HB1230 L.014
SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Finance.
HB19-1230 be amended as follows:

Amend reengrossed bill, page 19, after line 25 insert:

"SECTION 8. In Colorado Revised Statutes, add 44-12-802 as follows:

44-12-802. Civil liability - legislative declaration - definition.
(1) As used in this section, "licensee" means a marijuana hospitality establishment or a retail marijuana hospitality and sales establishment licensed under the provisions of this article 12 and the agents of the licensee.

(2) The general assembly hereby finds, determines, and declares that in certain cases the consumption of marijuana rather than the sale, service, or provision thereof is the proximate cause of injuries or damages inflicted upon another by an intoxicated person, except as otherwise provided in this section.

(3) (a) No licensee is civilly liable to any injured individual or his or her estate for any injury to the individual or damage to any property suffered because of the intoxication of any person due to the sale or service of any marijuana to the person, except when:

(I) It is proven that the licensee willfully and knowingly sold or served any marijuana to the person who was under twenty-one years of age or who was visibly intoxicated; and

(II) The civil action is commenced within one year after the sale or service.

(b) No civil action may be brought pursuant to this subsection (3) by the person to whom the marijuana was sold or served or by his or her estate, legal guardian, or dependent.

(c) (I) In any civil action brought pursuant to this subsection (3), the total liability in any such action shall not exceed one hundred fifty thousand dollars adjusted pursuant to subsection (3)(c)(II) of this section.

(II) (A) The limitations on damages set forth in subsection (3)(c)(I) of this section must be adjusted for inflation as of January 1, 2020, and each January 1 every two years thereafter. The adjustments made on January 1, 2020, and each January 1 every two years thereafter must be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations in subsection (3)(c)(I) of this section. The adjustments made pursuant to this subsection (3)(c)(II)(A) must be rounded upward or downward to the nearest ten-dollar increment.
(B) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE APPROPRIATE INFORMATION IS AVAILABLE.

(C) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER."

Renumber succeeding sections accordingly.

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