 (V) SECURITY REQUIREMENTS FOR ANY PREMISES LICENSED
16 PURSUANT TO THIS ARTICLE, INCLUDING, AT A MINIMUM, LIGHTING,
17 PHYSICAL SECURITY, VIDEO, AND ALARM REQUIREMENTS, AND OTHER
18 MINIMUM PROCEDURES FOR INTERNAL CONTROL AS DEEMED NECESSARY
19 BY THE STATE LICENSING AUTHORITY TO PROPERLY ADMINISTER AND
20 ENFORCE THE PROVISIONS OF THIS ARTICLE, INCLUDING REPORTING
21 REQUIREMENTS FOR CHANGES, ALTERATIONS, OR MODIFICATIONS TO THE
22 PREMISES;

23 (VI) REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF
24 RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS TO PERSONS
25 UNDER TWENTY-ONE YEARS OF AGE;

26 (VII) LABELING REQUIREMENTS FOR RETAIL MARIJUANA AND
27 RETAIL MARIJUANA PRODUCTS SOLD BY A RETAIL MARIJUANA

1 ESTABLISHMENT THAT ARE AT LEAST AS STRINGENT AS IMPOSED BY
2 SECTION 25-4-1614 (3) (a), C.R.S., AND INCLUDE BUT ARE NOT LIMITED
3 TO:

4 (A) THE LICENSE NUMBER OF THE RETAIL MARIJUANA
5 CULTIVATION LICENSE;

6 (B) THE LICENSE NUMBER OF THE RETAIL MARIJUANA STORE;

7 (C) AN IDENTITY STATEMENT AND STANDARDIZED GRAPHIC
8 SYMBOL;

9 (D) THE BATCH NUMBER;

10 (E) A NET WEIGHT STATEMENT;

11 (F) THC POTENCY AND THE POTENCY OF SUCH OTHER
12 CANNABANOIDS OR OTHER CHEMICALS, INCLUDING BUT NOT LIMITED TO
13 CBD, AS DETERMINED RELEVANT BY THE STATE LICENSING AUTHORITY;

14 (G) A LIST OF THE NONORGANIC PESTICIDES, FUNGICIDES,
15 HERBICIDES, AND SOLVENTS USED DURING CULTIVATION OR PRODUCTION;

16 (H) A STATEMENT TO THE EFFECT OF "THIS PRODUCT CONTAINS
17 MARIJUANA AND WAS CULTIVATED OR PRODUCED WITHOUT REGULATORY
18 OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY, AND THERE MAY BE
19 HEALTH RISKS ASSOCIATED WITH THE CONSUMPTION OF THE PRODUCT.";

20 (I) WARNING LABELS;

21 (J) SOLVENTS USED IN THE EXTRACTION PROCESS;

22 (K) AMOUNT OF THC PER SERVING AND THE NUMBER OF SERVINGS
23 PER PACKAGE FOR MARIJUANA PRODUCTS;

24 (L) A LIST OF INGREDIENTS AND POSSIBLE ALLERGENS FOR RETAIL
25 MARIJUANA PRODUCTS;

26 (M) A RECOMMENDED USE BY OR EXPIRATION DATE FOR RETAIL
27 MARIJUANA PRODUCTS;

1 (N) A NUTRITIONAL FACT PANEL FOR EDIBLE MARIJUANA
2 PRODUCTS; AND

3 (O) A UNIVERSAL SYMBOL INDICATING THE PACKAGE CONTAINS
4 MARIJUANA.

5 (VIII) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR
6 THE MANUFACTURE OF RETAIL MARIJUANA PRODUCTS AND THE
7 CULTIVATION OF RETAIL MARIJUANA;

8 (IX) LIMITATIONS ON THE DISPLAY OF RETAIL MARIJUANA AND
9 RETAIL MARIJUANA PRODUCTS;

10 (X) REGULATION OF THE STORAGE OF, WAREHOUSES FOR, AND
11 TRANSPORTATION OF RETAIL MARIJUANA AND RETAIL MARIJUANA
12 PRODUCTS;

13 (XI) SANITARY REQUIREMENTS FOR RETAIL MARIJUANA
14 ESTABLISHMENTS, INCLUDING BUT NOT LIMITED TO SANITARY
15 REQUIREMENTS FOR THE PREPARATION OF RETAIL MARIJUANA PRODUCTS;

16 (XII) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED
17 AVAILABILITY OF THE RECORDS;

18 (XIII) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES TAX
19 PAYMENTS BY RETAIL MARIJUANA STORES AND ANY APPLICABLE EXCISE
20 TAX PAYMENTS BY RETAIL MARIJUANA CULTIVATION FACILITIES;

21 (XIV) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO
22 HAVE ACCESS TO LICENSING INFORMATION TO ENSURE SALES, EXCISE, AND
23 INCOME TAX PAYMENT AND THE EFFECTIVE ADMINISTRATION OF THIS
24 ARTICLE;

25 (XV) COMPLIANCE WITH, ENFORCEMENT OF, OR VIOLATION OF
26 ANY PROVISION OF THIS ARTICLE, SECTION 18-18-406.3 (7), C.R.S., OR
27 ANY RULE ISSUED PURSUANT TO THIS ARTICLE, INCLUDING PROCEDURES

1 AND GROUNDS FOR DENYING, SUSPENDING, FINING, RESTRICTING, OR
2 REVOKING A STATE LICENSE ISSUED PURSUANT TO THIS ARTICLE; AND

3 (XVI) ESTABLISHING A SCHEDULE OF PENALTIES AND PROCEDURES
4 FOR ISSUING AND APPEALING CITATIONS FOR VIOLATION OF STATUTES AND
5 RULES AND ISSUING ADMINISTRATIVE CITATIONS.

6 (b) RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF
7 SUBSECTION (2) OF THIS SECTION MUST ALSO INCLUDE THE FOLLOWING
8 SUBJECTS:

9 (I) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF
10 THE STATE LICENSING AUTHORITY;

11 (II) INSTRUCTIONS FOR LOCAL JURISDICTIONS AND LAW
12 ENFORCEMENT OFFICERS;

13 (III) REQUIREMENTS FOR INSPECTIONS, INVESTIGATIONS,
14 SEARCHES, SEIZURES, FORFEITURES, AND SUCH ADDITIONAL ACTIVITIES AS
15 MAY BECOME NECESSARY FROM TIME TO TIME;

16 (IV) PROHIBITION OF MISREPRESENTATION AND UNFAIR
17 PRACTICES;

18 (V) DEVELOPMENT OF INDIVIDUAL IDENTIFICATION CARDS FOR
19 OWNERS, OFFICERS, MANAGERS, CONTRACTORS, EMPLOYEES, AND OTHER
20 SUPPORT STAFF OF ENTITIES LICENSED PURSUANT TO THIS ARTICLE,
21 INCLUDING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS
22 MAY BE REQUIRED BY THE STATE LICENSING AUTHORITY PRIOR TO ISSUING
23 A CARD;

24 (VI) IDENTIFICATION OF STATE LICENSEES AND THEIR OWNERS,
25 OFFICERS, MANAGERS, AND EMPLOYEES;

26 
27 (VII) THE SPECIFICATION OF ACCEPTABLE FORMS OF PICTURE

1 IDENTIFICATION THAT A RETAIL MARIJUANA STORE MAY ACCEPT WHEN
2 VERIFYING A SALE, INCLUDING BUT NOT LIMITED TO GOVERNMENT-ISSUED
3 IDENTIFICATION CARDS;

4 [REDACTED]
5 (VIII) STATE LICENSING PROCEDURES, INCLUDING PROCEDURES
6 FOR RENEWALS, REINSTATEMENTS, INITIAL LICENSES, AND THE PAYMENT
7 OF LICENSING FEES; AND

8 [REDACTED]
9 ==
10 (IX) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,
11 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
12 ARTICLE.

13 (c) RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF
14 SUBSECTION (2) OF THIS SECTION MUST ALSO INCLUDE THE FOLLOWING
15 SUBJECTS AND THE STATE LICENSING AUTHORITY MAY SEEK THE
16 ASSISTANCE OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
17 WHEN NECESSARY BEFORE PROMULGATING THE RULES:

18 (I) SIGNAGE, MARKETING, AND ADVERTISING, INCLUDING BUT NOT
19 LIMITED TO A PROHIBITION ON MASS-MARKET CAMPAIGNS THAT HAVE A
20 HIGH LIKELIHOOD OF REACHING MINORS AND OTHER SUCH RULES THAT
21 MAY INCLUDE:

- 22 (A) ALLOW PACKAGING AND ACCESSORY BRANDING;
- 23 (B) A PROHIBITION ON HEALTH OR PHYSICAL BENEFIT CLAIMS IN
24 ADVERTISING, MERCHANDISING, AND PACKAGING;
- 25 (C) A PROHIBITION ON UNSOLICITED POP-UP ADVERTISING ON THE
26 INTERNET;
- 27 (D) A PROHIBITION ON BANNER ADS ON MASS-MARKET WEB SITES;

1 (E) A PROHIBITION ON OPT-IN MARKETING THAT DOES NOT PERMIT
2 AN EASY AND PERMANENT OPT-OUT FEATURE; AND ■

3 (F) A PROHIBITION ON MARKETING DIRECTED TOWARDS
4 LOCATION-BASED DEVICES, INCLUDING BUT NOT LIMITED TO CELLULAR
5 PHONES, UNLESS THE MARKETING IS A MOBILE DEVICE APPLICATION
6 INSTALLED ON THE DEVICE BY THE OWNER OF THE DEVICE WHO IS
7 TWENTY-ONE YEARS OF AGE OR OLDER AND INCLUDES A PERMANENT AND
8 EASY OPT-OUT FEATURE; ==

9 (II) REQUIRING THAT MAGAZINES WHOSE PRIMARY FOCUS IS
10 MARIJUANA OR MARIJUANA BUSINESSES ARE ONLY SOLD IN RETAIL
11 MARIJUANA STORES OR BEHIND THE COUNTER IN ESTABLISHMENTS WHERE
12 PERSONS UNDER TWENTY-ONE YEARS OF AGE ARE PRESENT.

13 (III) PROHIBITING THE SALE OF RETAIL MARIJUANA AND RETAIL
14 MARIJUANA PRODUCTS UNLESS:

15 (A) THE PRODUCT IS PACKAGED BY THE RETAIL MARIJUANA STORE
16 OR THE RETAIL MARIJUANA PRODUCTS MANUFACTURER IN PACKAGING
17 MEETING REQUIREMENTS ESTABLISHED BY THE STATE LICENSING
18 AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION PACKAGING
19 ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ.; OR

20 (B) THE PRODUCT IS PLACED IN AN EXIT PACKAGE OR CONTAINER
21 MEETING REQUIREMENTS ESTABLISHED BY THE STATE LICENSING
22 AUTHORITY AT THE POINT OF SALE PRIOR TO EXITING THE STORE;

23 (IV) THE SAFE AND LAWFUL TRANSPORT OF RETAIL MARIJUANA
24 AND RETAIL MARIJUANA PRODUCTS BETWEEN THE LICENSED BUSINESS AND
25 TESTING LABS;

26 (V) A STANDARDIZED MARIJUANA SERVING SIZE AMOUNT FOR
27 EDIBLE RETAIL MARIJUANA PRODUCTS THAT DOES NOT CONTAIN MORE

1 THAN TEN MILLIGRAMS OF ACTIVE THC DESIGNED ONLY TO PROVIDE
2 CONSUMERS WITH INFORMATION ABOUT THE TOTAL NUMBER OF SERVINGS
3 OF ACTIVE THC IN A PARTICULAR RETAIL MARIJUANA PRODUCT, NOT AS
4 A LIMITATION ON THE TOTAL AMOUNT OF THC IN ANY PARTICULAR ITEM,
5 LABELING REQUIREMENTS REGARDING SERVINGS FOR EDIBLE RETAIL
6 MARIJUANA PRODUCTS, AND LIMITATIONS ON THE TOTAL AMOUNT OF
7 ACTIVE THC IN A SEALED INTERNAL PACKAGE THAT IS NO MORE THAN ONE
8 HUNDRED MILLIGRAMS OF ACTIVE THC;

9 (VI) LABELING GUIDELINES CONCERNING THE TOTAL CONTENT OF
10 THC PER UNIT OF WEIGHT;

11 (VII) PROHIBITION OR REGULATION OF ADDITIVES TO ANY RETAIL
12 MARIJUANA PRODUCT, INCLUDING BUT NOT LIMITED TO THOSE THAT ARE
13 TOXIC, DESIGNED TO MAKE THE PRODUCT MORE ADDICTIVE, DESIGNED TO
14 MAKE THE PRODUCT MORE APPEALING TO CHILDREN, OR MISLEADING TO
15 CONSUMERS, BUT NOT INCLUDING COMMON BAKING AND COOKING ITEMS;

16 AND

17 (VIII) PERMISSION FOR A LOCAL FIRE DEPARTMENT TO CONDUCT
18 AN ANNUAL FIRE INSPECTION OF A RETAIL MARIJUANA CULTIVATION
19 FACILITY.

20 (d) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS
21 DELEGATING TO THE STATE LICENSING AUTHORITY THE POWER TO FIX
22 PRICES FOR RETAIL MARIJUANA.

23 (e) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT A
24 LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL
25 ACTIVITY IN RELATION TO A RETAIL MARIJUANA ESTABLISHMENT. A LAW
26 ENFORCEMENT AGENCY SHALL HAVE THE AUTHORITY TO RUN A
27 COLORADO CRIME INFORMATION CENTER CRIMINAL HISTORY RECORD

1 CHECK OF A LICENSEE, OR EMPLOYEE OF A LICENSEE, DURING AN
2 INVESTIGATION OF UNLAWFUL ACTIVITY RELATED TO RETAIL MARIJUANA
3 AND RETAIL MARIJUANA PRODUCTS.

4 (4) (a) THE STATE LICENSING AUTHORITY SHALL CREATE A
5 STATEWIDE LICENSURE CLASS SYSTEM FOR RETAIL MARIJUANA
6 CULTIVATION FACILITIES. THE CLASSIFICATIONS MAY BE BASED UPON
7 SQUARE FOOTAGE OF THE FACILITY; LIGHTS, LUMENS, OR WATTAGE; LIT
8 CANOPY; THE NUMBER OF CULTIVATING PLANTS; A COMBINATION OF THE
9 FOREGOING; OR OTHER REASONABLE METRICS. THE STATE LICENSING
10 AUTHORITY SHALL CREATE A FEE STRUCTURE FOR THE LICENSE CLASS
11 SYSTEM.

12 (b) (I) THE STATE LICENSING AUTHORITY MAY ESTABLISH
13 LIMITATIONS UPON RETAIL MARIJUANA PRODUCTION THROUGH ONE OR
14 MORE OF THE FOLLOWING METHODS:

15 (A) PLACING OR MODIFYING A LIMIT ON THE NUMBER OF LICENSES
16 THAT IT ISSUES, BY CLASS OR OVERALL, BUT IN PLACING OR MODIFYING
17 THE LIMITS, THE AUTHORITY SHALL CONSIDER THE REASONABLE
18 AVAILABILITY OF NEW LICENSES AFTER A LIMIT IS ESTABLISHED OR
19 MODIFIED;

20 (B) PLACING OR MODIFYING A LIMIT ON THE AMOUNT OF
21 PRODUCTION PERMITTED BY A RETAIL MARIJUANA CULTIVATION LICENSE
22 OR CLASS OF LICENSES BASED UPON SOME REASONABLE METRIC OR SET OF
23 METRICS INCLUDING, BUT NOT LIMITED TO, THOSE ITEMS DETAILED IN
24 PARAGRAPH (a) OF THIS SUBSECTION (4), PREVIOUS MONTHS' SALES,
25 PENDING SALES, OR OTHER REASONABLE METRICS AS DETERMINED BY THE
26 STATE LICENSING AUTHORITY; AND

27 (C) PLACING OR MODIFYING A LIMIT ON THE TOTAL AMOUNT OF

1 PRODUCTION BY RETAIL MARIJUANA CULTIVATION LICENSEES IN THE
2 STATE, COLLECTIVELY, BASED UPON SOME REASONABLE METRIC OR SET OF
3 METRICS INCLUDING, BUT NOT LIMITED TO, THOSE ITEMS DETAILED IN
4 PARAGRAPH (a) OF THIS SUBSECTION (4), AS DETERMINED BY THE STATE
5 LICENSING AUTHORITY.

6 (II) NOTWITHSTANDING ANYTHING CONTAINED IN THIS ARTICLE TO
7 THE CONTRARY, IN CONSIDERING ANY SUCH LIMITATIONS, THE STATE
8 LICENSING AUTHORITY, IN ADDITION TO ANY OTHER RELEVANT
9 CONSIDERATIONS, SHALL:

10 (A) CONSIDER THE TOTAL CURRENT AND ANTICIPATED DEMAND
11 FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS IN COLORADO;
12 AND

13 (B) ATTEMPT TO MINIMIZE THE MARKET FOR UNLAWFUL
14 MARIJUANA.

15 PART 3

16 STATE AND LOCAL LICENSING

17 **12-43.4-301. Local approval - licensing.** (1) WHEN THE STATE
18 LICENSING AUTHORITY RECEIVES AN APPLICATION FOR ORIGINAL
19 LICENSING OR RENEWAL OF AN EXISTING LICENSE FOR ANY MARIJUANA
20 ESTABLISHMENT, THE STATE LICENSING AUTHORITY SHALL WITHIN SEVEN
21 DAYS PROVIDE A COPY OF THE APPLICATION TO THE LOCAL JURISDICTION
22 IN WHICH THE ESTABLISHMENT IS TO BE LOCATED UNLESS THE LOCAL
23 JURISDICTION HAS PROHIBITED THE OPERATION OF RETAIL MARIJUANA
24 ESTABLISHMENTS PURSUANT TO SECTION 16 (5) (f) OF ARTICLE XVIII OF
25 THE STATE CONSTITUTION. THE LOCAL JURISDICTION SHALL DETERMINE
26 WHETHER THE APPLICATION COMPLIES WITH LOCAL RESTRICTIONS ON
27 TIME, PLACE, MANNER, AND THE NUMBER OF MARIJUANA BUSINESSES. THE

1 LOCAL JURISDICTION SHALL INFORM THE STATE LICENSING AUTHORITY
2 WHETHER THE APPLICATION COMPLIES WITH LOCAL RESTRICTIONS ON
3 TIME, PLACE, MANNER, AND THE NUMBER OF MARIJUANA BUSINESSES.

4 (2) A LOCAL JURISDICTION MAY IMPOSE A SEPARATE LOCAL
5 LICENSING REQUIREMENT AS A PART OF ITS RESTRICTIONS ON TIME, PLACE,
6 MANNER, AND THE NUMBER OF MARIJUANA BUSINESSES. A LOCAL
7 JURISDICTION MAY DECLINE TO IMPOSE ANY LOCAL LICENSING
8 REQUIREMENTS, BUT A LOCAL JURISDICTION SHALL NOTIFY THE STATE
9 LICENSING AUTHORITY THAT IT EITHER APPROVES OR DENIES EACH
10 APPLICATION FORWARDED TO IT.

11 **12-43.4-302. Public hearing notice - posting and publication.**

12 (1) IF A LOCAL JURISDICTION ISSUES LOCAL LICENSES FOR A RETAIL
13 MARIJUANA ESTABLISHMENT, A LOCAL JURISDICTION MAY SCHEDULE A
14 PUBLIC HEARING ON THE APPLICATION. IF THE LOCAL JURISDICTION
15 SCHEDULES A HEARING, IT SHALL POST AND PUBLISH PUBLIC NOTICE
16 THEREOF NOT LESS THAN TEN DAYS PRIOR TO THE HEARING. THE LOCAL
17 JURISDICTION SHALL GIVE PUBLIC NOTICE BY POSTING A SIGN IN A
18 CONSPICUOUS PLACE ON THE LICENSE APPLICANT'S PREMISES FOR WHICH
19 A LOCAL LICENSE APPLICATION HAS BEEN MADE AND BY PUBLICATION IN
20 A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
21 APPLICANT'S PREMISES ARE LOCATED.

22 (2) IF A LOCAL JURISDICTION DOES NOT ISSUE LOCAL LICENSES, THE
23 LOCAL JURISDICTION MAY GIVE PUBLIC NOTICE OF THE STATE APPLICATION
24 BY POSTING A SIGN IN A CONSPICUOUS PLACE ON THE STATE LICENSE
25 APPLICANT'S PREMISES FOR WHICH LICENSE APPLICATION HAS BEEN MADE
26 AND BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
27 COUNTY IN WHICH THE APPLICANT'S PREMISES ARE LOCATED.

1 **12-43.4-303. Retail marijuana license bond.** (1) BEFORE THE
2 STATE LICENSING AUTHORITY ISSUES A STATE LICENSE TO AN APPLICANT,
3 THE APPLICANT SHALL PROCURE AND FILE WITH THE STATE LICENSING
4 AUTHORITY EVIDENCE OF A GOOD AND SUFFICIENT BOND IN THE AMOUNT
5 OF FIVE THOUSAND DOLLARS WITH CORPORATE SURETY THEREON DULY
6 LICENSED TO DO BUSINESS WITH THE STATE, APPROVED AS TO FORM BY
7 THE ATTORNEY GENERAL OF THE STATE, AND CONDITIONED THAT THE
8 APPLICANT SHALL REPORT AND PAY ALL SALES AND USE TAXES DUE TO THE
9 STATE, OR FOR WHICH THE STATE IS THE COLLECTOR OR COLLECTING
10 AGENT, IN A TIMELY MANNER, AS PROVIDED IN LAW.

11 (2) A CORPORATE SURETY SHALL NOT BE REQUIRED TO MAKE
12 PAYMENTS TO THE STATE CLAIMING UNDER SUCH BOND UNTIL A FINAL
13 DETERMINATION OF FAILURE TO PAY TAXES DUE TO THE STATE IS MADE BY
14 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR A COURT
15 OF COMPETENT JURISDICTION.

16 (3) ALL BONDS REQUIRED PURSUANT TO THIS SECTION MUST BE
17 RENEWED AT SUCH TIME AS THE BONDHOLDER'S LICENSE IS RENEWED. THE
18 RENEWAL MAY BE ACCOMPLISHED THROUGH A CONTINUATION
19 CERTIFICATE ISSUED BY THE SURETY.

20 **12-43.4-304. State licensing authority - application and**
21 **issuance procedures.** (1) APPLICATIONS FOR A STATE LICENSE UNDER
22 THE PROVISIONS OF THIS ARTICLE MUST BE MADE TO THE STATE LICENSING
23 AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE STATE
24 LICENSING AUTHORITY AND MUST SET FORTH SUCH INFORMATION AS THE
25 STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE STATE
26 LICENSING AUTHORITY TO DETERMINE WHETHER A STATE LICENSE SHOULD
27 BE GRANTED. THE INFORMATION MUST INCLUDE THE NAME AND ADDRESS

1 OF THE APPLICANT AND THE NAMES AND ADDRESSES OF THE OFFICERS,
2 DIRECTORS, OR MANAGERS. EACH APPLICATION MUST BE VERIFIED BY THE
3 OATH OR AFFIRMATION OF SUCH PERSON OR PERSONS AS THE STATE
4 LICENSING AUTHORITY MAY PRESCRIBE. THE STATE LICENSING AUTHORITY
5 MAY ISSUE A STATE LICENSE TO AN APPLICANT PURSUANT TO THIS SECTION
6 UPON COMPLETION OF THE APPLICABLE CRIMINAL HISTORY BACKGROUND
7 CHECK ASSOCIATED WITH THE APPLICATION, AND THE STATE LICENSE IS
8 CONDITIONED UPON LOCAL JURISDICTION APPROVAL. A LICENSE
9 APPLICANT IS PROHIBITED FROM OPERATING A LICENSED RETAIL
10 MARIJUANA BUSINESS WITHOUT STATE AND LOCAL JURISDICTION
11 APPROVAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL JURISDICTION
12 APPROVAL WITHIN ONE YEAR FROM THE DATE OF STATE LICENSING
13 AUTHORITY APPROVAL, THE STATE LICENSE SHALL EXPIRE AND MAY NOT
14 BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING
15 AUTHORITY, THE STATE LICENSING AUTHORITY SHALL REVOKE THE
16 STATE-ISSUED LICENSE.

17 (2) NOTHING IN THIS ARTICLE PREEMPTS OR OTHERWISE IMPAIRS
18 THE POWER OF A LOCAL GOVERNMENT TO ENACT ORDINANCES OR
19 RESOLUTIONS CONCERNING MATTERS AUTHORIZED TO LOCAL
20 GOVERNMENTS.

21 **12-43.4-305. Denial of application.** (1) THE STATE LICENSING
22 AUTHORITY SHALL DENY A STATE LICENSE IF THE PREMISES ON WHICH THE
23 APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DOES NOT MEET THE
24 REQUIREMENTS OF THIS ARTICLE OR FOR REASONS SET FORTH IN SECTION
25 12-43.4-304. THE STATE LICENSING AUTHORITY MAY REFUSE OR DENY
26 A LICENSE RENEWAL, REINSTATEMENT, OR INITIAL LICENSE ISSUANCE FOR
27 GOOD CAUSE. FOR PURPOSES OF THIS SUBSECTION (1), "GOOD CAUSE"

1 MEANS:

2 (a) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,
3 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR
4 PROVISIONS OF THIS ARTICLE, ANY RULES PROMULGATED PURSUANT TO
5 THIS ARTICLE, OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR
6 REGULATIONS;

7 (b) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH ANY
8 SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE
9 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;

10 OR

11 (c) THE LICENSED PREMISES HAVE BEEN OPERATED IN A MANNER
12 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE
13 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

14 (2) IF THE STATE LICENSING AUTHORITY DENIES A STATE LICENSE
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL BE
16 ENTITLED TO A HEARING PURSUANT TO SECTION 24-4-104 (9), C.R.S., AND
17 JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S. THE STATE
18 LICENSING AUTHORITY SHALL PROVIDE WRITTEN NOTICE OF THE GROUNDS
19 FOR DENIAL OF THE STATE LICENSE TO THE APPLICANT AND TO THE LOCAL
20 JURISDICTION AT LEAST FIFTEEN DAYS PRIOR TO THE HEARING.

21 **12-43.4-306. Persons prohibited as licensees.** (1) A LICENSE
22 PROVIDED BY THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY:

23 (a) A PERSON UNTIL THE ANNUAL FEE THEREFOR HAS BEEN PAID;

24 (b) AN INDIVIDUAL WHOSE CRIMINAL HISTORY INDICATES THAT HE
25 OR SHE IS NOT OF GOOD MORAL CHARACTER AFTER CONSIDERING THE
26 FACTORS IN SECTION 24-5-101 (2), C.R.S.

27 (c) A PERSON OTHER THAN AN INDIVIDUAL IF THE CRIMINAL

1 HISTORY OF ANY OF ITS OFFICERS, DIRECTORS, STOCKHOLDERS, OR
2 OWNERS INDICATES THAT THE OFFICER, DIRECTOR, STOCKHOLDER, OR
3 OWNER IS NOT OF GOOD MORAL CHARACTER AFTER CONSIDERING THE
4 FACTORS IN SECTION 24-5-101 (2), C.R.S.

5 (d) A PERSON FINANCED IN WHOLE OR IN PART BY ANY OTHER
6 PERSON WHOSE CRIMINAL HISTORY INDICATES HE OR SHE IS NOT OF GOOD
7 MORAL CHARACTER AFTER CONSIDERING THE FACTORS IN SECTION
8 24-5-101 (2), C.R.S., AND REPUTATION SATISFACTORY TO THE RESPECTIVE
9 LICENSING AUTHORITY;

10 (e) A PERSON UNDER TWENTY-ONE YEARS OF AGE;

11 (f) A PERSON LICENSED PURSUANT TO THIS ARTICLE WHO, DURING
12 A PERIOD OF LICENSURE, OR WHO, AT THE TIME OF APPLICATION, HAS
13 FAILED TO:

14 (I) PROVIDE A SURETY BOND OR FILE ANY TAX RETURN
15 RELATED TO A RETAIL MARIJUANA ESTABLISHMENT; OR

16 (II) PAY ANY TAXES, INTEREST, OR PENALTIES DUE THE
17 DEPARTMENT OF REVENUE RELATING TO A RETAIL MARIJUANA
18 ESTABLISHMENT;

19 (g) A PERSON WHO:

20 (I) HAS DISCHARGED A SENTENCE FOR A CONVICTION OF A FELONY
21 IN THE FIVE YEARS IMMEDIATELY PRECEDING HIS OR HER APPLICATION
22 DATE; OR

23 (II) HAS DISCHARGED A SENTENCE FOR A CONVICTION OF A FELONY
24 PURSUANT TO ANY STATE OR FEDERAL LAW REGARDING THE POSSESSION,
25 DISTRIBUTION, MANUFACTURING, CULTIVATION, OR USE OF A CONTROLLED
26 SUBSTANCE IN THE TEN YEARS IMMEDIATELY PRECEDING HIS OR HER
27 APPLICATION DATE OR FIVE YEARS FROM THE EFFECTIVE DATE OF

1 HOUSE BILL 13-1317, ENACTED IN 2013, WHICHEVER IS LONGER; EXCEPT
2 THAT THE LICENSING AUTHORITY MAY GRANT A LICENSE TO A PERSON IF
3 THE PERSON HAS A STATE FELONY CONVICTION BASED ON POSSESSION OR
4 USE OF MARIJUANA OR MARIJUANA CONCENTRATE THAT WOULD NOT BE A
5 FELONY IF THE PERSON WERE CONVICTED OF THE OFFENSE ON THE DATE HE
6 OR SHE APPLIED FOR LICENSURE; ___

7 (h) A PERSON WHO EMPLOYS ANOTHER PERSON AT A RETAIL
8 MARIJUANA ESTABLISHMENT WHO HAS NOT SUBMITTED FINGERPRINTS FOR
9 A CRIMINAL HISTORY RECORD CHECK OR WHOSE CRIMINAL RECORD
10 HISTORY CHECK REVEALS THAT THE PERSON IS INELIGIBLE;

11 (i) A SHERIFF, DEPUTY SHERIFF, POLICE OFFICER, OR PROSECUTING
12 OFFICER, OR AN OFFICER OR EMPLOYEE OF THE STATE LICENSING
13 AUTHORITY OR A LOCAL LICENSING AUTHORITY;

14 (j) A PERSON FOR A LICENSE FOR A LOCATION THAT IS CURRENTLY
15 LICENSED AS A RETAIL FOOD ESTABLISHMENT OR WHOLESALE FOOD
16 REGISTRANT; OR

17 (k) AN OWNER WHO HAS NOT BEEN A RESIDENT OF COLORADO FOR
18 AT LEAST TWO YEARS PRIOR TO THE DATE OF THE OWNER'S APPLICATION.

19 (2) (a) IN INVESTIGATING THE QUALIFICATIONS OF AN APPLICANT
20 OR A LICENSEE, THE STATE AND LOCAL LICENSING AUTHORITIES MAY HAVE
21 ACCESS TO CRIMINAL HISTORY RECORD INFORMATION FURNISHED BY A
22 CRIMINAL JUSTICE AGENCY SUBJECT TO ANY RESTRICTIONS IMPOSED BY
23 SUCH AGENCY. IN THE EVENT THE STATE OR LOCAL LICENSING AUTHORITY
24 CONSIDERS THE APPLICANT'S CRIMINAL HISTORY RECORD, THE STATE OR
25 LOCAL LICENSING AUTHORITY SHALL ALSO CONSIDER ANY INFORMATION
26 PROVIDED BY THE APPLICANT REGARDING SUCH CRIMINAL HISTORY
27 RECORD, INCLUDING BUT NOT LIMITED TO EVIDENCE OF REHABILITATION,

1 CHARACTER REFERENCES, AND EDUCATIONAL ACHIEVEMENTS, ESPECIALLY
2 THOSE ITEMS PERTAINING TO THE TIME BETWEEN THE APPLICANT'S LAST
3 CRIMINAL CONVICTION AND THE CONSIDERATION OF THE APPLICATION FOR
4 A STATE LICENSE.

5 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2), "CRIMINAL
6 JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL COURT OR
7 ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY THAT
8 ADMINISTERS CRIMINAL JUSTICE PURSUANT TO A STATUTE OR EXECUTIVE
9 ORDER AND THAT ALLOCATES A SUBSTANTIAL PART OF ITS ANNUAL
10 BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

11 (c) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OF A
12 STATE ___ RETAIL MARIJUANA ESTABLISHMENT LICENSE, AN APPLICANT
13 SHALL SUBMIT A SET OF HIS OR HER FINGERPRINTS AND FILE PERSONAL
14 HISTORY INFORMATION CONCERNING THE APPLICANT'S QUALIFICATIONS
15 FOR A STATE LICENSE ON FORMS PREPARED BY THE STATE LICENSING
16 AUTHORITY. THE STATE ___ LICENSING AUTHORITY SHALL SUBMIT THE
17 FINGERPRINTS AND THE LOCAL JURISDICTION MAY FORWARD FINGERPRINTS
18 TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
19 CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.
20 THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
21 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
22 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD
23 CHECKS. THE STATE _____ LICENSING AUTHORITY MAY ACQUIRE A
24 NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT OR A
25 LICENSE HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
26 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
27 UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED

1 FINGERPRINTS FOR STATE LICENSING PURPOSES MAY REQUEST THAT THE
2 FINGERPRINTS ON FILE BE USED. THE STATE _____ LICENSING AUTHORITY
3 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED
4 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
5 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A STATE LICENSE
6 PURSUANT TO THIS ARTICLE. THE STATE OR LOCAL LICENSING AUTHORITY
7 MAY VERIFY ANY OF THE INFORMATION AN APPLICANT IS REQUIRED TO
8 SUBMIT.

9 **12-43.4-307. Restrictions for applications for new licenses.**

10 (1) THE STATE LICENSING AUTHORITY SHALL NOT APPROVE AN
11 APPLICATION FOR THE ISSUANCE OF A STATE _____ LICENSE PURSUANT TO
12 THIS ARTICLE:

13 (a) IF THE APPLICATION FOR THE LICENSE CONCERNS A PARTICULAR
14 LOCATION THAT IS THE SAME AS OR WITHIN ONE THOUSAND FEET OF A
15 LOCATION FOR WHICH, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING
16 THE DATE OF THE APPLICATION, THE STATE LICENSING AUTHORITY DENIED
17 AN APPLICATION FOR THE SAME CLASS OF LICENSE DUE TO THE NATURE OF
18 THE USE OR OTHER CONCERN RELATED TO THE LOCATION; OR

19 (b) UNTIL IT IS ESTABLISHED THAT THE APPLICANT IS, OR WILL BE,
20 ENTITLED TO POSSESSION OF THE PREMISES FOR WHICH APPLICATION IS
21 MADE UNDER A LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT
22 FOR POSSESSION OF THE PREMISES OR BY VIRTUE OF OWNERSHIP OF THE
23 PREMISES.

24 _____

25 **12-43.4-308. Transfer of ownership.** (1) A STATE LICENSE
26 GRANTED UNDER THE PROVISIONS OF THIS ARTICLE IS NOT TRANSFERABLE
27 EXCEPT AS PROVIDED IN THIS SECTION, BUT THIS SECTION DOES NOT

1 PREVENT A CHANGE OF LOCATION AS PROVIDED IN SECTION 12-43.4-310
2 (12).

3 (2) FOR A TRANSFER OF OWNERSHIP, A LICENSE HOLDER SHALL
4 APPLY TO THE STATE LICENSING AUTHORITY ON FORMS PREPARED AND
5 FURNISHED BY THE STATE LICENSING AUTHORITY. UPON RECEIPT OF AN
6 APPLICATION FOR TRANSFER OF OWNERSHIP, THE STATE LICENSING
7 AUTHORITY SHALL, WITHIN SEVEN DAYS, SUBMIT A COPY OF THE
8 APPLICATION TO THE LOCAL JURISDICTION TO DETERMINE WHETHER THE
9 TRANSFER COMPLIES WITH LOCAL RESTRICTION ON TRANSFER OF
10 OWNERSHIP. IN DETERMINING WHETHER TO PERMIT A TRANSFER OF
11 OWNERSHIP, THE STATE LICENSING AUTHORITY SHALL CONSIDER ONLY THE
12 REQUIREMENTS OF THIS ARTICLE, ANY RULES PROMULGATED BY THE
13 STATE LICENSING AUTHORITY, AND ANY OTHER LOCAL RESTRICTIONS. THE
14 LOCAL JURISDICTION MAY HOLD A HEARING ON THE APPLICATION FOR
15 TRANSFER OF OWNERSHIP. THE LOCAL JURISDICTION SHALL NOT HOLD A
16 HEARING PURSUANT TO THIS SUBSECTION (2) UNTIL THE LOCAL
17 JURISDICTION HAS POSTED A NOTICE OF HEARING IN THE MANNER
18 DESCRIBED IN SECTION 12-43.4-302 (1) ON THE LICENSED PREMISES FOR A
19 PERIOD OF TEN DAYS AND HAS PROVIDED NOTICE OF THE HEARING TO THE
20 APPLICANT AT LEAST TEN DAYS PRIOR TO THE HEARING. ANY TRANSFER OF
21 OWNERSHIP HEARING BY THE STATE LICENSING AUTHORITY SHALL BE HELD
22 IN COMPLIANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION
23 12-43.4-304.

24 **12-43.4-309. Licensing in general.** (1) LOCAL JURISDICTIONS
25 ARE AUTHORIZED TO ADOPT AND ENFORCE REGULATIONS FOR RETAIL
26 MARIJUANA ESTABLISHMENTS THAT ARE AT LEAST AS RESTRICTIVE AS THE
27 PROVISIONS OF THIS ARTICLE AND ANY RULE PROMULGATED PURSUANT TO

1 THIS ARTICLE.

2 (2) A RETAIL MARIJUANA ESTABLISHMENT MAY NOT OPERATE
3 UNTIL IT IS LICENSED BY THE STATE LICENSING AUTHORITY PURSUANT TO
4 THIS ARTICLE AND APPROVED BY THE LOCAL JURISDICTION. IF AN
5 APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY, THE STATE
6 LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE. IN
7 CONNECTION WITH A LICENSE, THE APPLICANT SHALL PROVIDE A
8 COMPLETE AND ACCURATE APPLICATION AS REQUIRED BY THE STATE
9 LICENSING AUTHORITY.

10 [REDACTED]

11 (3) A RETAIL MARIJUANA ESTABLISHMENT SHALL NOTIFY THE
12 STATE LICENSING AUTHORITY IN WRITING OF THE NAME, ADDRESS, AND
13 DATE OF BIRTH OF AN OWNER, OFFICER OR MANAGER BEFORE THE NEW
14 OWNER, OFFICER, OR MANAGER BEGINS [REDACTED] MANAGING, OWNING, OR
15 ASSOCIATING WITH THE OPERATION. THE OWNER, OFFICER, MANAGER, OR
16 EMPLOYEE MUST PASS A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
17 CHECK AS REQUIRED BY THE STATE LICENSING AUTHORITY AND OBTAIN
18 THE REQUIRED IDENTIFICATION PRIOR TO BEING ASSOCIATED WITH,
19 MANAGING, OWNING, OR WORKING AT THE OPERATION.

20 (4) A RETAIL MARIJUANA ESTABLISHMENT SHALL NOT ACQUIRE,
21 POSSESS, CULTIVATE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, OR
22 DISPENSE MARIJUANA FOR ANY PURPOSE EXCEPT AS AUTHORIZED BY
23 SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION AND THIS
24 ARTICLE.

25 (5) ALL OFFICERS, MANAGERS, AND EMPLOYEES OF A RETAIL
26 MARIJUANA ESTABLISHMENT SHALL BE RESIDENTS OF COLORADO UPON
27 THE DATE OF THEIR LICENSE APPLICATION. AN OWNER SHALL MEET THE

1 RESIDENCY REQUIREMENTS IN SECTION 12-43.4-306 (1)(k). ALL LICENSES
2 GRANTED PURSUANT TO THIS ARTICLE ARE VALID FOR A PERIOD OF ONE
3 YEAR AFTER THE DATE OF ISSUANCE UNLESS REVOKED OR SUSPENDED
4 PURSUANT TO THIS ARTICLE OR THE RULES PROMULGATED PURSUANT TO
5 THIS ARTICLE.

6 (6) BEFORE GRANTING A STATE LICENSE, THE STATE LICENSING
7 AUTHORITY MAY CONSIDER, EXCEPT WHEN THIS ARTICLE SPECIFICALLY
8 PROVIDES OTHERWISE, THE REQUIREMENTS OF THIS ARTICLE AND ANY
9 RULES PROMULGATED PURSUANT TO THIS ARTICLE, AND ALL OTHER
10 REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED UPON THE
11 LICENSEE BY THE LICENSING AUTHORITY. ■ ■

12 (7) (a) EACH LICENSE ISSUED UNDER THIS ARTICLE IS SEPARATE
13 AND DISTINCT. IT IS UNLAWFUL FOR A PERSON TO EXERCISE ANY OF THE
14 PRIVILEGES GRANTED UNDER A LICENSE OTHER THAN THE LICENSE THAT
15 THE PERSON HOLDS OR FOR A LICENSEE TO ALLOW ANY OTHER PERSON TO
16 EXERCISE THE PRIVILEGES GRANTED UNDER THE LICENSEE'S LICENSE. A
17 SEPARATE LICENSE SHALL BE REQUIRED FOR EACH SPECIFIC BUSINESS OR
18 BUSINESS ENTITY AND EACH GEOGRAPHICAL LOCATION.

19 (b) AT ALL TIMES, A LICENSEE SHALL POSSESS AND MAINTAIN
20 POSSESSION OF THE PREMISES FOR WHICH THE LICENSE IS ISSUED BY
21 OWNERSHIP, LEASE, RENTAL, OR OTHER ARRANGEMENT FOR POSSESSION
22 OF THE PREMISES.

23 (8) THE LICENSES ISSUED PURSUANT TO THIS ARTICLE MUST
24 SPECIFY THE DATE OF ISSUANCE, THE PERIOD OF LICENSURE, THE NAME OF
25 THE LICENSEE, AND THE PREMISES LICENSED. THE LICENSEE SHALL
26 CONSPICUOUSLY PLACE THE LICENSE AT ALL TIMES ON THE LICENSED
27 PREMISES.

1 (9) IN COMPUTING ANY TIME PRESCRIBED BY THIS ARTICLE, THE
2 DAY OF THE ACT, EVENT, OR DEFAULT FROM WHICH THE DESIGNATED TIME
3 BEGINS TO RUN IS NOT INCLUDED. SATURDAYS, SUNDAYS, AND LEGAL
4 HOLIDAYS ARE COUNTED AS ANY OTHER DAY.

5 (10) A LICENSEE SHALL REPORT EACH TRANSFER OR CHANGE OF
6 FINANCIAL INTEREST IN THE LICENSE TO THE STATE AND LOCAL LICENSING
7 AUTHORITIES AND RECEIVE APPROVAL PRIOR TO ANY TRANSFER OR
8 CHANGE PURSUANT TO SECTION 12-43.4-308. A REPORT IS REQUIRED FOR
9 TRANSFERS OF CAPITAL STOCK OF ANY CORPORATION REGARDLESS OF
10 SIZE.

11 (11) EACH LICENSEE SHALL MANAGE THE LICENSED PREMISES
12 HIMSELF OR HERSELF OR EMPLOY A SEPARATE AND DISTINCT MANAGER ON
13 THE PREMISES AND SHALL REPORT THE NAME OF THE MANAGER TO THE
14 STATE AND LOCAL LICENSING AUTHORITIES. THE LICENSEE SHALL REPORT
15 ANY CHANGE IN MANAGER TO THE STATE AND LOCAL LICENSING
16 AUTHORITIES WITHIN SEVEN DAYS AFTER THE CHANGE PURSUANT TO
17 SECTION 12-43.4-308.

18 (12) (a) A LICENSEE MAY MOVE THE PERMANENT LOCATION TO
19 ANY OTHER PLACE IN COLORADO ONCE PERMISSION TO DO SO IS GRANTED
20 BY THE STATE AND LOCAL JURISDICTION PROVIDED FOR IN THIS ARTICLE.
21 UPON RECEIPT OF AN APPLICATION FOR CHANGE OF LOCATION, THE STATE
22 LICENSING AUTHORITY SHALL, WITHIN SEVEN DAYS, SUBMIT A COPY OF
23 THE APPLICATION TO THE LOCAL JURISDICTION TO DETERMINE WHETHER
24 THE TRANSFER COMPLIES WITH ALL LOCAL RESTRICTIONS ON CHANGE OF
25 LOCATION.

26 (b) IN PERMITTING A CHANGE OF LOCATION, THE LOCAL
27 JURISDICTION SHALL CONSIDER ALL REASONABLE RESTRICTIONS THAT

1 ARE OR MAY BE PLACED UPON THE NEW LOCATION BY THE GOVERNING
2 BOARD OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY, AND ANY
3 SUCH CHANGE IN LOCATION SHALL BE IN ACCORDANCE WITH ALL
4 REQUIREMENTS OF THIS ARTICLE AND RULES PROMULGATED PURSUANT TO
5 THIS ARTICLE.

6 **12-43.4-310. License renewal.** (1) NINETY DAYS PRIOR TO THE
7 EXPIRATION DATE OF AN EXISTING LICENSE, THE STATE LICENSING
8 AUTHORITY SHALL NOTIFY THE LICENSEE OF THE EXPIRATION DATE BY
9 FIRST CLASS MAIL AT THE LICENSEE'S ADDRESS OF RECORD WITH THE
10 STATE LICENSING AUTHORITY. A LICENSEE MAY APPLY FOR THE RENEWAL
11 OF AN EXISTING LICENSE TO THE STATE LICENSING AUTHORITY NOT LESS
12 THAN THIRTY DAYS PRIOR TO THE DATE OF EXPIRATION. UPON RECEIPT OF
13 AN APPLICATION FOR RENEWAL OF AN EXISTING LICENSE AND ANY
14 APPLICABLE FEES, THE STATE LICENSING AUTHORITY SHALL, WITHIN SEVEN
15 _____ DAYS, SUBMIT A COPY OF THE APPLICATION TO THE LOCAL
16 JURISDICTION TO DETERMINE WHETHER THE APPLICATION COMPLIES WITH
17 ALL LOCAL RESTRICTIONS ON RENEWAL OF LICENSES. THE STATE
18 LICENSING AUTHORITY SHALL NOT ACCEPT AN APPLICATION FOR RENEWAL
19 OF A LICENSE AFTER THE DATE OF EXPIRATION, EXCEPT AS PROVIDED IN
20 SUBSECTION (2) OF THIS SECTION. THE STATE LICENSING AUTHORITY MAY
21 EXTEND THE EXPIRATION DATE OF THE LICENSE AND ACCEPT A LATE
22 APPLICATION FOR RENEWAL OF A LICENSE PROVIDED THAT THE APPLICANT
23 HAS FILED A TIMELY RENEWAL APPLICATION WITH THE LOCAL LICENSING
24 AUTHORITY. THE STATE OR THE LOCAL LICENSING AUTHORITY, IN ITS
25 DISCRETION, SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (1) AND
26 SUBSECTION (2) OF THIS SECTION AND BASED UPON REASONABLE
27 GROUNDS, MAY WAIVE THE THIRTY-DAY TIME REQUIREMENTS SET FORTH

1 IN THIS SUBSECTION (1).

2 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
3 THIS SECTION, A LICENSEE WHOSE LICENSE HAS BEEN EXPIRED FOR NOT
4 MORE THAN NINETY DAYS MAY FILE A LATE RENEWAL APPLICATION UPON
5 THE PAYMENT OF A NONREFUNDABLE LATE APPLICATION FEE OF FIVE
6 HUNDRED DOLLARS TO THE STATE LICENSING AUTHORITY. A LICENSEE
7 WHO FILES A LATE RENEWAL APPLICATION AND PAYS THE REQUISITE FEES
8 MAY CONTINUE TO OPERATE UNTIL THE STATE LICENSING AUTHORITY
9 TAKES FINAL ACTION TO APPROVE OR DENY THE LICENSEE'S LATE
10 RENEWAL APPLICATION UNLESS THE STATE LICENSING AUTHORITY
11 SUMMARILY SUSPENDS THE LICENSE PURSUANT TO ARTICLE 4 OF TITLE 24,
12 C.R.S., THIS ARTICLE, AND RULES PROMULGATED PURSUANT TO THIS
13 ARTICLE.

14 (b) THE STATE LICENSING AUTHORITY MAY ADMINISTRATIVELY
15 CONTINUE THE LICENSE AND ACCEPT A LATER APPLICATION FOR RENEWAL
16 OF A LICENSE AT THE DISCRETION OF THE STATE LICENSING AUTHORITY.

17 (c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE
18 APPLICATION FEE IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE
19 LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY
20 REDUCE THE AMOUNT OF THE FEE IF NECESSARY PURSUANT TO SECTION
21 24-75-402 (3), C.R.S., BY REDUCING THE UNCOMMITTED RESERVES OF THE
22 FUND TO WHICH ALL OR ANY PORTION OF THE FEE IS CREDITED. AFTER THE
23 UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE
24 STATE LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY
25 LAW MAY INCREASE THE AMOUNT OF THE FEE AS PROVIDED IN SECTION
26 24-75-402 (4), C.R.S.

27 **12-43.4-311. Inactive licenses.** THE STATE LICENSING AUTHORITY,

1 IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW ANY LICENSE IF
2 IT DETERMINES THAT THE LICENSED PREMISES HAVE BEEN INACTIVE,
3 WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR.

4 **12-43.4-312. Unlawful financial assistance.** (1) THE STATE
5 LICENSING AUTHORITY SHALL REQUIRE A COMPLETE DISCLOSURE OF ALL
6 PERSONS HAVING A DIRECT OR INDIRECT FINANCIAL INTEREST, AND THE
7 EXTENT OF SUCH INTEREST, IN EACH LICENSE ISSUED UNDER THIS ARTICLE.

8 (2) THIS SECTION IS INTENDED TO PROHIBIT AND PREVENT THE
9 CONTROL OF THE OUTLETS FOR THE SALE OF RETAIL MARIJUANA OR RETAIL
10 MARIJUANA PRODUCTS BY A PERSON OR PARTY OTHER THAN THE PERSONS
11 LICENSED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

12 PART 4

13 LICENSE TYPES

14 **12-43.4-401. Classes of licenses.** (1) FOR THE PURPOSE OF
15 REGULATING THE CULTIVATION, MANUFACTURE, DISTRIBUTION, SALE, AND
16 TESTING OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, THE
17 STATE LICENSING AUTHORITY IN ITS DISCRETION, UPON RECEIPT OF AN
18 APPLICATION IN THE PRESCRIBED FORM, MAY ISSUE AND GRANT TO THE
19 APPLICANT A LICENSE FROM ANY OF THE FOLLOWING CLASSES, SUBJECT TO
20 THE PROVISIONS AND RESTRICTIONS PROVIDED BY THIS ARTICLE:

- 21 (a) RETAIL MARIJUANA STORE LICENSE;
- 22 (b) RETAIL MARIJUANA CULTIVATION FACILITY LICENSE;
- 23 (c) RETAIL MARIJUANA PRODUCTS MANUFACTURING LICENSE;
- 24 (d) RETAIL MARIJUANA TESTING FACILITY LICENSE; AND
- 25 (e) OCCUPATIONAL LICENSES AND REGISTRATIONS FOR OWNERS,
26 MANAGERS, OPERATORS, EMPLOYEES, CONTRACTORS, AND OTHER
27 SUPPORT STAFF EMPLOYED BY, WORKING IN, OR HAVING ACCESS TO

1 RESTRICTED AREAS OF THE LICENSED PREMISES, AS DETERMINED BY THE
2 STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY MAY
3 TAKE ANY ACTION WITH RESPECT TO A REGISTRATION PURSUANT TO THIS
4 ARTICLE AS IT MAY WITH RESPECT TO A LICENSE PURSUANT TO THIS
5 ARTICLE, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT
6 TO THIS ARTICLE.

7 (2) (a) A PERSON MAY OPERATE A LICENSED MEDICAL MARIJUANA
8 CENTER, AN OPTIONAL CULTIVATION FACILITY, A MEDICAL
9 MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY, AND ANY
10 RETAIL MARIJUANA ESTABLISHMENT AT THE SAME LOCATION IF THE
11 LOCAL JURISDICTION PERMITS A DUAL OPERATION.

12 (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
13 PARAGRAPH (b), A DUAL MEDICAL MARIJUANA CENTER AND RETAIL
14 MARIJUANA STORE SHALL MAINTAIN SEPARATE LICENSED PREMISES,
15 INCLUDING ENTRANCES AND EXITS, INVENTORY, POINT OF SALE
16 OPERATIONS, AND RECORD KEEPING.

17 (II) FOR A DUAL MEDICAL MARIJUANA CENTER AND A RETAIL
18 MARIJUANA STORE THAT ONLY SELLS MEDICAL MARIJUANA TO PERSONS
19 TWENTY-ONE YEARS OF AGE OR OLDER, THE STATE LICENSING AUTHORITY
20 MUST ADOPT RULES CONCERNING THE LICENSED PREMISES INCLUDING BUT
21 NOT LIMITED TO WHETHER TO ALLOW SINGLE ENTRANCES AND EXITS AND
22 VIRTUAL SEPARATION OF INVENTORY.

23 (c) A DUAL CULTIVATION BUSINESS OPERATION SHALL MAINTAIN
24 EITHER PHYSICAL OR VIRTUAL SEPARATION OF THE TWO FACILITIES AND
25 THE PLANTS AND INVENTORY OF THE TWO FACILITIES.

26 (3) ALL PERSONS LICENSED PURSUANT TO THIS ARTICLE SHALL
27 COLLECT SALES TAX ON ALL RETAIL SALES MADE AT A RETAIL MARIJUANA

1 STORE.

2

3 **12-43.4-402. Retail marijuana store license.** (1) (a) A RETAIL
4 MARIJUANA STORE LICENSE SHALL BE ISSUED ONLY TO A PERSON SELLING
5 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THE
6 TERMS AND CONDITIONS OF THIS ARTICLE.

7 (b) A RETAIL MARIJUANA STORE MAY CULTIVATE ITS OWN RETAIL
8 MARIJUANA IF IT OBTAINS A RETAIL MARIJUANA CULTIVATION FACILITY
9 LICENSE OR IT MAY PURCHASE RETAIL MARIJUANA FROM A LICENSED
10 RETAIL MARIJUANA CULTIVATION FACILITY. == ==

11 (c) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF
12 THIS SUBSECTION (1), ON AND BEFORE SEPTEMBER 30, 2014, A RETAIL
13 MARIJUANA STORE LICENSEE SHALL ONLY SELL RETAIL MARIJUANA GROWN
14 IN ITS RETAIL MARIJUANA CULTIVATION FACILITY LICENSED PURSUANT TO
15 SECTION 12-43.4-403.

16 (II) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (b)
17 OF THIS SUBSECTION (1) OR SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) TO
18 THE CONTRARY, A RETAIL MARIJUANA STORE MAY PURCHASE NOT MORE
19 THAN THIRTY PERCENT OF ITS TOTAL ON-HAND INVENTORY OF RETAIL
20 MARIJUANA FROM ANOTHER LICENSED RETAIL MARIJUANA
21 ESTABLISHMENT NOT OWNED BY THE RETAIL MARIJUANA STORE. == A
22 RETAIL MARIJUANA STORE OR ANOTHER RETAIL MARIJUANA CULTIVATION
23 FACILITY MAY SELL NO MORE THAN THIRTY PERCENT OF ITS TOTAL
24 ON-HAND INVENTORY TO ANOTHER COLORADO LICENSED RETAIL
25 MARIJUANA ESTABLISHMENT. NOTWITHSTANDING THE PROVISIONS OF THIS
26 SUBPARAGRAPH (II), THE DIRECTOR OF THE STATE LICENSING AUTHORITY
27 MAY GRANT A TEMPORARY WAIVER:

1 (A) TO A RETAIL MARIJUANA STORE OR APPLICANT IF THE RETAIL
2 MARIJUANA STORE OR APPLICANT SUFFERS A CATASTROPHIC EVENT
3 RELATED TO ITS INVENTORY; OR

4 (B) TO A NEW RETAIL MARIJUANA STORE LICENSEE FOR A PERIOD
5 NOT TO EXCEED NINETY DAYS SO THE NEW LICENSEE CAN CULTIVATE THE
6 NECESSARY RETAIL MARIJUANA TO COMPLY WITH THIS PARAGRAPH (c).

7
8 (III) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1,
9 2015.

10 (d) A RETAIL MARIJUANA STORE SHALL NOT ACCEPT ANY RETAIL
11 MARIJUANA PURCHASED FROM A RETAIL MARIJUANA CULTIVATION
12 FACILITY UNLESS THE RETAIL MARIJUANA STORE IS PROVIDED WITH
13 EVIDENCE THAT ANY APPLICABLE EXCISE TAX DUE, PURSUANT TO ARTICLE
14 28.8 OF TITLE 39, C.R.S., WAS PAID.

15 (e) THE RETAIL MARIJUANA STORE SHALL TRACK ALL OF ITS RETAIL
16 MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM THE POINT THAT
17 THEY IS TRANSFERRED FROM A RETAIL MARIJUANA CULTIVATION FACILITY
18 OR RETAIL MARIJUANA PRODUCTS MANUFACTURER TO THE POINT OF SALE.

19 (2) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
20 RETAIL MARIJUANA STORE LICENSEE MAY ALSO SELL RETAIL MARIJUANA
21 PRODUCTS THAT ARE PREPACKAGED AND LABELED AS REQUIRED BY RULES
22 OF THE STATE LICENSING AUTHORITY PURSUANT TO SECTION 12-43.4-202.

23 (b) A RETAIL MARIJUANA STORE LICENSEE MAY TRANACT WITH
24 A RETAIL MARIJUANA PRODUCTS MANUFACTURING LICENSEE FOR THE
25 PURCHASE OF RETAIL MARIJUANA PRODUCTS UPON A RETAIL MARIJUANA
26 PRODUCTS MANUFACTURING LICENSEE'S LICENSED PREMISES OR A RETAIL
27 MARIJUANA STORE'S LICENSED PREMISES.

1 (3) (a) A RETAIL MARIJUANA STORE MAY NOT SELL MORE THAN A
2 QUARTER OF AN OUNCE OF RETAIL MARIJUANA AND NO MORE THAN A
3 QUARTER OF AN OUNCE EQUIVALENT OF A RETAIL MARIJUANA PRODUCTS
4 DURING A SINGLE TRANSACTION TO A PERSON WHO DOES NOT HAVE A
5 VALID IDENTIFICATION CARD SHOWING THAT THE PERSON IS A RESIDENT
6 OF THE STATE OF COLORADO.

7 (b) PRIOR TO INITIATING A SALE, THE EMPLOYEE OF THE RETAIL
8 MARIJUANA STORE MAKING THE SALE SHALL VERIFY THAT THE PURCHASER
9 HAS A VALID IDENTIFICATION CARD SHOWING THE PURCHASER IS
10 TWENTY-ONE YEARS OF AGE OR OLDER. IF A PERSON UNDER TWENTY-ONE
11 YEARS OF AGE PRESENTS A FRAUDULENT PROOF OF AGE, ANY ACTION
12 RELYING ON THE FRAUDULENT PROOF OF AGE SHALL NOT BE GROUNDS FOR
13 THE REVOCATION OR SUSPENSION OF ANY LICENSE ISSUED UNDER THIS
14 ARTICLE.

15 (4) A RETAIL MARIJUANA STORE MAY PROVIDE, EXCEPT AS
16 REQUIRED BY 12-43.4-202 (3) (a) (IV), A SAMPLE OF ITS PRODUCTS TO A
17 FACILITY THAT HAS A MARIJUANA TESTING FACILITY LICENSE FROM THE
18 STATE LICENSING AUTHORITY FOR TESTING AND RESEARCH PURPOSES. A
19 RETAIL MARIJUANA STORE SHALL MAINTAIN A RECORD OF WHAT WAS
20 PROVIDED TO THE TESTING FACILITY, THE IDENTITY OF THE TESTING
21 FACILITY, AND THE RESULTS OF THE TESTING.

22 (5) ALL RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS
23 SOLD AT A LICENSED RETAIL MARIJUANA STORE SHALL BE PACKAGED AND
24 LABELED AS REQUIRED BY RULES OF THE STATE LICENSING AUTHORITY
25 PURSUANT TO SECTION 12-43.4-202.

26 (6) A LICENSED RETAIL MARIJUANA STORE SHALL COMPLY WITH
27 ALL PROVISIONS OF ARTICLE 34 OF TITLE 24, C.R.S., AS THE PROVISIONS

1 RELATE TO PERSONS WITH DISABILITIES.

2 (7) (a) A LICENSED RETAIL MARIJUANA STORE MAY ONLY SELL
3 RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, MARIJUANA
4 ACCESSORIES, NON-CONSUMABLE PRODUCTS SUCH AS APPAREL, AND
5 MARIJUANA RELATED PRODUCTS SUCH AS CHILD PROOF PACKAGING
6 CONTAINERS, BUT SHALL BE PROHIBITED FROM SELLING OR GIVING AWAY
7 ANY CONSUMABLE PRODUCT, INCLUDING BUT NOT LIMITED TO CIGARETTES
8 OR ALCOHOL, OR EDIBLE PRODUCT THAT DOES NOT CONTAIN MARIJUANA,
9 INCLUDING BUT NOT LIMITED TO SODAS, CANDIES, OR BAKED GOODS.

10 (b) A LICENSED RETAIL MARIJUANA STORE MAY NOT SELL ANY
11 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS THAT CONTAIN
12 NICOTINE OR ALCOHOL, IF THE SALE OF THE ALCOHOL WOULD REQUIRE A
13 LICENSE PURSUANT TO ARTICLE 46 OR 47 OF TITLE 12, C.R.S.

14 (c) A LICENSED RETAIL MARIJUANA STORE SHALL NOT SELL RETAIL
15 MARIJUANA OR RETAIL MARIJUANA PRODUCTS OVER THE INTERNET NOR
16 DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO A
17 PERSON NOT PHYSICALLY PRESENT IN THE RETAIL MARIJUANA STORE'S
18 LICENSED PREMISES.

19 == ==
20 (8) THE PREMISES OF A LICENSED RETAIL MARIJUANA STORE IS THE
21 ONLY PLACE WHERE AN AUTOMATIC DISPENSING MACHINE THAT CONTAINS
22 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MAY BE LOCATED.
23 IF A LICENSED RETAIL MARIJUANA STORE USES AN AUTOMATIC DISPENSING
24 MACHINE THAT CONTAINS RETAIL MARIJUANA AND RETAIL MARIJUANA
25 PRODUCTS, IT MUST COMPLY WITH THE REGULATIONS PROMULGATED BY
26 THE STATE LICENSING AUTHORITY FOR ITS USE.

27 (9) RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MAY

1 NOT BE CONSUMED ON THE PREMISES OF A RETAIL MARIJUANA STORE.

2 (10) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW,
3 SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ARE NOT
4 EXEMPT FROM STATE OR LOCAL SALES TAX.

5 **12-43.4-403. Retail marijuana cultivation facility license.** (1) A
6 RETAIL MARIJUANA CULTIVATION FACILITY LICENSE MAY BE ISSUED ONLY
7 TO A PERSON WHO CULTIVATES RETAIL MARIJUANA FOR SALE AND
8 DISTRIBUTION TO LICENSED RETAIL MARIJUANA STORES, RETAIL
9 MARIJUANA PRODUCTS MANUFACTURING LICENSEES, OR OTHER RETAIL
10 MARIJUANA CULTIVATION FACILITIES.

11 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
12 THIS SECTION, ON AND BEFORE SEPTEMBER 30, 2014, A RETAIL MARIJUANA
13 CULTIVATION FACILITY LICENSE MAY BE ISSUED ONLY TO A PERSON WHO
14 HOLDS A RETAIL MARIJUANA STORE LICENSE PURSUANT TO SECTION
15 12-43.4-402 OR A RETAIL MARIJUANA PRODUCTS MANUFACTURING
16 LICENSE PURSUANT TO SECTION 12-43.3-404 AND WHO GROWS AND
17 CULTIVATES RETAIL MARIJUANA AT AN ADDITIONAL LICENSED PREMISES
18 CONTIGUOUS OR NOT CONTIGUOUS WITH THE LICENSED PREMISES OF THE
19 PERSON'S RETAIL MARIJUANA STORE OR THE PERSON'S RETAIL MARIJUANA
20 PRODUCTS MANUFACTURING FACILITY.

21 (b) ON AND BEFORE SEPTEMBER 30, 2014, A RETAIL MARIJUANA
22 CULTIVATION FACILITY LICENSEE SHALL ONLY TRANSFER RETAIL
23 MARIJUANA TO ITS RETAIL MARIJUANA STORE, RETAIL MARIJUANA
24 PRODUCTS MANUFACTURER, OR ANOTHER OF ITS RETAIL MARIJUANA
25 CULTIVATION FACILITIES.

26 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OR (d)
27 OF THIS SUBSECTION (2), A RETAIL MARIJUANA CULTIVATION FACILITY

1 LICENSEE MAY SELL NO MORE THAN THIRTY PERCENT OF THE RETAIL
2 MARIJUANA IT CULTIVATES TO ANOTHER RETAIL MARIJUANA CULTIVATION
3 FACILITY OR TO A RETAIL MARIJUANA STORE OR RETAIL MARIJUANA
4 PRODUCTS MANUFACTURER NOT OWNED BY THE OWNER OF THE RETAIL
5 MARIJUANA CULTIVATION FACILITY.

6 (d) RETAIL MARIJUANA CULTIVATION FACILITY LICENSES MAY BE
7 COMBINED IN A COMMON AREA SOLELY FOR THE PURPOSES OF GROWING
8 AND CULTIVATING RETAIL MARIJUANA AND USED TO PROVIDE RETAIL
9 MARIJUANA TO MORE THAN ONE LICENSED RETAIL MARIJUANA STORE OR
10 LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER SO LONG AS THE
11 HOLDER OF THE RETAIL MARIJUANA CULTIVATION LICENSE IS ALSO A
12 COMMON OWNER OF EACH LICENSED RETAIL MARIJUANA STORE OR
13 LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER TO WHICH
14 RETAIL MARIJUANA IS PROVIDED. IN ACCORDANCE WITH PROMULGATED
15 RULES RELATING TO PLANT AND PRODUCT TRACKING REQUIREMENTS,
16 EACH RETAIL MARIJUANA CULTIVATION LICENSEE SHALL SUPPLY RETAIL
17 MARIJUANA ONLY TO ITS ASSOCIATED LICENSED RETAIL MARIJUANA
18 STORES OR LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURERS.

19 (e) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 1,
20 2015.

21 (3) A RETAIL MARIJUANA CULTIVATION FACILITY SHALL REMIT
22 ANY APPLICABLE EXCISE TAX DUE IN ACCORDANCE WITH ARTICLE 28.8 OF
23 ARTICLE 39, C.R.S., BASED ON THE AVERAGE WHOLESALE PRICES SET BY
24 THE STATE LICENSING AUTHORITY.

25 (4) A RETAIL MARIJUANA CULTIVATION FACILITY SHALL TRACK
26 THE MARIJUANA IT CULTIVATES FROM SEED OR IMMATURE PLANT TO
27 WHOLESALE PURCHASE. PRIOR TO DELIVERY OF ANY SOLD RETAIL

1 MARIJUANA, THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL
2 PROVIDE EVIDENCE THAT IT PAID ANY APPLICABLE EXCISE TAX ON THE
3 RETAIL MARIJUANA DUE PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S.

4 (5) A RETAIL MARIJUANA CULTIVATION FACILITY MAY PROVIDE,
5 EXCEPT AS REQUIRED BY 12-43.4-202 (3) (a) (IV), A SAMPLE OF ITS
6 PRODUCTS TO A FACILITY THAT HAS A MARIJUANA TESTING FACILITY
7 LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING AND
8 RESEARCH PURPOSES. A RETAIL MARIJUANA CULTIVATION FACILITY SHALL
9 MAINTAIN A RECORD OF WHAT WAS PROVIDED TO THE TESTING FACILITY,
10 THE IDENTITY OF THE TESTING FACILITY, AND THE TESTING RESULTS.

11 (6) RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MAY
12 NOT BE CONSUMED ON THE PREMISES OF A RETAIL MARIJUANA
13 CULTIVATION FACILITY.

14 **12-43.4-404. Retail marijuana products manufacturing**
15 **license.** (1) (a) A RETAIL MARIJUANA PRODUCTS MANUFACTURING
16 LICENSE MAY BE ISSUED TO A PERSON WHO MANUFACTURES RETAIL
17 MARIJUANA PRODUCTS, PURSUANT TO THE TERMS AND CONDITIONS OF
18 THIS ARTICLE.

19 (b) A RETAIL MARIJUANA PRODUCTS MANUFACTURER MAY
20 CULTIVATE ITS OWN RETAIL MARIJUANA IF IT OBTAINS A RETAIL
21 MARIJUANA CULTIVATION FACILITY LICENSE, OR IT MAY PURCHASE RETAIL
22 MARIJUANA FROM A LICENSED RETAIL MARIJUANA CULTIVATION FACILITY.
23 A RETAIL MARIJUANA PRODUCTS MANUFACTURER SHALL TRACK ALL OF
24 ITS RETAIL MARIJUANA FROM THE POINT IT IS EITHER TRANSFERRED FROM
25 ITS RETAIL MARIJUANA CULTIVATION FACILITY OR THE POINT WHEN IT IS
26 DELIVERED TO THE RETAIL MARIJUANA PRODUCTS MANUFACTURER FROM
27 A LICENSED RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF

1 TRANSFER TO A LICENSED RETAIL MARIJUANA STORE.

2 (c) (I) BEFORE OCTOBER 1, 2014, EXCEPT AS PERMITTED BY
3 SECTION 12-43.4-402 (1) (c) (II), A RETAIL MARIJUANA PRODUCTS
4 MANUFACTURER LICENSEE THAT HAS A RETAIL MARIJUANA CULTIVATION
5 FACILITY LICENSE SHALL NOT SELL ANY OF THE RETAIL MARIJUANA THAT
6 IT CULTIVATES EXCEPT FOR THE RETAIL MARIJUANA THAT IS CONTAINED
7 IN ITS RETAIL MARIJUANA PRODUCTS.

8 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1,
9 2015.

10 (d) A RETAIL MARIJUANA PRODUCTS MANUFACTURER SHALL NOT
11 ACCEPT ANY RETAIL MARIJUANA PURCHASED FROM A RETAIL MARIJUANA
12 CULTIVATION FACILITY UNLESS THE RETAIL MARIJUANA PRODUCTS
13 MANUFACTURER IS PROVIDED WITH EVIDENCE THAT ANY APPLICABLE
14 EXCISE TAX DUE PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., WAS
15 PAID.

16 (e) A RETAIL MARIJUANA PRODUCTS MANUFACTURER SHALL NOT:

17 (I) ADD ANY MARIJUANA TO A FOOD PRODUCT WHERE THE
18 MANUFACTURER OF THE FOOD PRODUCT HOLDS A TRADEMARK TO THE
19 FOOD PRODUCT'S NAME; EXCEPT THAT A MANUFACTURER MAY USE A
20 TRADEMARKED FOOD PRODUCT IF THE MANUFACTURER USES THE PRODUCT
21 AS A COMPONENT OR AS PART OF A RECIPE AND WHERE THE MARIJUANA
22 PRODUCT MANUFACTURER DOES NOT STATE OR ADVERTISE TO THE
23 CONSUMER THAT THE FINAL RETAIL MARIJUANA PRODUCT CONTAINS A
24 TRADEMARKED FOOD PRODUCT;

25 (II) INTENTIONALLY OR KNOWINGLY LABEL OR PACKAGE A RETAIL
26 MARIJUANA PRODUCT IN A MANNER THAT WOULD CAUSE A REASONABLE
27 CONSUMER CONFUSION AS TO WHETHER THE RETAIL MARIJUANA PRODUCT

1 WAS A TRADEMARKED FOOD PRODUCT; OR
2 (III) LABEL OR PACKAGE A PRODUCT IN A MANNER THAT VIOLATES
3 ANY FEDERAL TRADEMARK LAW OR REGULATION.

4 (2) RETAIL MARIJUANA PRODUCTS SHALL BE PREPARED ON A
5 LICENSED PREMISES THAT IS USED EXCLUSIVELY FOR THE MANUFACTURE
6 AND PREPARATION OF RETAIL MARIJUANA OR RETAIL MARIJUANA
7 PRODUCTS AND USING EQUIPMENT THAT IS USED EXCLUSIVELY FOR THE
8 MANUFACTURE AND PREPARATION OF RETAIL MARIJUANA PRODUCTS;
9 EXCEPT THAT, IF PERMITTED BY THE LOCAL JURISDICTION, A RETAIL
10 MARIJUANA PRODUCTS MANUFACTURING LICENSEE MAY SHARE THE SAME
11 PREMISES AS A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
12 LICENSEE SO LONG AS A VIRTUAL OR PHYSICAL SEPARATION OF INVENTORY
13 IS MAINTAINED PURSUANT TO RULE OF THE STATE LICENSING AUTHORITY.

14 (3) ALL LICENSED PREMISES ON WHICH RETAIL MARIJUANA
15 PRODUCTS ARE MANUFACTURED SHALL MEET THE SANITARY STANDARDS
16 FOR RETAIL MARIJUANA PRODUCT PREPARATION PROMULGATED PURSUANT
17 TO SECTION 12-43.4-202 (3) (a) (XI).

18 (4) THE RETAIL MARIJUANA PRODUCT SHALL BE SEALED AND
19 CONSPICUOUSLY LABELED IN COMPLIANCE WITH THIS ARTICLE AND ANY
20 RULES PROMULGATED PURSUANT TO THIS ARTICLE. THE LABELING OF
21 RETAIL MARIJUANA PRODUCTS IS A MATTER OF STATEWIDE CONCERN.

22 (5) RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MAY
23 NOT BE CONSUMED ON THE PREMISES OF A RETAIL MARIJUANA PRODUCTS
24 MANUFACTURING FACILITY.

25 ==
26 (6) A RETAIL MARIJUANA PRODUCTS MANUFACTURER MAY
27 PROVIDE, EXCEPT AS REQUIRED BY 12-43.4-202 (3) (a) (IV), A SAMPLE OF

1 ITS PRODUCTS TO A FACILITY THAT HAS A RETAIL MARIJUANA TESTING
2 FACILITY LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING
3 AND RESEARCH PURPOSES. A RETAIL MARIJUANA PRODUCTS
4 MANUFACTURER SHALL MAINTAIN A RECORD OF WHAT WAS PROVIDED TO
5 THE TESTING FACILITY, THE IDENTITY OF THE TESTING FACILITY, AND THE
6 RESULTS OF THE TESTING.

7 (7) AN EDIBLE RETAIL MARIJUANA PRODUCT MAY LIST ITS
8 INGREDIENTS AND COMPATIBILITY WITH DIETARY PRACTICES.

9 (8) A LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER
10 SHALL PACKAGE AND LABEL EACH PRODUCT MANUFACTURED AS REQUIRED
11 BY RULES OF THE STATE LICENSING AUTHORITY PURSUANT TO SECTION
12 12-43.4-202.

13 (9) ALL RETAIL MARIJUANA PRODUCTS THAT REQUIRE
14 REFRIGERATION TO PREVENT SPOILAGE MUST BE STORED AND
15 TRANSPORTED IN A REFRIGERATED ENVIRONMENT.

16 **12-43.4-405. Retail marijuana testing facility license - rules.**

17 (1) A RETAIL MARIJUANA TESTING FACILITY LICENSE MAY BE ISSUED TO
18 A PERSON WHO PERFORMS TESTING AND RESEARCH ON RETAIL MARIJUANA.
19 THE FACILITY MAY DEVELOP AND TEST RETAIL MARIJUANA PRODUCTS.

20 (2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES
21 PURSUANT TO ITS AUTHORITY IN SECTION 12-43.4-202 (1) (b) RELATED TO
22 ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING BUT NOT
23 LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS,
24 EQUIPMENT CERTIFICATION AND CALIBRATION, AND CHEMICAL
25 IDENTIFICATION AND OTHER SUBSTANCES USED IN BONA FIDE RESEARCH
26 METHODS.

27 (3) A PERSON WHO HAS AN INTEREST IN A RETAIL MARIJUANA

1 TESTING FACILITY LICENSE FROM THE STATE LICENSING AUTHORITY FOR
2 TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED
3 MEDICAL MARIJUANA CENTER, A LICENSED OPTIONAL PREMISE
4 CULTIVATION OPERATION, A LICENSED MEDICAL MARIJUANA-INFUSED
5 PRODUCTS MANUFACTURER, A LICENSED RETAIL MARIJUANA STORE, A
6 LICENSED RETAIL MARIJUANA CULTIVATION FACILITY, OR A LICENSED
7 RETAIL MARIJUANA PRODUCTS MANUFACTURER. A PERSON THAT HAS AN
8 INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER, A LICENSED
9 OPTIONAL PREMISE CULTIVATION OPERATION, A LICENSED MEDICAL
10 MARIJUANA-INFUSED PRODUCTS MANUFACTURER, A LICENSED RETAIL
11 MARIJUANA STORE, A LICENSED RETAIL MARIJUANA CULTIVATION
12 FACILITY, OR A LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER
13 SHALL NOT HAVE AN INTEREST IN A FACILITY THAT HAS A RETAIL
14 MARIJUANA TESTING FACILITY LICENSE.

15 PART 5

16 FEES

17 **12-43.4-501. Fees.** (1) THE STATE LICENSING AUTHORITY MAY
18 CHARGE AND COLLECT FEES UNDER THIS ARTICLE. THE APPLICATION FEE
19 FOR A PERSON APPLYING PURSUANT TO SECTION 12-43.4-104 (1)(a) SHALL
20 BE FIVE HUNDRED DOLLARS. THE STATE LICENSING AUTHORITY SHALL
21 TRANSFER TWO HUNDRED FIFTY DOLLARS OF THE FEE TO THE MARIJUANA
22 CASH FUND AND SUBMIT TWO HUNDRED FIFTY DOLLARS TO THE LOCAL
23 JURISDICTION IN WHICH THE LICENSE IS PROPOSED TO BE ISSUED.

24 (2) THE APPLICATION FEE FOR A PERSON APPLYING PURSUANT TO
25 SECTION 12-43.4-104 (1) (b) SHALL BE FIVE THOUSAND DOLLARS. THE
26 STATE LICENSING AUTHORITY SHALL TRANSFER TWO THOUSAND FIVE
27 HUNDRED DOLLARS OF THE FEE TO THE MARIJUANA CASH FUND AND REMIT

1 TWO THOUSAND FIVE HUNDRED DOLLARS TO THE LOCAL JURISDICTION IN
2 WHICH THE LICENSE IS PROPOSED TO BE ISSUED. THE STATE LICENSING
3 AUTHORITY IS CONSIDERING RAISING THE FIVE THOUSAND DOLLAR
4 APPLICATION FEE IT SHALL CONFER WITH EACH LOCAL JURISDICTION IN
5 WHICH A LICENSE UNDER THIS ARTICLE IS ISSUED PRIOR TO RAISING THE
6 APPLICATION FEE. IF THE APPLICATION FEE AMOUNT IS CHANGED, IT MUST
7 BE SPLIT EVENLY BETWEEN THE MARIJUANA CASH FUND AND THE LOCAL
8 JURISDICTION IN WHICH THE LICENSE IS PROPOSED TO BE ISSUED.

9
10 (3) A LOCAL JURISDICTION IN WHICH A LICENSE UNDER THIS
11 ARTICLE MAY BE PERMITTED MAY ADOPT AND IMPOSE OPERATING FEES IN
12 AN AMOUNT DETERMINED BY THE LOCAL JURISDICTION ON MARIJUANA
13 ESTABLISHMENTS LOCATED WITHIN THE LOCAL JURISDICTION.

14 PART 6

15 DISCIPLINARY ACTIONS

16 **12-43.4-601. Suspension - revocation - fines.**(1) IN ADDITION TO
17 ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE OR RULES
18 PROMULGATED PURSUANT TO THIS ARTICLE, THE STATE LICENSING
19 AUTHORITY HAS THE POWER, ON ITS OWN MOTION OR ON COMPLAINT,
20 AFTER INVESTIGATION AND OPPORTUNITY FOR A PUBLIC HEARING AT
21 WHICH THE LICENSEE MUST BE AFFORDED AN OPPORTUNITY TO BE HEARD,
22 TO FINE A LICENSEE OR TO SUSPEND OR REVOKE A LICENSE ISSUED BY THE
23 AUTHORITY FOR A VIOLATION BY THE LICENSEE OR BY ANY OF THE AGENTS
24 OR EMPLOYEES OF THE LICENSEE OF THE PROVISIONS OF THIS ARTICLE, OR
25 ANY OF THE RULES PROMULGATED PURSUANT TO THIS ARTICLE, OR OF ANY
26 OF THE TERMS, CONDITIONS, OR PROVISIONS OF THE LICENSE ISSUED BY
27 THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY HAS

1 THE POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE
2 PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND
3 RECORDS NECESSARY TO THE DETERMINATION OF A HEARING THAT THE
4 STATE AUTHORITY IS AUTHORIZED TO CONDUCT.

5 (2) THE STATE LICENSING AUTHORITY SHALL PROVIDE NOTICE OF
6 SUSPENSION, REVOCATION, FINE, OR OTHER SANCTION, AS WELL AS THE
7 REQUIRED NOTICE OF THE HEARING PURSUANT TO SUBSECTION (1) OF THIS
8 SECTION, BY MAILING THE SAME IN WRITING TO THE LICENSEE AT THE
9 ADDRESS CONTAINED IN THE LICENSE AND, IF DIFFERENT, AT THE LAST
10 ADDRESS FURNISHED TO THE AUTHORITY BY THE LICENSEE. EXCEPT IN THE
11 CASE OF A SUMMARY SUSPENSION, A SUSPENSION SHALL NOT BE FOR A
12 PERIOD LONGER THAN SIX MONTHS. IF A LICENSE IS SUSPENDED OR
13 REVOKED, A PART OF THE FEES PAID THEREFOR SHALL NOT BE RETURNED
14 TO THE LICENSEE. ANY LICENSE MAY BE SUMMARILY SUSPENDED BY
15 THE STATE LICENSING AUTHORITY WITHOUT NOTICE PENDING ANY
16 PROSECUTION, INVESTIGATION, OR PUBLIC HEARING PURSUANT TO THE
17 TERMS OF SECTION 24-4-104 (4), C.R.S. NOTHING IN THIS SECTION SHALL
18 PREVENT THE SUMMARY SUSPENSION OF A LICENSE PURSUANT TO SECTION
19 24-4-104 (4), C.R.S.

20 (3) (a) WHENEVER A DECISION OF THE STATE LICENSING
21 AUTHORITY SUSPENDING A LICENSE FOR FOURTEEN DAYS OR LESS
22 BECOMES FINAL, THE LICENSEE MAY, BEFORE THE OPERATIVE DATE OF THE
23 SUSPENSION, PETITION FOR PERMISSION TO PAY A FINE IN LIEU OF HAVING
24 THE LICENSE SUSPENDED FOR ALL OR PART OF THE SUSPENSION PERIOD.
25 UPON THE RECEIPT OF THE PETITION, THE STATE AUTHORITY MAY, IN ITS
26 SOLE DISCRETION, STAY THE PROPOSED SUSPENSION AND CAUSE ANY
27 INVESTIGATION TO BE MADE WHICH IT DEEMS DESIRABLE AND MAY, IN ITS

1 SOLE DISCRETION, GRANT THE PETITION IF THE STATE LICENSING
2 AUTHORITY IS SATISFIED THAT:

3 (I) THE PUBLIC WELFARE WOULD NOT BE IMPAIRED BY PERMITTING
4 THE LICENSEE TO OPERATE DURING THE PERIOD SET FOR SUSPENSION AND
5 THAT THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED
6 DISCIPLINARY PURPOSES; AND

7 (II) THE BOOKS AND RECORDS OF THE LICENSEE ARE KEPT IN SUCH
8 A MANNER THAT THE LOSS OF SALES THAT THE LICENSEE WOULD HAVE
9 SUFFERED HAD THE SUSPENSION GONE INTO EFFECT CAN BE DETERMINED
10 WITH REASONABLE ACCURACY.

11

12 (b) THE FINE ACCEPTED SHALL BE NOT LESS THAN FIVE HUNDRED
13 DOLLARS NOR MORE THAN ONE HUNDRED THOUSAND DOLLARS.

14 (c) PAYMENT OF A FINE PURSUANT TO THE PROVISIONS OF THIS
15 SUBSECTION (3) SHALL BE IN THE FORM OF CASH OR IN THE FORM OF A
16 CERTIFIED CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE STATE OR
17 LOCAL LICENSING AUTHORITY, WHICHEVER IS APPROPRIATE.

18 (4) UPON PAYMENT OF THE FINE PURSUANT TO SUBSECTION (3) OF
19 THIS SECTION, THE STATE LICENSING AUTHORITY SHALL ENTER ITS
20 FURTHER ORDER PERMANENTLY STAYING THE IMPOSITION OF THE
21 SUSPENSION. FINES PAID TO THE STATE LICENSING AUTHORITY PURSUANT
22 TO SUBSECTION (3) OF THIS SECTION SHALL BE TRANSMITTED TO THE
23 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE MARIJUANA
24 CASH FUND CREATED IN SECTION 12-43.3-501.

25 (5) IN CONNECTION WITH A PETITION PURSUANT TO SUBSECTION (3)
26 OF THIS SECTION, THE AUTHORITY OF THE STATE LICENSING AUTHORITY IS
27 LIMITED TO THE GRANTING OF SUCH STAYS AS ARE NECESSARY FOR THE

1 AUTHORITY TO COMPLETE ITS INVESTIGATION AND MAKE ITS FINDINGS
2 AND, IF THE AUTHORITY MAKES SUCH FINDINGS, TO THE GRANTING OF AN
3 ORDER PERMANENTLY STAYING THE IMPOSITION OF THE ENTIRE
4 SUSPENSION OR THAT PORTION OF THE SUSPENSION NOT OTHERWISE
5 CONDITIONALLY STAYED.

6 (6) IF THE STATE LICENSING AUTHORITY DOES NOT MAKE THE
7 FINDINGS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS
8 SECTION AND DOES NOT ORDER THE SUSPENSION PERMANENTLY STAYED,
9 THE SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE FINALLY
10 SET BY THE STATE LICENSING AUTHORITY.

11 (7) NO LATER THAN JANUARY 15 OF EACH YEAR, THE STATE
12 LICENSING AUTHORITY SHALL COMPILE A REPORT OF THE PRECEDING
13 YEAR'S ACTIONS IN WHICH FINES, SUSPENSIONS, OR REVOCATIONS WERE
14 IMPOSED BY THE STATE LICENSING AUTHORITY. THE STATE LICENSING
15 AUTHORITY SHALL FILE ONE COPY OF THE REPORT WITH THE CHIEF CLERK
16 OF THE HOUSE OF REPRESENTATIVES, ONE COPY WITH THE SECRETARY OF
17 THE SENATE, AND SIX COPIES IN THE JOINT LEGISLATIVE LIBRARY.

18 **12-43.4-602. Disposition of unauthorized marijuana or**
19 **marijuana products and related materials.** (1) THE PROVISIONS OF
20 THIS SECTION SHALL APPLY IN ADDITION TO ANY CRIMINAL, CIVIL, OR
21 ADMINISTRATIVE PENALTIES AND IN ADDITION TO ANY OTHER PENALTIES
22 PRESCRIBED BY THIS ARTICLE OR ANY RULES PROMULGATED PURSUANT TO
23 THIS ARTICLE. ANY PROVISIONS IN THIS ARTICLE RELATED TO LAW
24 ENFORCEMENT SHALL BE CONSIDERED A CUMULATIVE RIGHT OF THE
25 PEOPLE IN THE ENFORCEMENT OF THE CRIMINAL LAWS.

26 (2) EVERY LICENSEE LICENSED UNDER THIS ARTICLE SHALL BE
27 DEEMED, BY VIRTUE OF APPLYING FOR, HOLDING, OR RENEWING SUCH

1 PERSON'S LICENSE, TO HAVE EXPRESSLY CONSENTED TO THE PROCEDURES
2 SET FORTH IN THIS SECTION.

3 (3) A STATE OR LOCAL AGENCY SHALL NOT BE REQUIRED TO
4 CULTIVATE OR CARE FOR ANY RETAIL MARIJUANA OR RETAIL MARIJUANA
5 PRODUCT BELONGING TO OR SEIZED FROM A LICENSEE. A STATE OR LOCAL
6 AGENCY SHALL NOT BE AUTHORIZED TO SELL MARIJUANA, RETAIL OR
7 OTHERWISE.

8 (4) IF THE STATE LICENSING AUTHORITY ISSUES A FINAL AGENCY
9 ORDER IMPOSING A DISCIPLINARY ACTION AGAINST A LICENSEE PURSUANT
10 TO SECTION 12-43.4-601, THEN, IN ADDITION TO ANY OTHER REMEDIES,
11 THE LICENSING AUTHORITY'S FINAL AGENCY ORDER MAY SPECIFY THAT
12 SOME OR ALL OF THE LICENSEE'S MARIJUANA OR MARIJUANA PRODUCT IS
13 NOT RETAIL MARIJUANA OR A RETAIL MARIJUANA PRODUCT AND IS AN
14 ILLEGAL CONTROLLED SUBSTANCE. THE ORDER MAY FURTHER SPECIFY
15 THAT THE LICENSEE SHALL LOSE ANY INTEREST IN ANY OF THE MARIJUANA
16 OR MARIJUANA PRODUCT EVEN IF THE MARIJUANA OR MARIJUANA
17 PRODUCT PREVIOUSLY QUALIFIED AS RETAIL MARIJUANA OR A RETAIL
18 MARIJUANA PRODUCT. THE FINAL AGENCY ORDER MAY DIRECT THE
19 DESTRUCTION OF ANY SUCH MARIJUANA AND MARIJUANA PRODUCTS,
20 EXCEPT AS PROVIDED IN SUBSECTIONS (5) AND (6) OF THIS SECTION. THE
21 AUTHORIZED DESTRUCTION MAY INCLUDE THE INCIDENTAL DESTRUCTION
22 OF ANY CONTAINERS, EQUIPMENT, SUPPLIES, AND OTHER PROPERTY
23 ASSOCIATED WITH THE MARIJUANA OR MARIJUANA PRODUCT.

24 (5) FOLLOWING THE ISSUANCE OF A FINAL AGENCY ORDER BY THE
25 STATE LICENSING AUTHORITY AGAINST A LICENSEE AND ORDERING
26 DESTRUCTION AUTHORIZED BY SUBSECTION (4) OF THIS SECTION, A
27 LICENSEE SHALL HAVE FIFTEEN DAYS WITHIN WHICH TO FILE A PETITION

1 FOR STAY OF AGENCY ACTION WITH THE DISTRICT COURT. THE ACTION
2 SHALL BE FILED IN THE CITY AND COUNTY OF DENVER, WHICH SHALL BE
3 DEEMED TO BE THE RESIDENCE OF THE STATE LICENSING AUTHORITY FOR
4 PURPOSES OF THIS SECTION. THE LICENSEE SHALL SERVE THE PETITION IN
5 ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE. THE
6 DISTRICT COURT SHALL PROMPTLY RULE UPON THE PETITION AND
7 DETERMINE WHETHER THE LICENSEE HAS A SUBSTANTIAL LIKELIHOOD OF
8 SUCCESS ON JUDICIAL REVIEW SO AS TO WARRANT DELAY OF THE
9 DESTRUCTION AUTHORIZED BY SUBSECTION (4) OF THIS SECTION OR
10 WHETHER OTHER CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE
11 NEED FOR PRESERVATION OF EVIDENCE, WARRANT DELAY OF SUCH
12 DESTRUCTION. IF DESTRUCTION IS SO DELAYED PURSUANT TO JUDICIAL
13 ORDER, THE COURT SHALL ISSUE AN ORDER SETTING FORTH TERMS AND
14 CONDITIONS PURSUANT TO WHICH THE LICENSEE MAY MAINTAIN THE
15 RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCT PENDING JUDICIAL
16 REVIEW, AND PROHIBITING THE LICENSEE FROM USING OR DISTRIBUTING
17 THE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT PENDING THE
18 REVIEW. THE LICENSING AUTHORITY SHALL NOT CARRY OUT THE
19 DESTRUCTION AUTHORIZED BY SUBSECTION (4) OF THIS SECTION UNTIL
20 FIFTEEN DAYS HAVE PASSED WITHOUT THE FILING OF A PETITION FOR STAY
21 OF AGENCY ACTION, OR UNTIL THE COURT HAS ISSUED AN ORDER DENYING
22 STAY OF AGENCY ACTION PURSUANT TO THIS SUBSECTION (5).

23 (6) A DISTRICT ATTORNEY SHALL NOTIFY THE STATE LICENSING
24 AUTHORITY IF IT BEGINS INVESTIGATING A RETAIL MARIJUANA
25 ESTABLISHMENT. IF THE STATE LICENSING AUTHORITY HAS RECEIVED
26 NOTIFICATION FROM A DISTRICT ATTORNEY THAT AN INVESTIGATION IS
27 BEING CONDUCTED, THE STATE LICENSING AUTHORITY SHALL NOT

1 DESTROY ANY MARIJUANA OR MARIJUANA PRODUCTS FROM THE RETAIL
2 MARIJUANA ESTABLISHMENT UNTIL THE DESTRUCTION IS APPROVED BY
3 THE DISTRICT ATTORNEY. █

4 (7) ON OR BEFORE JANUARY 1, 2014, THE STATE LICENSING
5 AUTHORITY SHALL PROMULGATE RULES GOVERNING THE IMPLEMENTATION
6 OF THIS SECTION.

7 PART 7

8 INSPECTION OF BOOKS AND RECORDS

9 **12-43.4-701. Inspection procedures.** (1) EACH LICENSEE SHALL
10 KEEP A COMPLETE SET OF ALL RECORDS NECESSARY TO SHOW FULLY THE
11 BUSINESS TRANSACTIONS OF THE LICENSEE, ALL OF WHICH SHALL BE OPEN
12 AT ALL TIMES DURING BUSINESS HOURS FOR THE INSPECTION AND
13 EXAMINATION BY THE STATE LICENSING AUTHORITY OR ITS DULY
14 AUTHORIZED REPRESENTATIVES. THE STATE LICENSING AUTHORITY MAY
15 REQUIRE ANY LICENSEE TO FURNISH SUCH INFORMATION AS IT CONSIDERS
16 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS ARTICLE AND MAY
17 REQUIRE AN AUDIT TO BE MADE OF THE BOOKS OF ACCOUNT AND RECORDS
18 ON SUCH OCCASIONS AS IT MAY CONSIDER NECESSARY BY AN AUDITOR TO
19 BE SELECTED BY THE STATE LICENSING AUTHORITY WHO SHALL LIKEWISE
20 HAVE ACCESS TO ALL BOOKS AND RECORDS OF THE LICENSEE, AND THE
21 EXPENSE THEREOF SHALL BE PAID BY THE LICENSEE.

22 (2) THE LICENSED PREMISES, INCLUDING ANY PLACES OF STORAGE
23 WHERE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS ARE █
24 STORED, CULTIVATED, SOLD, DISPENSED, OR TESTED SHALL BE SUBJECT TO
25 INSPECTION BY THE STATE OR LOCAL JURISDICTIONS AND THEIR
26 INVESTIGATORS, DURING ALL BUSINESS HOURS AND OTHER TIMES OF
27 APPARENT ACTIVITY, FOR THE PURPOSE OF INSPECTION OR INVESTIGATION.

1 ACCESS SHALL BE REQUIRED DURING BUSINESS HOURS FOR EXAMINATION
2 OF ANY INVENTORY OR BOOKS AND RECORDS REQUIRED TO BE KEPT BY
3 THE LICENSEES. WHEN ANY PART OF THE LICENSED PREMISES CONSISTS OF
4 A LOCKED AREA, UPON DEMAND TO THE LICENSEE, SUCH AREA SHALL BE
5 MADE AVAILABLE FOR INSPECTION WITHOUT DELAY, AND, UPON REQUEST
6 BY AUTHORIZED REPRESENTATIVES OF THE STATE OR LOCAL JURISDICTION,
7 THE LICENSEE SHALL OPEN THE AREA FOR INSPECTION.

8 (3) EACH LICENSEE SHALL RETAIN ALL BOOKS AND RECORDS
9 NECESSARY TO SHOW FULLY THE BUSINESS TRANSACTIONS OF THE
10 LICENSEE FOR A PERIOD OF THE CURRENT TAX YEAR AND THE THREE
11 IMMEDIATELY PRIOR TAX YEARS.

12 PART 8

13 JUDICIAL REVIEW

14 **12-43.4-801. Judicial review.** DECISIONS BY THE STATE
15 LICENSING AUTHORITY ARE SUBJECT TO JUDICIAL REVIEW PURSUANT TO
16 SECTION 24-4-106, C.R.S.

17 PART 9

18 UNLAWFUL ACTS

19 **12-43.4-901. Unlawful acts - exceptions.** (1) EXCEPT AS
20 OTHERWISE PROVIDED IN THIS ARTICLE, IT IS UNLAWFUL FOR A PERSON TO
21 CONSUME RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IN A
22 LICENSED RETAIL MARIJUANA ESTABLISHMENT, AND IT IS UNLAWFUL FOR
23 A RETAIL MARIJUANA LICENSEE TO ALLOW RETAIL MARIJUANA OR RETAIL
24 MARIJUANA PRODUCTS TO BE CONSUMED UPON ITS LICENSED PREMISES.

25 (2) IT IS UNLAWFUL FOR A PERSON TO:

26 (a) BUY, SELL, TRANSFER, GIVE AWAY, OR ACQUIRE RETAIL
27 MARIJUANA OR RETAIL MARIJUANA PRODUCTS EXCEPT AS ALLOWED

1 PURSUANT TO THIS ARTICLE OR SECTION 16 OF ARTICLE XVIII OF THE
2 STATE CONSTITUTION; OR

3 (b) HAVE AN UNREPORTED FINANCIAL INTEREST OR A DIRECT
4 INTEREST IN A LICENSE PURSUANT TO THIS ARTICLE; EXCEPT THAT THIS
5 PARAGRAPH (b) DOES NOT APPLY TO BANKS, SAVINGS AND LOAN
6 ASSOCIATIONS, OR INDUSTRIAL BANKS SUPERVISED AND REGULATED BY
7 AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT, OR TO
8 FHA-APPROVED MORTGAGEES, OR TO STOCKHOLDERS, DIRECTORS, OR
9 OFFICERS THEREOF.

10 (3) IT IS UNLAWFUL FOR A PERSON LICENSED PURSUANT TO THIS
11 ARTICLE:

12 (a) TO BE WITHIN A LIMITED-ACCESS AREA UNLESS THE PERSON'S
13 LICENSE BADGE IS DISPLAYED AS REQUIRED BY THIS ARTICLE, EXCEPT AS
14 PROVIDED IN SECTION 12-43.4-701;

15 (b) TO FAIL TO DESIGNATE AREAS OF INGRESS AND EGRESS FOR
16 LIMITED-ACCESS AREAS AND POST SIGNS IN CONSPICUOUS LOCATIONS AS
17 REQUIRED BY THIS ARTICLE;

18 (c) TO FAIL TO REPORT A TRANSFER REQUIRED BY SECTION
19 12-43.4-309 (10); OR

20 (d) TO FAIL TO REPORT THE NAME OF OR A CHANGE IN MANAGERS
21 AS REQUIRED BY SECTION 12-43.4-309 (11).

22

23 (4) IT IS UNLAWFUL FOR ANY PERSON LICENSED TO SELL RETAIL
24 MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THIS ARTICLE:

25 (a) TO DISPLAY ANY SIGNS THAT ARE INCONSISTENT WITH LOCAL
26 LAWS OR REGULATIONS;

27 (b) TO USE ADVERTISING MATERIAL THAT IS MISLEADING,

- 1 DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO MINORS;
- 2 (c) TO PROVIDE PUBLIC PREMISES, OR ANY PORTION THEREOF, FOR
3 THE PURPOSE OF CONSUMPTION OF RETAIL MARIJUANA OR RETAIL
4 MARIJUANA PRODUCTS IN ANY FORM;
- 5 [REDACTED]
- 6 (d) TO HAVE IN POSSESSION OR UPON THE LICENSED PREMISES ANY
7 MARIJUANA, THE SALE OF WHICH IS NOT PERMITTED BY THE LICENSE;
- 8 [REDACTED]
- 9 (e) TO SELL RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS
10 TO A PERSON UNDER TWENTY-ONE YEARS OF AGE WITHOUT CHECKING THE
11 PERSON'S IDENTIFICATION;
- 12 (f) TO SELL MORE THAN A QUARTER OF AN OUNCE OF RETAIL
13 MARIJUANA AND NO MORE THAN A QUARTER OF AN OUNCE EQUIVALENT OF
14 A RETAIL MARIJUANA PRODUCT DURING A SINGLE TRANSACTION TO A
15 NONRESIDENT OF THE STATE;
- 16 (g) TO HAVE ON THE LICENSED PREMISES ANY RETAIL MARIJUANA,
17 RETAIL MARIJUANA PRODUCTS, OR MARIJUANA PARAPHERNALIA THAT
18 SHOWS EVIDENCE OF THE RETAIL MARIJUANA HAVING BEEN CONSUMED OR
19 PARTIALLY CONSUMED;
- 20 (h) DISTRIBUTE MARIJUANA OR MARIJUANA PRODUCTS, WITH OR
21 WITHOUT REMUNERATION, DIRECTLY TO ANOTHER PERSON USING A
22 MOBILE DISTRIBUTION CENTER;
- 23 (i) TO VIOLATE THE PROVISIONS OF SECTION 6-2-103 OR 6-2-105,
24 C.R.S.; OR
- 25 [REDACTED]
- 26 (j) TO ABANDON A LICENSED PREMISES OR OTHERWISE CEASE
27 OPERATION WITHOUT NOTIFYING THE STATE AND LOCAL LICENSING

1 AUTHORITIES AT LEAST FORTY-EIGHT HOURS IN ADVANCE AND WITHOUT
2 ACCOUNTING FOR AND FORFEITING TO THE STATE LICENSING AUTHORITY
3 FOR DESTRUCTION ALL MARIJUANA OR PRODUCTS CONTAINING
4 MARIJUANA.

5 (5) (a) NOTWITHSTANDING THE PROVISIONS OF PART 2 OF ARTICLE
6 14 OF TITLE 25, C.R.S., _____ NO PERSON SHALL FORM A BUSINESS OR
7 NON-PROFIT, INCLUDING BUT NOT LIMITED TO A SOLE PROPRIETORSHIP,
8 CORPORATIONS, OR OTHER BUSINESS ENTERPRISE, WITH THE PURPOSE OR
9 INTENT, IN WHOLE OR IN PART, OF TRANSPORTING, CULTIVATING,
10 PROCESSING, TRANSFERRING, OR DISTRIBUTING MARIJUANA OR MARIJUANA
11 PRODUCTS WITHOUT PRIOR APPROVAL OF THE STATE LICENSING
12 AUTHORITY AND THE LOCAL JURISDICTION.

13 (b) NOTHING IN THIS SUBSECTION (5) SHALL LIMIT AN INDIVIDUAL
14 FROM TAKING ACTIONS CONSISTENT WITH SECTION 16 (3) (b) OF ARTICLE
15 XVIII OF THE STATE CONSTITUTION.

16 (c) A VIOLATION OF THE PROVISIONS OF THIS SUBSECTION (5) SHALL
17 RESULT IN A FINE OF UP TO FIVE THOUSAND DOLLARS FOR EACH PERSON
18 INVOLVED.

19 (d) A VIOLATION OF THIS SUBSECTION (5) SHALL RESULT IN THE
20 AUTOMATIC REVOCATION OF ANY LICENSE ISSUED PURSUANT TO THIS
21 ARTICLE AND THE DENIAL OF ANY FUTURE LICENSE ISSUED PURSUANT TO
22 THIS ARTICLE.

23 (e) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2015.

24 (6) A PERSON WHO COMMITS ANY ACTS THAT ARE UNLAWFUL
25 PURSUANT TO THIS ARTICLE OR THE RULES AUTHORIZED AND ADOPTED
26 PURSUANT TO THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND
27 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., EXCEPT

1 FOR VIOLATIONS THAT WOULD ALSO CONSTITUTE A VIOLATION OF TITLE
2 18, C.R.S., WHICH VIOLATION SHALL BE CHARGED AND PROSECUTED
3 PURSUANT TO TITLE 18, C.R.S.

4 PART 10

5 SUNSET REVIEWS

6 **12-43.4-1001. Sunset review - article repeal.** (1) THIS ARTICLE
7 IS REPEALED, EFFECTIVE JULY 1, 2016.

8 (2) PRIOR TO THE REPEAL OF THIS ARTICLE, THE DEPARTMENT OF
9 REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW AS DESCRIBED
10 IN SECTION 24-34-104 (8), C.R.S.

11 PART 11

12 SEVERABILITY

13 **12-43.4-1101. Severability.** IF ANY PROVISION OF THIS ARTICLE
14 FOUND BY A COURT OF COMPETENT JURISDICTION TO BE
15 UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS ARTICLE ARE
16 VALID, UNLESS IT APPEARS TO THE COURT THAT THE VALID PROVISIONS OF
17 THE STATUTE ARE SO ESSENTIALLY AND INSEPARABLY CONNECTED WITH,
18 AND SO DEPENDENT UPON, THE VOID PROVISION THAT IT CANNOT BE
19 PRESUMED THAT THE LEGISLATURE WOULD HAVE ENACTED THE VALID
20 PROVISIONS WITHOUT THE VOID ONE; OR UNLESS THE COURT DETERMINES
21 THAT THE VALID PROVISIONS, STANDING ALONE, ARE INCOMPLETE AND
22 ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE
23 LEGISLATIVE INTENT.

24 **SECTION 6.** In Colorado Revised Statutes, **amend 16-2.5-124.5**
25 as follows:

26 **16-2.5-124.5. Director of marijuana enforcement and medical**
27 **marijuana enforcement INVESTIGATOR.** THE DIRECTOR OF THE

1 MARIJUANA ENFORCEMENT DIVISION OR A medical marijuana enforcement
2 investigator is a peace officer while engaged in the performance of his or
3 her duties and while acting under proper orders or rules pursuant to article
4 43.3 OR 43.4 of title 12, C.R.S., and shall also include the enforcement of
5 all laws of the state of Colorado and who may be certified by the P.O.S.T.
6 board.

7

== == ==

8 **SECTION 7.** In Colorado Revised Statutes, 24-34-104, **add** (47)

9 (d) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for termination, continuation, or reestablishment.**

12 (47) The following agencies, functions, or both shall terminate on July
13 1, 2016:

14 (d) THE REGULATION OF PERSONS LICENSED PURSUANT TO ARTICLE
15 43.4 OF TITLE 12, C.R.S.

16 **SECTION 8. Appropriation.** (1) In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 marijuana cash fund created in section 12-43.3-501 (1) (a), Colorado
19 Revised Statutes, not otherwise appropriated, to the department of
20 revenue, for the fiscal year beginning July 1, 2013, the sum of \$1,227,026
21 and 2.7 FTE, or so much thereof as may be necessary, for personal
22 services, legal services, the purchase of computer center services and
23 other costs related to the implementation of this act.

24 (2) In addition to any other appropriation, there is hereby
25 appropriated to the governor - lieutenant governor - state planning and
26 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$73,700,
27 or so much thereof as may be necessary, for allocation to the office of

1 information technology, for the provision of computer center services for
2 the department of revenue related to the implementation of this act. Said
3 sum is from reappropriated funds received from the department of
4 revenue out of the appropriation made in subsection (1) of this section.

5 (3) In addition to any other appropriation, there is hereby
6 appropriated to the department of law, for the fiscal year beginning July
7 1, 2013, the sum of \$70,684 and 0.5 FTE, or so much thereof as may be
8 necessary, for the provision of legal services for the department of
9 revenue related to the implementation of this act. Said sum is from
10 reappropriated funds received from the department of revenue out of the
11 appropriation made in subsection (1) of this section.

12 (4) In addition to any other appropriation, there is hereby
13 appropriated, out of any moneys in the marijuana cash fund created in
14 section 12-43.3-501 (1) (a), Colorado Revised Statutes, not otherwise
15 appropriated, to the department of law, for the fiscal year beginning July
16 1, 2013, the sum of \$76,000, or so much thereof as may be necessary, for
17 allocation to the criminal justice and appellate unit for peace officers
18 standards and training board support expenses related to the
19 implementation of section 24-31-313, Colorado Revised Statutes.

20 (5) In addition to any other appropriation, there is hereby
21 appropriated, out of any moneys in the laboratory cash fund created in
22 section 25-1.5-101 (1) (e) (II), Colorado Revised Statutes, not otherwise
23 appropriated, to the department of public health and environment, for the
24 fiscal year beginning July 1, 2013, the sum of \$87,615 and 1.0 FTE, or so
25 much thereof as may be necessary, to be allocated to laboratory services
26 for chemistry and microbiology operating expenses for the
27 implementation of this act as follows:

1 (a) \$72,815 and 1.0 FTE for personal services and operating
2 expenses; and

3 (b) \$14,800 for the purchase of computer center services.

4 (6) In addition to any other appropriation, there is hereby
5 appropriated to the governor - lieutenant governor - state planning and
6 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$14,800,
7 or so much thereof as may be necessary, for allocation to the office of
8 information technology, for the provision of computer center services for
9 the department of public health and environment related to the
10 implementation of this act. Said sum is from reappropriated funds
11 received from the department of public health and environment out of the
12 appropriation made in paragraph (b) of subsection (6) of this section.

13 (7) In addition to any other appropriation, there is hereby
14 appropriated, out of any moneys in the Colorado bureau of investigation
15 identification unit fund created in section 24-33.5-426, Colorado Revised
16 Statutes, not otherwise appropriated, to the department of public safety,
17 for the fiscal year beginning July 1, 2013, the sum of \$155,760 and 0.7
18 FTE, or so much thereof as may be necessary, for allocation to the
19 Colorado bureau of investigation for fingerprint-based background checks
20 related to the implementation of this act.

21 =====
22 **SECTION 9. Effective date.** (1) Except as otherwise provided
23 in this section, this act takes effect upon passage.

24 (2) Section 2 of this act takes effect only if Senate Bill 13-283
25 does not become law.

26 (3) Section 3 of this act takes effect only if Senate Bill 13-283
27 becomes law.

1 **SECTION 10. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.