

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0377.01 Michael Dohr x4347

**HOUSE BILL 18-1092**

---

**HOUSE SPONSORSHIP**

**Melton and Singer**, Herod, Rosenthal, Coleman, Hooton, Salazar

**SENATE SPONSORSHIP**

**Neville T.**,

---

**House Committees**

Finance  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING A PILOT PROGRAM FOR MARIJUANA DELIVERY, AND, IN**  
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates a pilot program to allow marijuana delivery. The marijuana state licensing authority can enter into a memorandum of understanding with up to 3 municipalities to allow medical and retail marijuana delivery. The state licensing authority can adopt rules regarding marijuana delivery and can issue up to 15 marijuana delivery licenses.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-202, **add**  
3 (2)(a)(XXIII) and (4) as follows:

4 **12-43.3-202. Powers and duties of state licensing authority -**  
5 **rules - repeal.** (2) (a) Rules promulgated pursuant to subsection (1)(b)  
6 of this section may include, but need not be limited to, the following  
7 subjects:

8 (XXIII) MARIJUANA DELIVERY AS DESCRIBED IN SECTION  
9 12-43.3-409, INCLUDING:

10 (A) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR  
11 APPLYING FOR A MARIJUANA DELIVERY LICENSE;

12 (B) TRAINING REQUIREMENTS FOR PERSONNEL OF A MARIJUANA  
13 DELIVERY LICENSEE WHO WILL DELIVER MEDICAL MARIJUANA, MEDICAL  
14 MARIJUANA-INFUSED PRODUCTS, MEDICAL MARIJUANA CONCENTRATE,  
15 RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL  
16 MARIJUANA CONCENTRATE PURSUANT TO SECTION 12-43.3-409;

17 (C) PROCEDURES FOR PROOF OF MEDICAL MARIJUANA REGISTRY  
18 AND AGE IDENTIFICATION AND VERIFICATION;

19 (D) DELIVERY VEHICLE REQUIREMENTS, INCLUDING BUT NOT  
20 LIMITED TO REQUIREMENTS FOR LOCATION AND VEHICLE TRACKING,  
21 SECURITY, AND SURVEILLANCE;

22 (E) SECURITY REQUIREMENTS, INCLUDING BUT NOT LIMITED TO  
23 REQUIREMENTS FOR AREAS WHERE DELIVERY ORDERS ARE PROCESSED,  
24 STORED, WEIGHED, PACKAGED, PREPARED, TAGGED, TRANSPORTED,  
25 TRANSFERRED, AND DELIVERED, AND OTHER MINIMUM PROCEDURES FOR  
26 INTERNAL CONTROL AS DEEMED NECESSARY BY THE STATE LICENSING

1 AUTHORITY TO PROPERLY ADMINISTER AND ENFORCE THE PROVISIONS OF  
2 THIS ARTICLE 43.3;

3 (F) RECORD-KEEPING REQUIREMENTS;

4 (G) LIMITS ON THE AMOUNTS OF MEDICAL MARIJUANA, MEDICAL  
5 MARIJUANA-INFUSED PRODUCTS, MEDICAL MARIJUANA CONCENTRATE,  
6 RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL  
7 MARIJUANA CONCENTRATE THAT MAY BE CARRIED IN A DELIVERY  
8 VEHICLE;

9 (H) INVENTORY TRACKING SYSTEM REQUIREMENTS, INCLUDING  
10 BUT NOT LIMITED TO REQUIREMENTS THAT MEDICAL MARIJUANA, MEDICAL  
11 MARIJUANA-INFUSED PRODUCTS, MEDICAL MARIJUANA CONCENTRATE,  
12 RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL  
13 MARIJUANA CONCENTRATE ARE TRACKED FROM THE POINT THAT THEY ARE  
14 TRANSFERRED FROM A MEDICAL MARIJUANA CENTER OR RETAIL  
15 MARIJUANA STORE TO THE POINT OF DELIVERY AT A PHYSICAL ADDRESS  
16 AND BETWEEN PHYSICAL ADDRESSES AND REQUIREMENTS FOR USE OF AN  
17 INVENTORY TRACKING SYSTEM-GENERATED DELIVERY MANIFEST FOR  
18 EACH DELIVERY ORDER;

19 (I) PACKAGING REQUIREMENTS FOR DELIVERIES; AND

20 (J) HEALTH AND SAFETY REQUIREMENTS FOR DELIVERY OF  
21 MEDICAL MARIJUANA, MEDICAL MARIJUANA-INFUSED PRODUCTS, MEDICAL  
22 MARIJUANA CONCENTRATE, RETAIL MARIJUANA, RETAIL MARIJUANA  
23 PRODUCTS, AND RETAIL MARIJUANA CONCENTRATE.

24 (4) (a) THE STATE LICENSING AUTHORITY SHALL ENTER INTO NO  
25 MORE THAN THREE MEMORANDUMS OF UNDERSTANDING WITH  
26 MUNICIPALITIES TO ALLOW MARIJUANA DELIVERY IN THOSE  
27 JURISDICTIONS. A MEMORANDUM OF UNDERSTANDING MAY ALLOW

1 MULTIPLE MUNICIPALITIES TO COMPRISE A CONTIGUOUS JURISDICTION IN  
2 ORDER TO PERMIT DELIVERY BETWEEN THE MUNICIPALITIES, AND THE  
3 MEMORANDUM OF UNDERSTANDING MUST INCLUDE AN AGREEMENT ON  
4 REVENUE SHARING, INCLUDING A REQUIREMENT THAT THE POINT OF  
5 TAXATION IS AT THE STORE.

6 (b) THE MUNICIPALITY OR THE STATE LICENSING AUTHORITY CAN  
7 TERMINATE THE MEMORANDUM OF UNDERSTANDING FOR GOOD CAUSE.

8 (c) BY MARCH 1, 2020, THE STATE LICENSING AUTHORITY SHALL  
9 REPORT TO THE FINANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES  
10 AND THE FINANCE COMMITTEE OF THE SENATE, OR ANY SUCCESSOR  
11 COMMITTEES, REGARDING MARIJUANA DELIVERY IN THE JURISDICTIONS  
12 WITH THE MEMORANDUMS OF UNDERSTANDING.

13 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2020.

14 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-301, **amend**  
15 (1)(g) and (1)(h); and **add** (1)(i) as follows:

16 **12-43.3-301. Local licensing authority - applications - licenses**  
17 **- repeal.** (1) A local licensing authority may issue only the following  
18 medical marijuana licenses upon payment of the fee and compliance with  
19 all local licensing requirements to be determined by the local licensing  
20 authority:

21 (g) A marijuana research and development license; ~~and~~

22 (h) A marijuana research and development cultivation license;

23 AND

24 (i) (I) A MARIJUANA DELIVERY LICENSE.

25 (II) THIS SUBSECTION (1)(i) IS REPEALED, EFFECTIVE DECEMBER  
26 31, 2020.

27 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-401, **amend**

1 (1)(g) and (1)(h); and **add** (1)(i) as follows:

2 **12-43.3-401. Classes of licenses - repeal.** (1) For the purpose of  
3 regulating the cultivation, manufacture, distribution, and sale of medical  
4 marijuana, the state licensing authority in its discretion, upon application  
5 in the prescribed form made to it, may issue and grant to the applicant a  
6 license from any of the following classes, subject to the provisions and  
7 restrictions provided by this article 43.3:

- 8 (g) Marijuana research and development license; ~~and~~
- 9 (h) Marijuana research and development cultivation license; AND
- 10 (i) (I) A MARIJUANA DELIVERY LICENSE.
- 11 (II) THIS SUBSECTION (1)(i) IS REPEALED, EFFECTIVE DECEMBER  
12 31, 2020.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 12-43.3-409 as  
14 follows:

15 **12-43.3-409. Marijuana delivery license - repeal.** (1)(a) THERE  
16 IS A MARIJUANA DELIVERY LICENSE AUTHORIZING THE LICENSEE:

17 (I) ~~NOTWITHSTANDING THE PROVISIONS OF SECTION 12-43.3-901~~  
18 ~~(4)(h), TO DELIVER MEDICAL MARIJUANA, MEDICAL MARIJUANA-INFUSED~~  
19 ~~PRODUCTS, AND MEDICAL MARIJUANA CONCENTRATE BY THE LICENSEE OR~~  
20 ~~ITS EMPLOYEES TO A REGISTERED MEDICAL MARIJUANA CARDHOLDER~~  
21 ~~EIGHTEEN YEARS OF AGE OR OLDER, OR TO A CARDHOLDER'S PARENT OR~~  
22 ~~GUARDIAN WHO IS TWENTY-ONE YEARS OF AGE OR OLDER, AT A PHYSICAL~~  
23 ~~ADDRESS IN THE JURISDICTION THAT IS OTHERWISE LICENSED TO SELL AND~~  
24 ~~DELIVER MARIJUANA;~~ AND

25 (II) TO DELIVER RETAIL MARIJUANA, RETAIL MARIJUANA  
26 PRODUCTS, AND RETAIL MARIJUANA CONCENTRATE BY THE LICENSEE OR  
27 ITS EMPLOYEES TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR

1 OLDER AT A PHYSICAL ADDRESS IN THE JURISDICTION THAT IS OTHERWISE  
2 LICENSED TO SELL AND DELIVER MARIJUANA.

3 (b) A MARIJUANA DELIVERY LICENSE IS VALID FOR ONE YEAR AND  
4 MAY BE RENEWED ANNUALLY.

5 (c) THE STATE LICENSING AUTHORITY MAY ISSUE MARIJUANA  
6 DELIVERY LICENSES TO QUALIFIED APPLICANTS, AS DETERMINED BY THE  
7 STATE LICENSING AUTHORITY, IN JURISDICTIONS AUTHORIZED PURSUANT  
8 TO SECTION 12-43.3-202 (4). THE STATE LICENSING AUTHORITY SHALL  
9 ISSUE A MARIJUANA DELIVERY LICENSE TO AN APPLICANT WHO IS  
10 QUALIFIED TO RECEIVE THE LICENSE. A MARIJUANA DELIVERY LICENSE  
11 ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE  
12 PRIVILEGE.

13 (d) (I) THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY  
14 RULE AN APPLICATION FEE AND ANNUAL RENEWAL FEE FOR THE  
15 MARIJUANA DELIVERY LICENSE.

16 (II) THE AMOUNT OF THE FEE MUST REFLECT THE EXPECTED COSTS  
17 OF ADMINISTERING THE MARIJUANA DELIVERY LICENSE AND MAY BE  
18 ADJUSTED BY THE STATE LICENSING AUTHORITY TO REFLECT THE  
19 LICENSE'S ACTUAL DIRECT AND INDIRECT COSTS.

20 (e) (I) A PERSON WITH A MARIJUANA DELIVERY LICENSE MAY  
21 DELIVER MEDICAL MARIJUANA, MEDICAL MARIJUANA-INFUSED PRODUCTS,  
22 AND MEDICAL MARIJUANA CONCENTRATE ONLY TO A PERSON WHO PLACED  
23 THE ORDER AND WHO:

24 (A) IS A CURRENT REGISTRANT OF THE MEDICAL MARIJUANA  
25 PATIENT REGISTRY AND IS EIGHTEEN YEARS OF AGE OR OLDER, OR THE  
26 PARENT OR GUARDIAN, WHO IS TWENTY-ONE YEARS OF AGE OR OLDER, OF  
27 A MINOR WHO IS A CURRENT REGISTRANT;

1 (B) RECEIVES THE DELIVERY PURSUANT TO RULES; AND  
2 (C) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

3 (II) ANY PERSON DELIVERING MEDICAL MARIJUANA, MEDICAL  
4 MARIJUANA-INFUSED PRODUCTS, OR MEDICAL MARIJUANA CONCENTRATE  
5 MUST POSSESS A VALID OCCUPATIONAL LICENSE AND MUST HAVE  
6 UNDERGONE TRAINING REGARDING PROOF OF AGE IDENTIFICATION AND  
7 VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE  
8 DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY, AND ANY  
9 OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

10 (f) (I) A PERSON WITH A MARIJUANA DELIVERY LICENSE MAY  
11 DELIVER RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL  
12 MARIJUANA CONCENTRATE ONLY TO A PERSON WHO PLACED THE ORDER  
13 AND WHO:

14 (A) IS TWENTY-ONE YEARS OF AGE OR OLDER;  
15 (B) RECEIVES THE DELIVERY PURSUANT TO RULES; AND  
16 (C) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

17 (II) ANY PERSON DELIVERING RETAIL MARIJUANA, RETAIL  
18 MARIJUANA PRODUCTS, AND RETAIL MARIJUANA CONCENTRATE MUST  
19 POSSESS A VALID OCCUPATIONAL LICENSE AND MUST HAVE UNDERGONE  
20 TRAINING REGARDING PROOF OF AGE IDENTIFICATION AND VERIFICATION,  
21 INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED  
22 ACCEPTABLE BY THE STATE LICENSING AUTHORITY, AND ANY OTHER  
23 TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

24 (g) (I) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING  
25 MARIJUANA DELIVERY LICENSES ON JANUARY 1, 2019.

26 (II) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2020.

27 **SECTION 5.** In Colorado Revised Statutes, add 12-43.4-106 as

1 follows:

2 **12-43.4-106. Marijuana delivery - repeal.**

3 (1) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 43.4 TO THE  
4 CONTRARY, A PERSON LICENSED PURSUANT TO SECTION 12-43.3-409 MAY  
5 DELIVER RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL  
6 MARIJUANA CONCENTRATE PURSUANT TO THE PROVISIONS OF SECTION  
7 12-43.3-409 AND ANY RULES ADOPTED PURSUANT TO SECTION  
8 12-43.3-202 (2)(a)(XXIII).

9 (2) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2020.

10 **SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal  
11 year, \$310,543 is appropriated to the department of revenue. This  
12 appropriation is from the marijuana cash fund created in section  
13 12-43.3-501 (1)(a), C.R.S. To implement this act, the department may use  
14 this appropriation as follows:

15 (a) \$230,044 for marijuana enforcement, which amount is based  
16 on an assumption that the department will require an additional 2.7 FTE;

17 (b) \$12,000 for tax administration IT system (GenTax) support;

18 (c) \$14,850 for use by the executive director's office for vehicle  
19 lease payments;

20 (d) \$11,025 for use by the executive director's office for operating  
21 expenses; and

22 (e) \$42,624 for the purchase of legal services.

23 (2) For the 2018-19 state fiscal year, \$42,624 is appropriated to  
24 the department of law. This appropriation is from reappropriated funds  
25 received from the department of revenue under subsection (1)(e) of this  
26 section and is based on an assumption that the department of law will  
27 require an additional 0.2 FTE. To implement this act, the department of



1 law may use this appropriation to provide legal services for the  
2 department of revenue.

3 (3) For the 2018-19 state fiscal year, \$14,850 is appropriated to  
4 the department of personnel. This appropriation is from reappropriated  
5 funds received from the department of revenue under subsection (1)(c) of  
6 this section. To implement this act, the department of personnel may use  
7 this appropriation for vehicle replacement lease/purchase in fleet  
8 management program and motor pool services.

9 **SECTION 7. Safety clause.** The general assembly hereby finds,  
10 determines, and declares that this act is necessary for the immediate  
11 preservation of the public peace, health, and safety.