

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1230 be amended as follows:

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

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

4 **44-12-802. Civil liability - legislative declaration - definition.**

5 (1) AS USED IN THIS SECTION, "LICENSEE" MEANS A MARIJUANA
6 HOSPITALITY ESTABLISHMENT OR A RETAIL MARIJUANA HOSPITALITY AND
7 SALES ESTABLISHMENT LICENSED UNDER THE PROVISIONS OF THIS ARTICLE
8 12 AND THE AGENTS OF THE LICENSEE.

9 (2) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
10 DECLARES THAT IN CERTAIN CASES THE CONSUMPTION OF MARIJUANA
11 RATHER THAN THE SALE, SERVICE, OR PROVISION THEREOF IS THE
12 PROXIMATE CAUSE OF INJURIES OR DAMAGES INFLICTED UPON ANOTHER
13 BY AN INTOXICATED PERSON, EXCEPT AS OTHERWISE PROVIDED IN THIS
14 SECTION.

15 (3) (a) NO LICENSEE IS CIVILLY LIABLE TO ANY INJURED
16 INDIVIDUAL OR HIS OR HER ESTATE FOR ANY INJURY TO THE INDIVIDUAL OR
17 DAMAGE TO ANY PROPERTY SUFFERED BECAUSE OF THE INTOXICATION OF
18 ANY PERSON DUE TO THE SALE OR SERVICE OF ANY MARIJUANA TO THE
19 PERSON, EXCEPT WHEN:

20 (I) IT IS PROVEN THAT THE LICENSEE WILLFULLY AND KNOWINGLY
21 SOLD OR SERVED ANY MARIJUANA TO THE PERSON WHO WAS UNDER
22 TWENTY-ONE YEARS OF AGE OR WHO WAS VISIBLY INTOXICATED; AND

23 (II) THE CIVIL ACTION IS COMMENCED WITHIN ONE YEAR AFTER
24 THE SALE OR SERVICE.

25 (b) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO THIS
26 SUBSECTION (3) BY THE PERSON TO WHOM THE MARIJUANA WAS SOLD OR
27 SERVED OR BY HIS OR HER ESTATE, LEGAL GUARDIAN, OR DEPENDENT.

28 (c) (I) IN ANY CIVIL ACTION BROUGHT PURSUANT TO THIS
29 SUBSECTION (3), THE TOTAL LIABILITY IN ANY SUCH ACTION SHALL NOT
30 EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS ADJUSTED PURSUANT
31 TO SUBSECTION (3)(c)(II) OF THIS SECTION.

32 (II) (A) THE LIMITATIONS ON DAMAGES SET FORTH IN SUBSECTION
33 (3)(c)(I) OF THIS SECTION MUST BE ADJUSTED FOR INFLATION AS OF
34 JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER.
35 THE ADJUSTMENTS MADE ON JANUARY 1, 2020, AND EACH JANUARY 1
36 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE
37 ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE
38 EFFECTIVE DATE OF THE DAMAGES LIMITATIONS IN SUBSECTION (3)(c)(I)
39 OF THIS SECTION. THE ADJUSTMENTS MADE PURSUANT TO THIS
40 SUBSECTION (3)(c)(II)(A) MUST BE ROUNDED UPWARD OR DOWNWARD TO
41 THE NEAREST TEN-DOLLAR INCREMENT.

1 (B) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED
2 LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE
3 APPROPRIATE INFORMATION IS AVAILABLE.

4 (C) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
5 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER IS
6 APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE
7 SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS
8 THEREAFTER."

9 Renumber succeeding sections accordingly.

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