

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1230 be amended as follows:

1 Amend proposed committee amendment (HB1230_L.010), page 10, after
2 line 32 insert:

3 "SECTION 22. In Colorado Revised Statutes, **add** 44-10-1102
4 as follows:

5 **44-10-1102. Civil liability - legislative declaration - definition.**

6 (1) AS USED IN THIS SECTION, "LICENSEE" MEANS A MARIJUANA
7 HOSPITALITY BUSINESS OR A RETAIL MARIJUANA HOSPITALITY AND SALES
8 BUSINESS LICENSED UNDER THE PROVISIONS OF THIS ARTICLE 10 AND THE
9 AGENTS OF THE LICENSEE.

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

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

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

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

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

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

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

1 THE NEAREST TEN-DOLLAR INCREMENT.

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

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

10 Renumber succeeding sections accordingly.

11 Page 11, line 39, strike "24" and substitute "25".

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