Chair of Committee: Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB19-224 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

2. Strike pages 4 through 94.
3. Page 95, strike lines 1 through 18.
4. Renumber succeeding sections accordingly.
5. Page 95, after line 18 insert:

"SECTION 1. In Colorado Revised Statutes, add 44-12-902 as follows:

44-12-902. Unlawful open and public consumption. (1) The open and public, as defined in section 18-18-102 (20.3), consumption of marijuana is prohibited.

(2) The governing body of a county, city, city and county, or municipality may adopt an ordinance or resolution authorizing marijuana consumption locations or circumstances that are exceptions to the prohibition described in subsection (1) of this section if the locations are not accessible to the public or a substantial number of the public without restriction, including but not limited to restrictions on the age of the members of the public who are allowed access to such location.

(3) The prohibition in subsection (1) of this section does not apply to any business licensed pursuant to this article 12.
THAT PERMITS CONSUMPTION ON ITS PREMISES IF THE BUSINESS IS OPERATING WITHIN THE CONDITIONS OF LICENSURE."

Renumber succeeding sections accordingly.

Page 96, strike lines 21 through 27.

Strike page 97.

Page 98, strike lines 1 through 18.

Renumber succeeding sections accordingly.

Page 98, after line 18 insert:

"SECTION 5. In Colorado Revised Statutes, 18-18-102, add (20.3) as follows:

18-18-102. Definitions. As used in this article 18:
(20.3) (a) "Open" or "openly" means observable by the public or a substantial number of the public.
(b) "Public" or "publicly" means a place to which the public or a substantial number of the public has access without restriction, including but not limited to streets and highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of buildings and other facilities.
(c) "Open and public" or "openly and publicly" does not include any activity occurring on private residential property by the occupant or his or her guests."

Renumber succeeding sections accordingly.

Page 99, after line 22 insert:

"(1) "Accelerator Cultivator" means a person qualified for an accelerator license, licensed to cultivate on the premises of a retail marijuana cultivation facility licensee and distribute retail marijuana to retail marijuana products manufacturers and retail marijuana stores.
(2) "Accelerator-endorsed licensee" means a retail marijuana cultivation facility licensee or retail marijuana products manufacturer licensee who has, pursuant to rule, been endorsed to host and offer technical and capital support to an

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ACCELERATOR LICENSEE OPERATING ON ITS PREMISES.

(3) "ACCELERATOR LICENSEE" means a person who has resided in a census tract designated by the Office of Economic Development and International Trade as an opportunity zone for five of the ten years prior to application and has not been the beneficial owner of a license issued pursuant to this Article 10.

(4) "ACCELERATOR MANUFACTURER" means a person qualified for an accelerator license, licensed to manufacture and distribute retail marijuana concentrates and retail marijuana products on the premises of an accelerator-endorsed manufacturing licensee."

Renumber succeeding sections accordingly.

Page 119, after line 8, insert:

"(c) Notwithstanding any other provision of this subsection (5), holding or exercising the privileges of any license issued pursuant to this Article 10 shall not constitute an unsuitable or unlawful act or practice within the meaning of the statutes and rules governing the Colorado Limited Gaming Control Commission."

Page 123, line 18, strike "ANY PERSON" and substitute "A PERSON WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE 10".

Page 123, line 25, after "QUESTION" insert "OF A PERSON WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE 10".

Page 130, after line 10, insert:

"(IX) The state licensing authority shall promulgate rules that prevent obsolete testing of marijuana and marijuana products, including, but not limited to, potency testing of marijuana allocated to extractions, and contaminant testing of marijuana products when all inputs of the marijuana product have passed contaminant testing pursuant to subsection (2)(d) of this section."

Page 135, line 3, strike "age." and substitute "age;".

Page 135, after line 3 insert:

"(aa) The implementation of an accelerator program
INCLUDING BUT NOT LIMITED TO RULES TO ESTABLISH SEVERED LIABILITY FOR LICENSEES OPERATING ON THE SAME PHYSICAL PREMISES, SEVERED CUSTODIANSHIP OF REGULATED PRODUCTS, PROTECTIONS OF THE INTELLECTUAL PROPERTY OF THE ACCELERATOR LICENSEE, INCENTIVES FOR LICENSEES ENDORSED AS ACCELERATORS, AND ADDITIONAL REQUIREMENTS IF A PERSON APPLYING FOR AN ACCELERATOR ENDORSEMENT HAS LESS THAN TWO YEARS EXPERIENCE OPERATING A LICENSED FACILITY UNDER THIS TITLE 10; AND

(bb) CONDITIONS UNDER WHICH A LICENSEE IS AUTHORIZED TO TRANSFER ELECTRONIC CANNABIS WASTE TO A PERSON FOR THE PURPOSES OF RECYCLING OR REUSE. THE CONDITIONS MUST INCLUDE CONTRACT REQUIREMENTS THAT STIPULATE WHAT THE ELECTRONIC CANNABIS WASTE WILL BE USED FOR; RECORD-KEEPING REQUIREMENTS; SECURITY MEASURES RELATED TO THE TRANSPORT AND TRANSFER OF ELECTRONIC CANNABIS WASTE; HANDLING CONTAMINATED ELECTRONIC CANNABIS WASTE REQUIREMENTS; AND PROCESSES ASSOCIATED WITH HANDLING ELECTRONIC CANNABIS WASTE. THE RULES SHALL NOT REQUIRE LICENSEES TO ALTER OR DESTROY ELECTRONIC CANNABIS WASTE PRIOR TO TRANSFER."

Page 137, after line 14, insert:
"(h) A REQUIREMENT THAT EVERY MEDICAL MARIJUANA STORE AND RETAIL MARIJUANA STORE POST, AT ALL TIMES AND IN A PROMINENT PLACE, A WARNING THAT HAS A MINIMUM HEIGHT OF THREE INCHES AND A WIDTH OF SIX INCHES AND THAT READS:

WARNING: USING MARIJUANA, IN ANY FORM, WHILE YOU ARE PREGNANT OR BREASTFEEDING PASSES THC TO YOUR BABY AND MAY BE HARMFUL TO YOUR BABY. THERE IS NO KNOWN SAFE AMOUNT OF MARIJUANA USE DURING PREGNANCY OR BREASTFEEDING.".

Page 151, line 26, strike "(8)(c)" and substitute "(13)(c)".

Page 152, line 2, strike "(8)(a) OR (8)(b)." and substitute "(13)(a) OR (13)(b).".

Page 153, line 15, after "CONVICTION;" insert "EXCEPT FOR AN ACCELERATOR LICENSE, A MARIJUANA CONVICTION IS NOT THE SOLE BASIS FOR LICENSE DENIAL;".

Page 170, after line 18 insert:
"(c) (I) A MEDICAL MARIJUANA CULTIVATION FACILITY OR RETAIL MARIJUANA CULTIVATION FACILITY THAT HAS OBTAINED AN APPROVED CHANGE OF LOCATION FROM THE STATE LICENSING AUTHORITY MAY OPERATE ONE LICENSE AT TWO GEOGRAPHICAL LOCATIONS FOR THE PURPOSE OF TRANSITIONING OPERATIONS FROM ONE LOCATION TO ANOTHER IF:

(A) THE TOTAL PLANTS CULTIVATED AT BOTH LOCATIONS DO NOT EXCEED ANY PLANT COUNT LIMIT IMPOSED ON THE LICENSE BY THIS ARTICLE 10 AND ANY RULES PROMULGATED BY THE STATE LICENSING AUTHORITY;

(B) THE LICENSED PREMISES OF BOTH GEOGRAPHICAL LOCATIONS COMPLY WITH ALL SURVEILLANCE, SECURITY, AND INVENTORY TRACKING REQUIREMENTS IMPOSED BY THIS ARTICLE 10 AND ANY RULES PROMULGATED BY THE STATE LICENSING AUTHORITY;

(C) BOTH THE TRANSFERRING LOCATION AND THE RECEIVING LOCATION TRACK ALL PLANTS VIRTUALLY IN TRANSITION IN THE SEED-TO-SALE TRACKING SYSTEM TO ENSURE PROPER TRACKING FOR TAXATION AND TRACKING PURPOSES;

(D) OPERATION AT BOTH GEOGRAPHICAL LOCATIONS DOES NOT EXCEED ONE HUNDRED EIGHTY DAYS, UNLESS FOR GOOD CAUSE SHOWN, THE ONE-HUNDRED-EIGHTY-DAY DEADLINE MAY BE EXTENDED FOR AN ADDITIONAL ONE HUNDRED TWENTY DAYS; AND


(II) CONDUCT AT EITHER LOCATION MAY BE BASIS FOR FINE, SUSPENSION, REVOCATION, OR OTHER SANCTION AGAINST THE LICENSE.".

Page 175, line 12, strike "AND".
Page 175, line 13, strike "LICENSE." and substitute "LICENSE;".

Page 175, after line 13 insert:
"(VII) RETAIL MARIJUANA ACCELERATOR CULTIVATOR LICENSE;
AND
(VIII) RETAIL MARIJUANA ACCELERATOR MANUFACTURER LICENSE;".

Page 177, after line 26 insert:
"(6) FOR A PERSON APPLYING FOR AN ACCELERATOR LICENSE, THE STATE LICENSING AUTHORITY SHALL NOT DENY AN APPLICATION ON THE SOLE BASIS OF THE PRIOR MARIJUANA CONVICTION OF THE APPLICANT AND AT ITS DISCRETION MAY WAIVE OTHER REQUIREMENTS.".

Page 182, strike lines 12 through 16 and substitute:
"(8) All medical marijuana sold at a licensed medical marijuana center shall be labeled with a list of all chemical additives, including but not limited to nonorganic pesticides, herbicides, and fertilizers, that were used in the cultivation and the production of the medical marijuana.".

Page 190, lines 4 through 8, strike "A medical marijuana-infused MARIJUANA products manufacturer shall not use medical marijuana from more than five different medical marijuana centers or medical marijuana-infused MARIJUANA products manufacturers in total in the production of one medical marijuana-infused MARIJUANA product." and substitute "A medical marijuana-infused products manufacturer shall not use medical marijuana from more than five different medical marijuana centers or medical marijuana-infused products manufacturers in total in the production of one medical marijuana-infused product.".

Page 206, after line 25, insert:
"(12) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A LICENSED RETAIL MARIJUANA STORE MAY COMPENSATE ITS EMPLOYEES USING PERFORMANCE-BASED INCENTIVES, INCLUDING SALES-BASED PERFORMANCE-BASED INCENTIVES.".

Page 211, line 18, strike "INCENTIVES." and substitute "INCENTIVES, INCLUDING SALES-BASED PERFORMANCE-BASED INCENTIVES.".

Page 211, after line 18 insert:
"(9) AN ACCELERATOR CULTIVATOR LICENSEE MAY OPERATE ON THE PREMISES OF A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE IF BEFORE EACH ACCELERATOR LICENSEE OPERATES, THE RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE HAS ITS PREMISES ENDORSED PURSUANT TO RULE AND EACH ACCELERATOR LICENSEE IS LICENSED TO OPERATE ON THAT PREMISES.

(10) A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE THAT HOSTS AN ACCELERATOR LICENSEE MAY, PURSUANT TO RULE, PROVIDE TECHNICAL AND COMPLIANCE ASSISTANCE TO AN ACCELERATOR LICENSEE OPERATING ON ITS PREMISES. A RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSEE THAT HOSTS A CANNABIS OPPORTUNITY MANUFACTURER LICENSEE MAY, PURSUANT TO RULE, PROVIDE CAPITAL ASSISTANCE TO A CANNABIS OPPORTUNITY MANUFACTURER LICENSEE OPERATING ON ITS PREMISES.

(11) A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE THAT HOSTS AN ACCELERATOR LICENSEE, PURSUANT TO RULE AND AGENCY DISCRETION, MAY BE ELIGIBLE FOR REDUCTION IN LICENSE FEES OR OTHER INCENTIVES AVAILABLE THROUGH THE DEPARTMENT OF REVENUE OR THE OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE."

Page 213, line 11, strike "or" and substitute "or".

Page 213, line 15, strike "maintained." and substitute "maintained; OR".

Page 213, after line 15 insert:

"(c) ACCELERATOR MANUFACTURER LICENSEE SO LONG AS BEFORE EACH ACCELERATOR MANUFACTURER LICENSEE OPERATES, THE MANUFACTURER LICENSEE HAS ITS PREMISES ENDORSED PURSUANT TO RULE AND EACH ACCELERATOR LICENSEE IS LICENSED TO OPERATE ON THAT PREMISES."

Page 218, strike line 8 and substitute "INCENTIVES, INCLUDING SALES-BASED PERFORMANCE-BASED INCENTIVES.".

Page 218, after line 8 insert:

"(13) A RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSEE THAT HOSTS AN ACCELERATOR MANUFACTURER LICENSEE MAY, PURSUANT TO RULE, PROVIDE TECHNICAL AND COMPLIANCE ASSISTANCE TO AN ACCELERATOR LICENSEE OPERATING ON ITS PREMISES. A RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSEE THAT HOSTS A CANNABIS OPPORTUNITY MANUFACTURER LICENSEE MAY, PURSUANT TO
RULE, PROVIDE CAPITAL ASSISTANCE TO A CANNABIS OPPORTUNITY
MANUFACTURER LICENSEE OPERATING ON ITS PREMISES.

(14) A RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSEE,
PURSUANT TO RULE AND AGENCY DISCRETION, MAY BE ELIGIBLE FOR
REDUCTION IN LICENSE FEES AND FOR GRANTS THROUGH THE OFFICE OF
ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE.”.

Page 221, after line 4, insert:
"44-10-607. Retail marijuana accelerator cultivator license. A
RETAIL MARIJUANA ACCELERATOR CULTIVATOR LICENSE MAY BE ISSUED
TO A PERSON TO OPERATE A CULTIVATION OPERATION ON THE SITE OF
RETAIL MARIJUANA CULTIVATION FACILITY WITH AN ACCELERATOR
ENDORSEMENT. THE RETAIL MARIJUANA ACCELERATOR CULTIVATOR MAY
RECEIVE TECHNICAL ASSISTANCE AND FINANCIAL SUPPORT FROM THE
RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE WITH AN
ACCELERATOR ENDORSEMENT.

44-10-608. Retail marijuana accelerator manufacturer
license. A RETAIL MARIJUANA ACCELERATOR MANUFACTURER LICENSE
MAY BE ISSUED TO A PERSON TO OPERATE A RETAIL MARIJUANA PRODUCTS
MANUFACTURING OPERATION ON THE SITE OF RETAIL MARIJUANA
PRODUCTS MANUFACTURING FACILITY WITH AN ACCELERATOR
ENDORSEMENT. THE RETAIL MARIJUANA ACCELERATOR MANUFACTURER
MAY RECEIVE TECHNICAL ASSISTANCE AND FINANCIAL SUPPORT FROM THE
RETAIL MARIJUANA PRODUCTS MANUFACTURER WITH AN ACCELERATOR
ENDORSEMENT.”.

Page 223, line 12, after "LICENSE;" insert "EXCEPT IF IT IS FOR PURPOSES
OF RECYCLING;".

Page 223, line 16, after "CONSUMED;" insert "EXCEPT IF IT IS FOR
PURPOSES OF RECYCLING;".

Page 227, after line 7 insert:
"44-10-702. Unlawful open and public consumption. (1) The
OPEN AND PUBLIC, AS DEFINED IN SECTION 18-18-102 (20.3),
CONSUMPTION OF MARIJUANA IS PROHIBITED.

(2) THE GOVERNING BODY OF A COUNTY, CITY, CITY AND COUNTY,
OR MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION
AUTHORIZING MARIJUANA CONSUMPTION LOCATIONS OR CIRCUMSTANCES
THAT ARE EXCEPTIONS TO THE PROHIBITION DESCRIBED IN SUBSECTION (1)
OF THIS SECTION IF THE LOCATIONS ARE NOT ACCESSIBLE TO THE PUBLIC
OR A SUBSTANTIAL NUMBER OF THE PUBLIC WITHOUT RESTRICTION, INCLUDING BUT NOT LIMITED TO RESTRICTIONS ON THE AGE OF THE MEMBERS OF THE PUBLIC WHO ARE ALLOWED ACCESS TO SUCH LOCATION.

(3) THE PROHIBITION IN SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO ANY BUSINESS LICENSED PURSUANT TO THIS ARTICLE 10 THAT PERMITS CONSUMPTION ON ITS PREMISES IF THE BUSINESS IS OPERATING WITHIN THE CONDITIONS OF LICENSURE.

Page 227, line 11, strike "money, EXCEPT FOR FINES," and substitute "money".

Page 230, line 15, strike "and fines" and substitute "and fines".

Page 230, line 19, strike "EXCEPT AS OTHERWISE PROVIDED, ALL".

Page 230, strike lines 20 through 23.

Page 243, line 12 and 13, strike "44-10-103 (23) OR (42);" and substitute "44-10-103 (26) OR (45);".

Page 245, line 15, strike "44-10-103 (23)" and substitute "44-10-103 (26)".

Page 245, line 16, strike "44-10-103 (42)." and substitute "44-10-103 (45).".

Page 255, line 2, strike "44-10-103 (50)," and substitute "44-10-103 (53),".

Page 257, line 23, strike "44-10-103 (23)." and substitute "44-10-103 (26).".

Page 259, line 11, strike "45 through 76" and substitute "6 through 37"

Page 259, lines 21 and 22, strike "45 through 76" and substitute "6 through 37".

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