

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1230 be amended as follows:

1 Strike the Business Affairs and Labor Committee Report, dated March
2 27, 2019, and substitute:

3 "Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, 44-12-103, **amend**
6 (24); and **add** (13.5) and (21.4) as follows:

7 **44-12-103. Definitions.** As used in this article 12, unless the
8 context otherwise requires:

9 (13.5) "MARIJUANA HOSPITALITY ESTABLISHMENT" MEANS A
10 FACILITY, WHICH MAY BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION
11 OF MARIJUANA PURSUANT TO THIS ARTICLE 12; RULES PROMULGATED
12 PURSUANT TO THIS ARTICLE 12; AND THE PROVISIONS OF AN ENACTED,
13 INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL
14 JURISDICTION IN WHICH THE LICENSEE OPERATES.

15 (21.4) "RETAIL MARIJUANA HOSPITALITY AND SALES
16 ESTABLISHMENT" MEANS A FACILITY, WHICH CANNOT BE MOBILE,
17 LICENSED TO PERMIT THE CONSUMPTION OF ONLY THE RETAIL MARIJUANA
18 OR RETAIL MARIJUANA PRODUCTS IT HAS SOLD PURSUANT TO THE
19 PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR
20 RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE
21 OPERATES.

22 (24) "Retail marijuana establishment" means a retail marijuana
23 store, a retail marijuana cultivation facility, a retail marijuana products
24 manufacturer, A MARIJUANA HOSPITALITY ESTABLISHMENT, A RETAIL
25 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT, or a retail
26 marijuana testing facility.

27 **SECTION 2.** In Colorado Revised Statutes, 44-12-202, **amend**
28 (1) introductory portion and (2)(a); and **add** (3)(a)(XXV) and
29 (3)(a)(XXVI) as follows:

30 **44-12-202. Powers and duties of state licensing authority -**
31 **rules.** (1) To ensure that no marijuana grown or processed by a retail
32 marijuana establishment is sold or otherwise transferred except by a retail
33 marijuana store, A RETAIL MARIJUANA HOSPITALITY AND SALES
34 ESTABLISHMENT, or as authorized by law, the state licensing authority
35 shall develop and maintain a seed-to-sale tracking system that tracks retail
36 marijuana from either seed or immature plant stage until the marijuana or
37 retail marijuana product is sold to a customer at a retail marijuana store
38 OR TO A PATRON AT A RETAIL MARIJUANA HOSPITALITY AND SALES
39 ESTABLISHMENT; except that retail marijuana or retail marijuana product

1 is PRODUCTS ARE no longer subject to the tracking system once the retail
2 marijuana has been:

3 (2) The state licensing authority has the authority to:

4 (a) Grant or refuse state licenses for the cultivation, manufacture,
5 distribution, sale, HOSPITALITY, and testing of retail marijuana and retail
6 marijuana products as provided by law; suspend, fine, restrict, or revoke
7 such licenses, whether active, expired, or surrendered, upon a violation
8 of this article 12 or any rule promulgated pursuant to this article 12; and
9 impose any penalty authorized by this article 12 or any rule promulgated
10 pursuant to this article 12. The state licensing authority may take any
11 action with respect to a registration pursuant to this article 12 as it may
12 with respect to a license pursuant to this article 12, in accordance with the
13 procedures established pursuant to this article 12.

14 (3) (a) Rules promulgated pursuant to subsection (2)(b) of this
15 section must include, but need not be limited to, the following subjects:

16 (XXV) THE IMPLEMENTATION OF MARIJUANA HOSPITALITY AND
17 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSES,
18 INCLUDING BUT NOT LIMITED TO:

19 (A) GENERAL INSURANCE LIABILITY REQUIREMENTS;

20 (B) A SALES LIMIT PER TRANSACTION FOR RETAIL MARIJUANA AND
21 RETAIL MARIJUANA PRODUCTS THAT MAY BE SOLD TO A PATRON OF A
22 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT; EXCEPT
23 THAT THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY
24 MUST NOT BE AN AMOUNT LESS THAN ONE GRAM OF RETAIL MARIJUANA
25 FLOWER, ONE-QUARTER OF ONE GRAM OF RETAIL MARIJUANA
26 CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT CONTAINING NOT MORE
27 THAN TEN MILLIGRAMS OF ACTIVE THC;

28 (C) RESTRICTIONS ON THE TYPE OF ANY RETAIL MARIJUANA OR
29 RETAIL MARIJUANA PRODUCT AUTHORIZED TO BE SOLD INCLUDING THAT
30 THE MARIJUANA OR PRODUCT BE MEANT FOR CONSUMPTION IN THE
31 LICENSED PREMISES OF THE ESTABLISHMENT;

32 (D) PROHIBITIONS ON ACTIVITY THAT WOULD REQUIRE
33 ADDITIONAL LICENSURE ON THE LICENSED PREMISES, INCLUDING BUT NOT
34 LIMITED TO SALES, MANUFACTURING, OR CULTIVATION ACTIVITY;

35 (E) REQUIREMENTS FOR MARIJUANA HOSPITALITY
36 ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES
37 ESTABLISHMENTS OPERATING PURSUANT TO SECTION 44-12-408 OR
38 44-12-409 IN A RETAIL FOOD ESTABLISHMENT;

39 (F) REQUIREMENTS FOR MARIJUANA HOSPITALITY
40 ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES
41 ESTABLISHMENT LICENSEES TO DESTROY ANY UNCONSUMED MARIJUANA
42 OR MARIJUANA PRODUCTS LEFT BEHIND BY A PATRON; AND

43 (G) RULES TO ENSURE COMPLIANCE WITH SECTION 42-4-1305.5;

- 1 (XXVI) FORMARIJUANA HOSPITALITY ESTABLISHMENTS THAT ARE
2 MOBILE, REGULATIONS INCLUDING BUT NOT LIMITED TO:
3 (A) REGISTRATION OF VEHICLES AND PROPER DESIGNATION OF
4 VEHICLES USED AS MOBILE LICENSED PREMISES;
5 (B) SURVEILLANCE CAMERAS INSIDE THE VEHICLES;
6 (C) GLOBAL POSITIONING SYSTEM TRACKING AND ROUTE LOGGING
7 IN AN ESTABLISHED ROUTE MANIFEST SYSTEM;
8 (D) COMPLIANCE WITH SECTION 42-4-1305.5;
9 (E) ENSURING ACTIVITY IS NOT VISIBLE OUTSIDE OF THE VEHICLE;
10 AND
11 (F) PROPER VENTILATION WITHIN THE VEHICLE.

12 **SECTION 3.** In Colorado Revised Statutes, 44-12-401, **amend**
13 (1)(f); and **add** (1)(h) and (1)(i) as follows:

14 **44-12-401. Classes of licenses.** (1) For the purpose of regulating
15 the cultivation, manufacture, distribution, sale, and testing of retail
16 marijuana and retail marijuana products, the state licensing authority in
17 its discretion, upon receipt of an application in the prescribed form, may
18 issue and grant to the applicant a license from any of the following
19 classes, subject to the provisions and restrictions provided by this article
20 12:

- 21 (f) Retail marijuana transporter license; ~~and~~
22 (h) MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE; AND
23 (i) RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
24 LICENSE.

25 **SECTION 4.** In Colorado Revised Statutes, 44-12-402, **add**
26 (2)(c) as follows:

27 **44-12-402. Retail marijuana store license - definition.** (2)(c) A
28 RETAIL MARIJUANA STORE MAY SELL RETAIL MARIJUANA AND RETAIL
29 MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES
30 ESTABLISHMENT LICENSEE.

31 **SECTION 5.** In Colorado Revised Statutes, 44-12-403, **amend**
32 (1) as follows:

33 **44-12-403. Retail marijuana cultivation facility license - rules**
34 **- definitions.** (1) A retail marijuana cultivation facility license may be
35 issued only to a person who cultivates retail marijuana for sale and
36 distribution to licensed retail marijuana stores, retail marijuana products
37 manufacturing licensees, RETAIL MARIJUANA HOSPITALITY AND SALES
38 ESTABLISHMENT LICENSEES, or other retail marijuana cultivation facilities.

39 **SECTION 6.** In Colorado Revised Statutes, 44-12-404, **add**
40 (1)(e) as follows:

41 **44-12-404. Retail marijuana products manufacturing license**
42 **- rules - definitions.** (1) (e) A RETAIL MARIJUANA PRODUCTS
43 MANUFACTURER MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA

1 PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES
2 ESTABLISHMENT.

3 **SECTION 7.** In Colorado Revised Statutes, **add** 44-12-408 and
4 44-12-409 as follows:

5 **44-12-408. Marijuana hospitality establishment license - rules**

6 - **definition.** (1) (a) ON AND AFTER JANUARY 1, 2020, THE STATE
7 LICENSING AUTHORITY MAY ISSUE A MARIJUANA HOSPITALITY
8 ESTABLISHMENT LICENSE AUTHORIZING THE LICENSEE TO OPERATE A
9 LICENSED PREMISES IN WHICH MARIJUANA MAY BE CONSUMED PURSUANT
10 TO THIS ARTICLE 12, RULES PROMULGATED PURSUANT TO THIS ARTICLE 12,
11 AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL
12 JURISDICTION IN WHICH THE LICENSEE OPERATES.

13 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE
14 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
15 LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN
16 SECTION 25-4-1602 (14), MAY APPLY FOR A LICENSE TO OPERATE A
17 MARIJUANA HOSPITALITY ESTABLISHMENT IN AN ISOLATED PORTION OF
18 THE PREMISES OF THE RETAIL FOOD ESTABLISHMENT. A RETAIL FOOD
19 ESTABLISHMENT OPERATING A MARIJUANA HOSPITALITY ESTABLISHMENT
20 PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND
21 CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED
22 PURSUANT TO THAT ARTICLE INCLUDING BUT NOT LIMITED TO LICENSURE
23 REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE
24 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS
25 SUBSECTION (1)(b) DOES NOT AUTHORIZE THE MARIJUANA HOSPITALITY
26 ESTABLISHMENT TO ENGAGE IN THE MANUFACTURE OF MEDICAL
27 MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO
28 ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD
29 ESTABLISHMENT.

30 (2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF
31 MARIJUANA HOSPITALITY ESTABLISHMENTS WITHIN ITS JURISDICTION
32 THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH A REFERRED
33 OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY ACTS
34 THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT A
35 PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE REGISTERED
36 ELECTORS IN THE COUNTY OR CITY AND COUNTY.

37 (b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY
38 AUTHORIZES THE OPERATION OF MARIJUANA HOSPITALITY
39 ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT
40 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE
41 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE
42 ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED
43 IN THIS SECTION.

1 (c) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY HAS
2 IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AN ORDINANCE OR
3 RESOLUTION RELATED TO CONSUMPTION OF MARIJUANA, NOTHING IN THIS
4 SECTION RESTRICTS THE ENFORCEMENT OF THAT ORDINANCE OR
5 RESOLUTION, AND THE LOCAL JURISDICTION MAY, BY ORDINANCE OR
6 RESOLUTION, REQUIRE A BUSINESS OPERATING AS A PLACE FOR ON-SITE
7 MARIJUANA CONSUMPTION TO BE LICENSED PURSUANT TO THIS SECTION.

8 (3) (a) (I) APPLICATIONS FOR A LICENSE PURSUANT TO THIS
9 SECTION MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS
10 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY AND
11 MUST SET FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY
12 MAY REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO
13 DETERMINE WHETHER A STATE LICENSE SHOULD BE GRANTED. THE
14 INFORMATION MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT
15 AND ANY OTHER INFORMATION REQUESTED BY THE STATE LICENSING
16 AUTHORITY. EACH APPLICATION MUST BE VERIFIED BY THE OATH OR
17 AFFIRMATION OF SUCH PERSON OR PERSONS AS THE STATE LICENSING
18 AUTHORITY MAY PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON
19 LOCAL LICENSING AUTHORITY APPROVAL.

20 (II) AN APPLICANT IS PROHIBITED FROM OPERATING A MARIJUANA
21 HOSPITALITY ESTABLISHMENT WITHOUT STATE AND LOCAL LICENSING
22 AUTHORITY APPROVAL; EXCEPT THAT A BUSINESS OPERATING A LOCATION
23 BEFORE DECEMBER 31, 2019, AT WHICH THE CONSUMPTION OF MARIJUANA
24 IS PERMITTED PURSUANT TO A LOCAL ORDINANCE OR RESOLUTION, MAY
25 CONTINUE TO OPERATE UNTIL A STATE LICENSE IS APPROVED OR DENIED
26 IF THE BUSINESS APPLIES FOR A LICENSE UNDER THIS SECTION ON OR
27 BEFORE DECEMBER 31, 2019. BEGINNING JANUARY 1, 2020, ANY SUCH
28 BUSINESS THAT HAS NOT APPLIED FOR A STATE LICENSE SHALL CEASE
29 OPERATION.

30 (III) IF A MARIJUANA HOSPITALITY LICENSE IS DENIED BY THE
31 STATE, THE BUSINESS SHALL IMMEDIATELY CEASE OPERATIONS FOR WHICH
32 A MARIJUANA HOSPITALITY LICENSE IS REQUIRED PURSUANT TO THIS
33 ARTICLE 12. IF THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING
34 AUTHORITY APPROVAL WITHIN ONE YEAR AFTER THE DATE OF STATE
35 LICENSING AUTHORITY APPROVAL, THE STATE LICENSE EXPIRES AND MAY
36 NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING
37 AUTHORITY OR THE APPROVAL OF THE LOCAL LICENSING AUTHORITY IS
38 REVOKED, THE STATE LICENSING AUTHORITY SHALL REVOKE THE
39 STATE-ISSUED LICENSE.

40 (b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE
41 LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS
42 SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES
43 TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS

1 ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE
2 RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD
3 CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:
4 (I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,
5 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR
6 PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO
7 THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR
8 REGULATIONS;
9 (II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH
10 ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE
11 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;
12 OR
13 (III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER
14 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE
15 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.
16 (c) A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE IS VALID
17 FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE LICENSING
18 AUTHORITY, BUT FOR NO LONGER THAN ONE YEAR, AND THE LICENSE MAY
19 BE RENEWED. THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY
20 RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL FEE FOR THE
21 LICENSE.
22 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF
23 ALL MARIJUANA HOSPITALITY ESTABLISHMENTS IN THE STATE AND SHALL
24 MAKE THE LIST AVAILABLE ON ITS WEBSITE.
25 (4) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL NOT:
26 (a) ENGAGE IN OR PERMIT THE SALE OR EXCHANGE FOR
27 REMUNERATION OF RETAIL OR MEDICAL MARIJUANA, RETAIL MARIJUANA
28 PRODUCTS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS IN THE LICENSED
29 PREMISES;
30 (b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO
31 CONSUME ANY MARIJUANA IN THE LICENSED PREMISES OF THE
32 ESTABLISHMENT;
33 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF
34 MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;
35 (d) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN
36 THE LICENSED PREMISES OF THE ESTABLISHMENT;
37 (e) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM
38 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED
39 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;
40 (f) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL
41 LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE
42 ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO SALES,
43 MANUFACTURING, OR CULTIVATION;

- 1 (g) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
2 CONDUCT AS DESCRIBED IN SECTION 18-9-106;
- 3 (h) PERMIT THE USE OR CONSUMPTION OF MARIJUANA BY A
4 PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION;
- 5 (i) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
6 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
7 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR
- 8 (j) ADMIT INTO THE LICENSED PREMISES OF THE ESTABLISHMENT
9 ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.
- 10 (5) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL:
- 11 (a) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND
12 RESPECTABLE MANNER;
- 13 (b) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO
14 SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING
15 PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;
- 16 (c) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY
17 MARIJUANA IS NOT VISIBLE FROM OUTSIDE OF THE LICENSED PREMISES OF
18 THE ESTABLISHMENT;
- 19 (d) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
20 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
21 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS
22 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
23 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
24 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
25 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
26 SUBSECTION (5)(d) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
27 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.
- 28 (e) MAINTAIN A RECORD OF ALL EDUCATIONAL MATERIALS
29 REQUIRED BY SUBSECTION (5)(d) OF THIS SECTION IN THE LICENSED
30 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
31 AND LAW ENFORCEMENT; AND
- 32 (f) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
33 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
34 PUBLIC SAFETY PERSONNEL TO ENTER A MARIJUANA HOSPITALITY
35 ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE
36 ESTABLISHMENT CEASE ALL CONSUMPTION AND OTHER ACTIVITIES UNTIL
37 SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES
38 AND HAVE LEFT THE LICENSED PREMISES.
- 39 (6) A MARIJUANA HOSPITALITY ESTABLISHMENT AND ITS
40 EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE ESTABLISHMENT FOR
41 ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF
42 INTOXICATION.

43 **44-12-409. Retail marijuana hospitality and sales**

1 **establishment license - rules - definition.** (1) (a) ON AND AFTER
2 JANUARY 1, 2020, THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL
3 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSE
4 AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH
5 MARIJUANA MAY BE SOLD AND CONSUMED PURSUANT TO THIS ARTICLE 12,
6 RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, AND THE
7 PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL
8 JURISDICTION IN WHICH THE LICENSEE OPERATES.

9 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE
10 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
11 LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN
12 SECTION 25-4-1602 (14) MAY APPLY FOR A LICENSE TO OPERATE A RETAIL
13 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT IN AN ISOLATED
14 PORTION OF THE PREMISES OF THE RETAIL FOOD ESTABLISHMENT. A RETAIL
15 FOOD ESTABLISHMENT OPERATING A RETAIL MARIJUANA HOSPITALITY AND
16 SALES ESTABLISHMENT PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT
17 TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES
18 PROMULGATED PURSUANT TO THAT ARTICLE INCLUDING BUT NOT LIMITED
19 TO LICENSURE REQUIREMENTS AND INSPECTION AND ENFORCEMENT
20 AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
21 ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT AUTHORIZE THE RETAIL
22 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT TO ENGAGE IN THE
23 MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL
24 MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO FOODS PRODUCED OR
25 PROVIDED AT THE RETAIL FOOD ESTABLISHMENT.

26 (2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF
27 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN ITS
28 JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH
29 A REFERRED OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY
30 ACTS THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT
31 A PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE
32 REGISTERED ELECTORS IN THE COUNTY OR CITY AND COUNTY.

33 (b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY
34 AUTHORIZES THE OPERATION OF RETAIL MARIJUANA HOSPITALITY AND
35 SALES ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT
36 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE
37 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE
38 ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED
39 IN THIS SECTION.

40 (3) (a) APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION
41 MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS PREPARED
42 AND FURNISHED BY THE STATE LICENSING AUTHORITY AND MUST SET
43 FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY

1 REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO DETERMINE
2 WHETHER A STATE LICENSE SHOULD BE GRANTED. THE INFORMATION
3 MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT AND ANY
4 OTHER INFORMATION REQUESTED BY THE STATE LICENSING AUTHORITY.
5 EACH APPLICATION MUST BE VERIFIED BY THE OATH OR AFFIRMATION OF
6 SUCH PERSON OR PERSONS AS THE STATE LICENSING AUTHORITY MAY
7 PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON LOCAL LICENSING
8 AUTHORITY APPROVAL. AN APPLICANT IS PROHIBITED FROM OPERATING A
9 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT WITHOUT
10 STATE AND LOCAL LICENSING AUTHORITY APPROVAL. IF THE APPLICANT
11 DOES NOT RECEIVE LOCAL LICENSING AUTHORITY APPROVAL WITHIN ONE
12 YEAR AFTER THE DATE OF STATE LICENSING AUTHORITY APPROVAL, THE
13 STATE LICENSE EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION
14 IS DENIED BY THE LOCAL LICENSING AUTHORITY OR THE APPROVAL OF THE
15 LOCAL LICENSING AUTHORITY IS REVOKED, THE STATE LICENSING
16 AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE.

17 (b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE
18 LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS
19 SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES
20 TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS
21 ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE
22 RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD
23 CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:

24 (I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,
25 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR
26 PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO
27 THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR
28 REGULATIONS;

29 (II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH
30 ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE
31 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;
32 OR

33 (III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER
34 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE
35 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

36 (c) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
37 LICENSE IS VALID FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE
38 LICENSING AUTHORITY, BUT NO LONGER THAN ONE YEAR, AND THE
39 LICENSE MAY BE RENEWED. THE STATE LICENSING AUTHORITY SHALL
40 ESTABLISH BY RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL
41 FEE FOR THE LICENSE.

42 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF
43 ALL RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS IN THE

1 STATE AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

2 (4) A RETAIL MARIJUANA HOSPITALITY AND SALES
3 ESTABLISHMENT LICENSEE SHALL NOT:

4 (a) ENGAGE IN MULTIPLE SALES TRANSACTIONS TO THE SAME
5 PATRON DURING THE SAME BUSINESS DAY WHEN THE ESTABLISHMENT'S
6 EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE
7 SALES TRANSACTION WOULD RESULT IN THE PATRON POSSESSING MORE
8 THAN THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING
9 AUTHORITY;

10 (b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO
11 CONSUME ANY MARIJUANA IN THE LICENSED PREMISES;

12 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF
13 MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

14 (d) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN
15 THE LICENSED PREMISES OF THE ESTABLISHMENT;

16 (e) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM
17 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED
18 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

19 (f) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL
20 LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE
21 ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO MANUFACTURING OR
22 CULTIVATION ACTIVITY;

23 (g) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
24 CONDUCT AS DESCRIBED IN SECTION 18-9-106;

25 (h) SELL, SERVE, OR PERMIT THE SALE OR SERVING OF RETAIL
26 MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ANY PATRON WHO
27 SHOWS SIGNS OF VISIBLE INTOXICATION;

28 (i) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
29 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
30 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

31 (j) ADMIT INTO THE LICENSED PREMISES OF A RETAIL MARIJUANA
32 HOSPITALITY AND SALES ESTABLISHMENT ANY PERSON WHO IS UNDER
33 TWENTY-ONE YEARS OF AGE.

34 (5) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
35 LICENSEE SHALL:

36 (a) TRACK ALL OF ITS RETAIL MARIJUANA AND RETAIL MARIJUANA
37 PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A RETAIL
38 MARIJUANA STORE, RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR
39 RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF SALE TO ITS
40 PATRONS;

41 (b) LIMIT A PATRON TO ONE TRANSACTION OF NO MORE THAN THE
42 SALES LIMIT SET BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT
43 TO SECTION 44-12-202 (3)(a)(XXV);

1 (c) BEFORE ALLOWING A PATRON TO LEAVE THE LICENSED
2 PREMISES WITH ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS,
3 PACKAGE AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA
4 PRODUCTS IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE
5 ESTABLISHMENT THAT COMPLY WITH THE REQUIREMENTS OF SECTION
6 44-12-202 (3)(a)(VIII) AND (3)(d)(II);

7 (d) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND
8 RESPECTABLE MANNER;

9 (e) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO
10 SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING
11 PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;

12 (f) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY RETAIL
13 MARIJUANA OR RETAIL MARIJUANA PRODUCT IS NOT VISIBLE FROM
14 OUTSIDE OF THE ESTABLISHMENT;

15 (g) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
16 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
17 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS
18 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
19 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
20 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
21 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
22 SUBSECTION (5)(g) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
23 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

24 (h) MAINTAINING A RECORD OF ALL EDUCATIONAL MATERIALS
25 REQUIRED BY SUBSECTION (5)(g) OF THIS SECTION IN THE LICENSED
26 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
27 AND LAW ENFORCEMENT; AND

28 (i) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
29 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
30 PUBLIC SAFETY PERSONNEL TO ENTER A RETAIL MARIJUANA HOSPITALITY
31 AND SALES ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS
32 OF THE ESTABLISHMENT CEASE ALL SALES, CONSUMPTION AND OTHER
33 ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR
34 INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

35 (6) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
36 AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE
37 ESTABLISHMENT FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS
38 ANY VISIBLE SIGNS OF INTOXICATION.

39 (7) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
40 MAY PURCHASE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS
41 FROM ANY RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION
42 FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER.

43 **SECTION 8.** In Colorado Revised Statutes, 44-12-901, **amend**

1 (1) and (4)(g) as follows:

2 **44-12-901. Unlawful acts - exceptions.** (1) Except IN THE
3 LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT
4 LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL MARIJUANA
5 HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO
6 SECTION 44-12-409 OR as otherwise provided in this article 12, it is
7 unlawful for a person to consume retail marijuana or retail marijuana
8 products in a licensed retail marijuana establishment, and it is unlawful
9 for a retail marijuana licensee to allow retail marijuana or retail marijuana
10 products to be consumed upon its licensed premises.

11 (4) It is unlawful for any person licensed to sell retail marijuana
12 or retail marijuana products pursuant to this article 12:

13 (g) EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA
14 HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408
15 OR A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
16 LICENSED PURSUANT TO SECTION 44-12-409, to have on the licensed
17 premises any retail marijuana, retail marijuana products, or marijuana
18 paraphernalia that shows evidence of the retail marijuana having been
19 consumed or partially consumed;

20 **SECTION 9.** In Colorado Revised Statutes, 18-18-406, **add**
21 (5)(b)(IV) and (5)(b)(V) as follows:

22 **18-18-406. Offenses related to marijuana and marijuana**
23 **concentrate - definitions.** (5) (b) (IV) PUBLIC DISPLAY, CONSUMPTION,
24 OR USE OF MARIJUANA OR MARIJUANA CONCENTRATE PURSUANT TO THE
25 PROVISIONS OF SECTION 44-12-408, WHEN SUCH DISPLAY, CONSUMPTION,
26 OR USE IS WITHIN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY
27 ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408, IS NOT A
28 VIOLATION OF THIS SUBSECTION (5).

29 (V) PUBLIC DISPLAY, CONSUMPTION, OR USE OF RETAIL MARIJUANA
30 OR RETAIL MARIJUANA CONCENTRATE PURSUANT TO THE PROVISIONS OF
31 SECTION 44-12-409, WHEN SUCH DISPLAY, CONSUMPTION, OR USE IS
32 WITHIN THE LICENSED PREMISES OF A RETAIL MARIJUANA HOSPITALITY
33 AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409
34 AND WHEN AN INDIVIDUAL'S DISPLAY, CONSUMPTION, OR USE DOES NOT
35 EXCEED THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING
36 AUTHORITY BY RULE PURSUANT TO SECTION 44-12-202 (3)(a)(XXV)(B),
37 IS NOT A VIOLATION OF THIS SUBSECTION (5).

38 **SECTION 10.** In Colorado Revised Statutes, 25-14-205, **amend**
39 (1) introductory portion, (1)(i), and (1)(k)(I)(C); and **add** (1)(l) as
40 follows:

41 **25-14-205. Exceptions to smoking restrictions.** (1) This part 2
42 ~~shall~~ DOES not apply to:

43 (i) A private, nonresidential building on a farm or ranch, as

1 defined in section 39-1-102, ~~C.R.S.~~, that has annual gross income of less
2 than five hundred thousand dollars; or

3 (k) (I) The areas of assisted living facilities:
4 (C) To which access is restricted to the residents or their guests;
5 OR

6 (l) IF AUTHORIZED BY LOCAL ORDINANCE, LICENSE, OR
7 REGULATION, THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY
8 ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL
9 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED
10 PURSUANT TO SECTION 44-12-409; EXCEPT THAT THIS EXCEPTION ONLY
11 APPLIES TO THE SMOKING OF MARIJUANA AND DOES NOT ALLOW THE
12 SMOKING OF TOBACCO WITHIN SUCH PREMISES.

13 **SECTION 11.** In Colorado Revised Statutes, 44-11-1101, **amend**
14 (2) introductory portion, (2)(b)(IV), and (2)(b)(V); and **add** (2)(b)(VI) as
15 follows:

16 **44-11-1101. Responsible vendor program - standards -**
17 **designation.** (2) An approved training program ~~shall~~ MUST contain, at a
18 minimum, the following standards and ~~shall~~ MUST be taught in a
19 classroom setting in a minimum of a two-hour period:

20 (b) A core curriculum of pertinent statutory and regulatory
21 provisions, which curriculum includes, but need not be limited to:

22 (IV) Acceptable forms of identification, including patient registry
23 cards and associated documents and procedures; ~~and~~

24 (V) Local and state licensing and enforcement, which may
25 include, but need not be limited to, key statutes and rules affecting
26 patients, owners, managers, and employees; AND

27 (VI) INFORMATION ON SERVING SIZE, THC AND CANNABINOID
28 POTENCY, AND IMPAIRMENT.

29 **SECTION 12. Act subject to petition - effective date.** This act
30 takes effect at 12:01 a.m. on the day following the expiration of the
31 ninety-day period after final adjournment of the general assembly (August
32 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
33 referendum petition is filed pursuant to section 1 (3) of article V of the
34 state constitution against this act or an item, section, or part of this act
35 within such period, then the act, item, section, or part will not take effect
36 unless approved by the people at the general election to be held in
37 November 2020 and, in such case, will take effect on the date of the
38 official declaration of the vote thereon by the governor."."

** *** ** *** **