

CHAPTER 341

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 19-1234

BY REPRESENTATIVE(S) Valdez A. and Singer, Gray, Melton, Buentello, Duran, Herod, Jaquez Lewis, Sirota, Tipper;
also SENATOR(S) Gonzales and Marble, Fenberg, Winter, Crowder.

AN ACT

CONCERNING ALLOWING DELIVERY OF REGULATED MARIJUANA BY REGULATED MARIJUANA SELLERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 44-11-202, **amend** (2)(a)(XXI), (2)(a)(XXVIII), and (2)(a)(XXIX); and **add** (2)(a)(XXX) as follows:

44-11-202. Powers and duties of state licensing authority - rules.
(2) (a) Rules promulgated pursuant to subsection (1)(b) of this section may include, but need not be limited to, the following subjects:

(XXI) Medical marijuana transporter licensed businesses, including requirements for drivers, including obtaining and maintaining a valid Colorado driver's license; insurance requirements; acceptable time frames for transport, storage, and delivery; requirements for transport vehicles; REQUIREMENTS FOR DELIVERIES; and requirements for licensed premises;

(XXVIII) Requirements for a centralized distribution permit for optional premises cultivation facilities issued pursuant to section 44-11-403 (5), including but not limited to permit application requirements and privileges and restrictions of a centralized distribution permit; ~~and~~

(XXIX) Requirements for issuance of colocation permits to a marijuana research and development licensee or a marijuana research and development cultivation licensee authorizing colocation with a medical marijuana-infused products manufacturing licensed premises, including application requirements, eligibility, restrictions to prevent cross-contamination and to ensure physical separation of inventory and research activities, and other privileges and restrictions of permits;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

AND

(XXX) REQUIREMENTS FOR MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS DELIVERY AS DESCRIBED IN SECTION 44-11-402(11) AND SECTION 44-11-406(5), INCLUDING:

(A) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR LICENSED MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA TRANSPORTERS APPLYING FOR A MEDICAL MARIJUANA DELIVERY PERMIT;

(B) TRAINING REQUIREMENTS FOR PERSONNEL OF MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA TRANSPORTERS THAT HOLD A MEDICAL MARIJUANA DELIVERY PERMIT WHO WILL DELIVER MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS ARTICLE 11 AND REQUIREMENTS THAT MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA TRANSPORTERS OBTAIN A RESPONSIBLE VENDOR DESIGNATION PURSUANT TO SECTION 44-11-1102 PRIOR TO CONDUCTING A DELIVERY;

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

(D) SECURITY REQUIREMENTS;

(E) DELIVERY VEHICLE REQUIREMENTS, INCLUDING REQUIREMENTS FOR SURVEILLANCE;

(F) RECORD-KEEPING REQUIREMENTS;

(G) LIMITS ON THE AMOUNT OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS THAT MAY BE CARRIED IN A DELIVERY VEHICLE AND DELIVERED TO A PATIENT OR PARENT OR GUARDIAN, WHICH CANNOT EXCEED LIMITS PLACED ON SALES AT LICENSED MEDICAL MARIJUANA CENTERS;

(H) INVENTORY TRACKING SYSTEM REQUIREMENTS;

(I) HEALTH AND SAFETY REQUIREMENTS FOR MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS DELIVERED TO A PATIENT OR PARENT OR GUARDIAN;

(J) CONFIDENTIALITY REQUIREMENTS TO ENSURE THAT PERSONS DELIVERING MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS ARTICLE 11 DO NOT DISCLOSE PERSONAL IDENTIFYING INFORMATION TO ANY PERSON OTHER THAN THOSE WHO NEED THAT INFORMATION IN ORDER TO TAKE, PROCESS, OR DELIVER THE ORDER OR AS OTHERWISE REQUIRED OR AUTHORIZED BY THIS ARTICLE 11, TITLE 18, OR TITLE 25; AND

(K) AN APPLICATION FEE AND ANNUAL RENEWAL FEE FOR THE MEDICAL MARIJUANA DELIVERY PERMIT. THE AMOUNT OF THE FEE MUST REFLECT THE EXPECTED COSTS OF ADMINISTERING THE MEDICAL MARIJUANA DELIVERY PERMIT AND MAY BE ADJUSTED BY THE STATE LICENSING AUTHORITY TO REFLECT THE PERMIT'S ACTUAL DIRECT AND INDIRECT COSTS.

(L) THE PERMITTED HOURS OF DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS;

(M) REQUIREMENTS FOR AREAS WHERE MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS ORDERS ARE STORED, WEIGHED, PACKAGED, PREPARED, AND TAGGED, INCLUDING REQUIREMENTS THAT MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS CANNOT BE PLACED INTO A DELIVERY VEHICLE UNTIL AFTER AN ORDER HAS BEEN PLACED AND THAT ALL DELIVERY ORDERS MUST BE PACKAGED ON THE LICENSED PREMISES OF A MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AFTER AN ORDER HAS BEEN RECEIVED; AND

(N) PAYMENT METHODS, INCLUDING BUT NOT LIMITED TO THE USE OF GIFT CARDS AND PREPAYMENT ACCOUNTS.

SECTION 2. In Colorado Revised Statutes, 44-12-202, **amend** (3)(a)(XVIII), (3)(a)(XXIII), and (3)(a)(XXIV); and **add** (3)(a)(XXVII) as follows:

44-12-202. Powers and duties of state licensing authority - rules.
(3)(a) Rules promulgated pursuant to subsection (2)(b) of this section must include, but need not be limited to, the following subjects:

(XVIII) Retail marijuana transporter licensed businesses, including requirements for drivers, including obtaining and maintaining a valid Colorado driver's license; insurance requirements; acceptable time frames for transport, storage, and delivery; requirements for transport vehicles; REQUIREMENTS FOR DELIVERIES; and requirements for licensed premises;

(XXIII) Requirements for a centralized distribution permit for retail marijuana cultivation facilities issued pursuant to section 44-12-403 (7), including but not limited to permit application requirements and privileges and restrictions of a centralized distribution permit; ~~and~~

(XXIV) Requirements for issuance of colocation permits to a marijuana research and development licensee or a marijuana research and development cultivation licensee authorizing colocation with a retail marijuana products manufacturing licensed premises, including application requirements, eligibility, restrictions to prevent cross-contamination and to ensure physical separation of inventory and research activities, and other privileges and restrictions of permits; AND

(XXVII) REQUIREMENTS FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS DELIVERY AS DESCRIBED IN SECTION 44-12-402 (12) AND SECTION 44-12-406 (5), INCLUDING:

(A) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR RETAIL MARIJUANA STORES AND RETAIL MARIJUANA TRANSPORTERS APPLYING FOR A RETAIL MARIJUANA DELIVERY PERMIT;

(B) TRAINING REQUIREMENTS FOR PERSONNEL OF RETAIL MARIJUANA STORES AND RETAIL MARIJUANA TRANSPORTERS THAT HOLD A RETAIL MARIJUANA DELIVERY PERMIT THAT WILL DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS

PURSUANT TO THIS ARTICLE 12 AND REQUIREMENTS THAT RETAIL MARIJUANA STORES AND RETAIL MARIJUANA TRANSPORTERS OBTAIN A RESPONSIBLE VENDOR DESIGNATION PURSUANT TO SECTION 44-11-1102 PRIOR TO CONDUCTING A DELIVERY;

(C) PROCEDURES FOR AGE IDENTIFICATION AND VERIFICATION;

(D) SECURITY REQUIREMENTS;

(E) DELIVERY VEHICLE REQUIREMENTS, INCLUDING REQUIREMENTS FOR SURVEILLANCE;

(F) RECORD-KEEPING REQUIREMENTS;

(G) LIMITS ON THE AMOUNT OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS THAT MAY BE CARRIED IN A DELIVERY VEHICLE AND DELIVERED TO AN INDIVIDUAL, WHICH CANNOT EXCEED LIMITS PLACED ON SALES AT RETAIL MARIJUANA STORES;

(H) INVENTORY TRACKING SYSTEM REQUIREMENTS;

(I) HEALTH AND SAFETY REQUIREMENTS FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS DELIVERED TO AN INDIVIDUAL;

(J) CONFIDENTIALITY REQUIREMENTS TO ENSURE THAT PERSONS DELIVERING RETAIL MARIJUANA PURSUANT TO THIS ARTICLE 12 DO NOT DISCLOSE PERSONAL IDENTIFYING INFORMATION AND HEALTH CARE INFORMATION TO ANY PERSON OTHER THAN THOSE WHO NEED THAT INFORMATION IN ORDER TO TAKE, PROCESS, OR DELIVER THE ORDER OR AS OTHERWISE REQUIRED OR AUTHORIZED BY THIS ARTICLE 12, TITLE 18, OR TITLE 25;

(K) AN APPLICATION FEE AND ANNUAL RENEWAL FEE FOR THE RETAIL MARIJUANA DELIVERY PERMIT. THE AMOUNT OF THE FEE MUST REFLECT THE EXPECTED COSTS OF ADMINISTERING THE RETAIL MARIJUANA DELIVERY PERMIT AND MAY BE ADJUSTED BY THE STATE LICENSING AUTHORITY TO REFLECT THE PERMIT'S ACTUAL DIRECT AND INDIRECT COSTS.

(L) THE PERMITTED HOURS OF DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS;

(M) REQUIREMENTS FOR AREAS WHERE RETAIL MARIJUANA ORDERS ARE STORED, WEIGHED, PACKAGED, PREPARED, AND TAGGED, INCLUDING REQUIREMENTS THAT RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS CANNOT BE PLACED INTO A DELIVERY VEHICLE UNTIL AFTER AN ORDER HAS BEEN PLACED AND THAT ALL DELIVERY ORDERS MUST BE PACKAGED ON THE LICENSED PREMISES OF A RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AFTER AN ORDER HAS BEEN RECEIVED; AND

(N) PAYMENT METHODS, INCLUDING BUT NOT LIMITED TO THE USE OF GIFT CARDS AND PREPAYMENT ACCOUNTS.

SECTION 3. In Colorado Revised Statutes, 44-11-301, **amend** (1) introductory portion, (1)(g), and (1)(h); and **add** (1)(i) as follows:

44-11-301. Local licensing authority - applications - licenses - permits. (1) A local licensing authority may issue only the following medical marijuana licenses OR PERMITS upon payment of the fee and compliance with all local licensing requirements to be determined by the local licensing authority:

- (g) A marijuana research and development license; ~~and~~
- (h) A marijuana research and development cultivation license; AND
- (i) A MEDICAL MARIJUANA DELIVERY PERMIT.

SECTION 4. In Colorado Revised Statutes, 44-12-301, **amend** (1) as follows:

44-12-301. Local approval - licensing. (1) When the state licensing authority receives an application for original licensing OR ISSUANCE OF A RETAIL MARIJUANA DELIVERY PERMIT or renewal of an existing license OR PERMIT for any marijuana establishment, the state licensing authority shall provide, within seven days, a copy of the application to the local jurisdiction in which the establishment is to be located unless the local jurisdiction has prohibited the operation of retail marijuana establishments pursuant to section 16(5)(f) of article XVIII of the state constitution. The local jurisdiction shall determine whether the application complies with local restrictions on time, place, manner, and the number of marijuana businesses. The local jurisdiction shall inform the state licensing authority whether the application complies with local restrictions on time, place, manner, and the number of marijuana businesses.

SECTION 5. In Colorado Revised Statutes, 44-11-402, **add** (11) as follows:

44-11-402. Medical marijuana center license - medical marijuana delivery permit - report - rules - repeal. (11) (a) (I) THERE IS AUTHORIZED A MEDICAL MARIJUANA DELIVERY PERMIT TO A MEDICAL MARIJUANA CENTER LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS.

(II) A MEDICAL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE MEDICAL MARIJUANA CENTER LICENSE.

(III) A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE MEDICAL MARIJUANA CENTER; EXCEPT THAT, A SINGLE MEDICAL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE MEDICAL MARIJUANA CENTERS PROVIDED THAT THE MEDICAL MARIJUANA CENTERS ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A MEDICAL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A MEDICAL MARIJUANA CENTER LICENSE ISSUED

PURSUANT TO THIS ARTICLE 11. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A MEDICAL MARIJUANA DELIVERY PERMIT. A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED MEDICAL MARIJUANA CENTER. A VIOLATION RELATED TO A MEDICAL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR MEDICAL MARIJUANA CENTER LICENSE.

(b) A MEDICAL MARIJUANA CENTER LICENSEE SHALL NOT MAKE DELIVERIES OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS OR PARENTS OR GUARDIANS WHILE ALSO TRANSPORTING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) A LICENSED MEDICAL MARIJUANA CENTER SHALL CHARGE A ONE-DOLLAR SURCHARGE ON EACH DELIVERY. THE LICENSED MEDICAL MARIJUANA CENTER SHALL REMIT THE SURCHARGES COLLECTED ON A MONTHLY BASIS TO THE MUNICIPALITY WHERE THE LICENSED MEDICAL MARIJUANA CENTER IS LOCATED, OR TO THE COUNTY IF THE LICENSED MEDICAL MARIJUANA CENTER IS IN AN UNINCORPORATED AREA, FOR LOCAL LAW ENFORCEMENT COSTS RELATED TO MARIJUANA ENFORCEMENT. FAILURE TO COMPLY WITH THIS SUBSECTION (11)(c) MAY RESULT IN NONRENEWAL OF THE MEDICAL MARIJUANA DELIVERY PERMIT.

(d) A LICENSED MEDICAL MARIJUANA CENTER WITH A MEDICAL MARIJUANA DELIVERY PERMIT MAY DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS ONLY TO THE PATIENT OR PARENT OR GUARDIAN WHO PLACED THE ORDER AND WHO:

(I) IS A CURRENT REGISTRANT OF THE MEDICAL MARIJUANA PATIENT REGISTRY AND IS TWENTY-ONE YEARS OF AGE OR OLDER OR THE PARENT OR GUARDIAN OF A PATIENT WHO IS ALSO THE PATIENT'S PRIMARY CAREGIVER;

(II) RECEIVES THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(e) ANY PERSON DELIVERING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE LICENSED MEDICAL MARIJUANA CENTER OR MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(f) IN ACCORDANCE WITH THIS SUBSECTION (11) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (11), A LICENSED MEDICAL MARIJUANA CENTER WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT MAY:

(I) RECEIVE AN ORDER BY ELECTRONIC OR OTHER MEANS FROM A PATIENT OR THE

PARENT OR GUARDIAN FOR THE PURCHASE AND DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS. WHEN USING AN ONLINE PLATFORM FOR MARIJUANA DELIVERY, THE PLATFORM MUST REQUIRE THE PATIENT OR PARENT OR GUARDIAN TO CHOOSE A MEDICAL MARIJUANA CENTER BEFORE VIEWING THE PRICE.

(II) DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO A PATIENT OR A PARENT OR GUARDIAN AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME PATIENT OR PARENT OR GUARDIAN OR RESIDENCE;

(V) (A) DELIVER ONLY TO PRIVATE RESIDENCES;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-11-202 (2)(a)(XXX); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES, OR CONTRACT WITH A MEDICAL MARIJUANA TRANSPORTER THAT HAS A VALID MEDICAL MARIJUANA DELIVERY PERMIT TO CONDUCT DELIVERIES ON ITS BEHALF, FROM ITS MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(g) (I) AT THE TIME OF THE ORDER, THE MEDICAL MARIJUANA CENTER SHALL REQUIRE THE PATIENT OR PARENT OR GUARDIAN TO PROVIDE INFORMATION NECESSARY TO VERIFY THE PATIENT IS QUALIFIED TO PURCHASE AND RECEIVE A DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS SECTION. THE PROVIDED INFORMATION MUST, AT A MINIMUM, INCLUDE THE FOLLOWING:

(A) THE PATIENT'S NAME AND DATE OF BIRTH;

(B) THE REGISTRATION NUMBER REFLECTED ON THE PATIENT'S REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106;

(C) IF THE PATIENT IS UNDER EIGHTEEN YEARS OF AGE, THE NAME AND DATE OF BIRTH OF THE PARENT OR GUARDIAN DESIGNATED AS THE PATIENT'S PRIMARY CAREGIVER, AND IF APPLICABLE, THE REGISTRATION NUMBER OF THE PRIMARY CAREGIVER;

(D) THE ADDRESS OF THE RESIDENCE WHERE THE ORDER WILL BE DELIVERED;
AND

(E) ANY OTHER INFORMATION REQUIRED BY STATE LICENSING AUTHORITY RULE.

(II) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO A PATIENT OR A PARENT OR GUARDIAN, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION AND REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, VERIFY THE POSSESSION OF A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION.

(h) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 11, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 11 APPLY TO THE DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-11-202 (3)(a)(II) APPLY TO MEDICAL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (11).

(i) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED MEDICAL MARIJUANA CENTER OR MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO A MEDICAL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(j) A LOCAL LAW ENFORCEMENT AGENCY MAY REQUEST STATE LICENSING AUTHORITY REPORTS, INCLUDING COMPLAINTS, INVESTIGATIVE ACTIONS, AND FINAL AGENCY ACTION ORDERS, RELATED TO CRIMINAL ACTIVITY MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION, AND THE STATE LICENSING AUTHORITY SHALL PROMPTLY PROVIDE ANY REPORTS IN ITS POSSESSION FOR THE LAW ENFORCEMENT AGENCY'S JURISDICTION.

(k) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE

MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (11)(k)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FROM A MEDICAL MARIJUANA CENTER THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED AT ANY SCHOOL OR ON THE CAMPUS OF ANY INSTITUTION OF HIGHER EDUCATION.

(m) (I) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING MEDICAL MARIJUANA DELIVERY PERMITS TO QUALIFIED MEDICAL MARIJUANA CENTER APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2020.

(II) NO LATER THAN JANUARY 2, 2021, THE STATE LICENSING AUTHORITY SHALL SUBMIT A REPORT TO THE FINANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE NUMBER OF MEDICAL MARIJUANA DELIVERY APPLICATIONS SUBMITTED, THE NUMBER OF MEDICAL MARIJUANA DELIVERY PERMITS ISSUED, ANY FINDINGS BY THE STATE LICENSING AUTHORITY OF CRIMINAL ACTIVITY MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY, AND ANY INCIDENT REPORTS THAT INCLUDE FELONY CHARGES MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY, WHICH WERE FILED AND REPORTED TO THE STATE LICENSING AUTHORITY BY THE LAW ENFORCEMENT AGENCY, DISTRICT ATTORNEY, OR OTHER AGENCY RESPONSIBLE FOR FILING THE FELONY CHARGES. THE STATE LICENSING AUTHORITY MAY CONSULT WITH THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IN THE COLLECTION AND ANALYSIS OF ADDITIONAL CRIME DATA MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY.

SECTION 6. In Colorado Revised Statutes, 44-12-402, **add** (12) as follows:

44-12-402. Retail marijuana store license - retail marijuana delivery permit - report - rules - repeal. (12) (a) (I) THERE IS AUTHORIZED A RETAIL MARIJUANA DELIVERY PERMIT TO A RETAIL MARIJUANA STORE LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

(II) A RETAIL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE RETAIL MARIJUANA STORE LICENSE OR RETAIL MARIJUANA TRANSPORTER LICENSE.

(III) A RETAIL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE RETAIL MARIJUANA STORE; EXCEPT THAT, A SINGLE RETAIL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE RETAIL MARIJUANA STORES PROVIDED THAT THE RETAIL MARIJUANA STORES ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A RETAIL MARIJUANA STORE LICENSE ISSUED PURSUANT TO THIS ARTICLE 12. A PERMIT APPLICANT IS PROHIBITED FROM DELIVERING RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITHOUT STATE AND LOCAL JURISDICTION APPROVAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL JURISDICTION APPROVAL WITHIN ONE YEAR FROM THE DATE OF THE STATE LICENSING AUTHORITY APPROVAL, THE STATE PERMIT EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED PERMIT. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A RETAIL MARIJUANA DELIVERY PERMIT. A RETAIL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER LICENSEE. A VIOLATION RELATED TO A RETAIL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR RETAIL MARIJUANA STORE LICENSE.

(b) A RETAIL MARIJUANA STORE LICENSEE SHALL NOT MAKE DELIVERIES OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO INDIVIDUALS WHILE ALSO TRANSPORTING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) THE LICENSED RETAIL MARIJUANA STORE SHALL CHARGE A ONE-DOLLAR SURCHARGE ON EACH DELIVERY. THE LICENSED RETAIL MARIJUANA STORE SHALL REMIT THE SURCHARGES COLLECTED ON A MONTHLY BASIS TO THE MUNICIPALITY WHERE THE LICENSED RETAIL MARIJUANA STORE IS LOCATED, OR TO THE COUNTY IF THE LICENSED RETAIL MARIJUANA STORE IS IN AN UNINCORPORATED AREA, FOR LOCAL LAW ENFORCEMENT COSTS RELATED TO MARIJUANA ENFORCEMENT. FAILURE TO COMPLY WITH THIS SUBSECTION (12)(c) MAY RESULT IN NONRENEWAL OF THE RETAIL MARIJUANA DELIVERY PERMIT.

(d) A LICENSED RETAIL MARIJUANA STORE WITH A RETAIL MARIJUANA DELIVERY PERMIT MAY DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ONLY TO THE INDIVIDUAL WHO PLACED THE ORDER AND WHO:

(I) IS TWENTY-ONE YEARS OF AGE OR OLDER;

(II) RECEIVES THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(e) ANY PERSON DELIVERING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE LICENSED RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(f) IN ACCORDANCE WITH THIS SUBSECTION (12) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (12), A LICENSED RETAIL MARIJUANA STORE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT MAY:

(I) RECEIVE AN ORDER THROUGH ELECTRONIC OR OTHER MEANS FOR THE PURCHASE AND DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS. WHEN USING AN ONLINE PLATFORM FOR MARIJUANA DELIVERY, THE PLATFORM MUST REQUIRE THE INDIVIDUAL TO CHOOSE A RETAIL MARIJUANA STORE BEFORE VIEWING THE PRICE.

(II) DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO AN INDIVIDUAL AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME INDIVIDUAL OR RESIDENCE;

(V) (A) DELIVER ONLY TO PRIVATE RESIDENCES;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-12-202 (3)(a)(XXVII); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES, OR CONTRACT WITH A RETAIL MARIJUANA TRANSPORTER THAT HAS A VALID RETAIL MARIJUANA DELIVERY PERMIT TO CONDUCT DELIVERIES ON ITS BEHALF, FROM ITS RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(g) (I) AT THE TIME OF THE ORDER, THE RETAIL MARIJUANA STORE SHALL REQUIRE THE INDIVIDUAL TO PROVIDE INFORMATION NECESSARY TO VERIFY THE INDIVIDUAL IS AT LEAST TWENTY-ONE YEARS OF AGE. THE PROVIDED INFORMATION MUST, AT A MINIMUM, INCLUDE THE FOLLOWING:

(A) THE PATIENT'S NAME AND DATE OF BIRTH;

(B) THE ADDRESS OF THE RESIDENCE WHERE THE ORDER WILL BE DELIVERED; AND

(C) ANY OTHER INFORMATION REQUIRED BY STATE LICENSING AUTHORITY RULE.

(II) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO AN INDIVIDUAL, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE INDIVIDUAL'S IDENTIFICATION AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE INDIVIDUAL'S IDENTIFICATION.

(h) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 12 APPLY TO THE DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-12-202 (3)(d)(I) APPLY TO RETAIL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (12).

(i) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO A RETAIL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(j) A LOCAL LAW ENFORCEMENT AGENCY MAY REQUEST STATE LICENSING AUTHORITY REPORTS, INCLUDING COMPLAINTS, INVESTIGATIVE ACTION, AND FINAL AGENCY ACTION ORDERS, RELATED TO CRIMINAL ACTIVITY MATERIALLY RELATED TO RETAIL MARIJUANA DELIVERY IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION, AND THE STATE LICENSING AUTHORITY SHALL PROMPTLY PROVIDE ANY REPORTS IN ITS POSSESSION FOR THE LAW ENFORCEMENT AGENCY'S JURISDICTION.

(k) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (12)(k)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM A RETAIL MARIJUANA STORE THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(l) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED AT ANY SCHOOL OR ON THE CAMPUS OF ANY INSTITUTION OF HIGHER EDUCATION.

(m) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING RETAIL MARIJUANA

DELIVERY PERMITS TO QUALIFIED RETAIL MARIJUANA STORE APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2021.

SECTION 7. In Colorado Revised Statutes, 44-11-406, **amend** (1)(a); and **add** (5) as follows:

44-11-406. Medical marijuana transporter license. (1) (a) A medical marijuana transporter license may be issued to a person to provide logistics, distribution, DELIVERY, and storage of medical marijuana and medical marijuana-infused products. Notwithstanding any other provisions of law, a medical marijuana transporter license is valid for two years but cannot be transferred with a change of ownership. A licensed medical marijuana transporter is responsible for the medical marijuana and medical marijuana-infused products once it takes control of the product.

(5) (a) (I) THERE IS AUTHORIZED A MEDICAL MARIJUANA DELIVERY PERMIT TO A MEDICAL MARIJUANA TRANSPORTER LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS.

(II) A MEDICAL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE MEDICAL MARIJUANA TRANSPORTER LICENSE.

(III) A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE MEDICAL MARIJUANA TRANSPORTER; EXCEPT THAT, A SINGLE MEDICAL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE MEDICAL MARIJUANA TRANSPORTERS PROVIDED THAT THE MEDICAL MARIJUANA TRANSPORTERS ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A MEDICAL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A MEDICAL MARIJUANA TRANSPORTER LICENSE ISSUED PURSUANT TO THIS ARTICLE 11. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A MEDICAL MARIJUANA DELIVERY PERMIT. A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED MEDICAL MARIJUANA TRANSPORTER. A VIOLATION RELATED TO A MEDICAL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR MEDICAL MARIJUANA TRANSPORTER LICENSE.

(b) A MEDICAL MARIJUANA TRANSPORTER LICENSEE SHALL NOT MAKE DELIVERIES OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS OR PARENTS OR GUARDIANS WHILE ALSO TRANSPORTING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) A LICENSED MEDICAL MARIJUANA TRANSPORTER WITH A MEDICAL MARIJUANA DELIVERY PERMIT MAY DELIVER MEDICAL MARIJUANA AND MEDICAL

MARIJUANA-INFUSED PRODUCTS ON BEHALF OF A MEDICAL MARIJUANA CENTER ONLY TO THE PATIENT OR PARENT OR GUARDIAN WHO PLACED THE ORDER WITH A MEDICAL MARIJUANA CENTER AND WHO:

(I) IS A CURRENT REGISTRANT OF THE MEDICAL MARIJUANA PATIENT REGISTRY AND IS TWENTY-ONE YEARS OF AGE OR OLDER OR THE PARENT OR GUARDIAN OF A PATIENT WHO IS ALSO THE PATIENT'S PRIMARY CAREGIVER;

(II) RECEIVES THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(d) IN ACCORDANCE WITH THIS SUBSECTION (5) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (5), A LICENSED MEDICAL MARIJUANA TRANSPORTER WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT MAY:

(I) NOT ACCEPT ORDERS ON BEHALF OF A MEDICAL MARIJUANA CENTER AND MAY ONLY PICK UP ALREADY PACKAGED MEDICAL MARIJUANA DELIVERY ORDERS FROM A MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AND DELIVER THOSE ORDERS TO THE APPROPRIATE PATIENT, PARENT, OR GUARDIAN;

(II) DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO A PATIENT OR PARENT OR GUARDIAN AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME PATIENT OR RESIDENCE;

(V) (A) DELIVER ONLY TO A PRIVATE RESIDENCE;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-11-202 (2)(a)(XXX); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES ON BEHALF OF, AND PURSUANT TO A CONTRACT WITH, A MEDICAL MARIJUANA CENTER THAT HAS A VALID MEDICAL MARIJUANA DELIVERY PERMIT FROM ITS MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(e) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO A PATIENT OR A PARENT OR GUARDIAN, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION AND REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, VERIFY THE POSSESSION OF A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION.

(f) ANY PERSON DELIVERING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FOR A MEDICAL MARIJUANA TRANSPORTER MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(g) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 11, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 11 APPLY TO THE DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-11-202 (3)(a)(II) APPLY TO MEDICAL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (5).

(h) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO A MEDICAL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(i) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (5)(i)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FROM A MEDICAL MARIJUANA CENTER THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(j) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING MEDICAL MARIJUANA DELIVERY PERMITS TO QUALIFIED MEDICAL MARIJUANA TRANSPORTER APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2021.

SECTION 8. In Colorado Revised Statutes, 44-12-406, **amend** (1)(a); and **add** (5) as follows:

44-12-406. Retail marijuana transporter license. (1) (a) A retail marijuana transporter license may be issued to a person to provide logistics, distribution, DELIVERY, and storage of retail marijuana and retail marijuana products. Notwithstanding any other provisions of law, a retail marijuana transporter license is valid for two years but cannot be transferred with a change of ownership. A licensed retail marijuana transporter is responsible for the retail marijuana and retail marijuana products once it takes control of the product.

(5) (a) (I) THERE IS AUTHORIZED A RETAIL MARIJUANA DELIVERY PERMIT TO A RETAIL MARIJUANA TRANSPORTER LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

(II) A RETAIL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE RETAIL MARIJUANA TRANSPORTER LICENSE.

(III) A RETAIL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE RETAIL MARIJUANA TRANSPORTER; EXCEPT THAT, A SINGLE RETAIL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE RETAIL MARIJUANA TRANSPORTERS PROVIDED THAT THE RETAIL MARIJUANA TRANSPORTERS ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A RETAIL MARIJUANA TRANSPORTER LICENSE ISSUED PURSUANT TO THIS ARTICLE 12. A PERMIT APPLICANT IS PROHIBITED FROM DELIVERING RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITHOUT STATE AND LOCAL JURISDICTION APPROVAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL JURISDICTION APPROVAL WITHIN ONE YEAR FROM THE DATE OF THE STATE LICENSING AUTHORITY APPROVAL, THE STATE PERMIT EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED PERMIT. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A RETAIL MARIJUANA DELIVERY PERMIT. A RETAIL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED RETAIL MARIJUANA TRANSPORTER. A VIOLATION RELATED TO A RETAIL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR

A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR RETAIL MARIJUANA TRANSPORTER LICENSE.

(b) A RETAIL MARIJUANA TRANSPORTER LICENSEE SHALL NOT MAKE DELIVERIES OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO INDIVIDUALS WHILE ALSO TRANSPORTING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) A LICENSED RETAIL MARIJUANA TRANSPORTER WITH A RETAIL MARIJUANA DELIVERY PERMIT MAY DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ON BEHALF OF A RETAIL MARIJUANA STORE ONLY TO THE INDIVIDUAL WHO PLACED THE ORDER WITH A RETAIL MARIJUANA STORE AND WHO:

(I) IS TWENTY-ONE YEARS OF AGE OR OLDER;

(II) RECEIVES THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(d) IN ACCORDANCE WITH THIS SUBSECTION (5) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (5), A LICENSED RETAIL MARIJUANA TRANSPORTER WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT MAY:

(I) NOT ACCEPT ORDERS ON BEHALF OF A RETAIL MARIJUANA STORE AND MAY ONLY PICK UP ALREADY PACKAGED RETAIL MARIJUANA DELIVERY ORDERS FROM A RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AND DELIVER THOSE ORDERS TO THE APPROPRIATE INDIVIDUAL;

(II) DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO AN INDIVIDUAL AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME INDIVIDUAL OR RESIDENCE;

(V) (A) DELIVER ONLY TO A PRIVATE RESIDENCE;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-12-202 (3)(a)(XXVII); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES ON BEHALF OF, AND PURSUANT

TO A CONTRACT WITH, A RETAIL MARIJUANA STORE THAT HAS A VALID RETAIL MARIJUANA DELIVERY PERMIT FROM ITS RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(e) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO AN INDIVIDUAL, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE INDIVIDUAL'S IDENTIFICATION AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE INDIVIDUAL'S IDENTIFICATION.

(f) ANY PERSON DELIVERING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS FOR A RETAIL MARIJUANA TRANSPORTER MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(g) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 12 APPLY TO THE DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-12-202 (3)(d)(I) APPLY TO RETAIL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (5).

(h) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS PURSUANT TO A RETAIL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(i) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (5)(i)(I) OF THIS SECTION

MAY PROHIBIT DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM A RETAIL MARIJUANA STORE THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(j) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING RETAIL MARIJUANA DELIVERY PERMITS TO QUALIFIED RETAIL MARIJUANA TRANSPORTER APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2021.

SECTION 9. In Colorado Revised Statutes, 44-11-1101, **amend** (2) introductory portion; and **add** (2)(b)(III.5) as follows:

44-11-1101. Responsible vendor program - standards - designation. (2) An approved training program ~~shall~~ **MUST** contain, at a minimum, the following standards and ~~shall~~ **MUST** be taught in a classroom setting in a minimum of a two-hour period:

(b) A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes, but need not be limited to:

(III.5) STATUTORY AND REGULATORY REQUIREMENTS RELATED TO MARIJUANA DELIVERY;

SECTION 10. Appropriation. (1) For the 2019-20 state fiscal year, \$390,152 is appropriated to the department of revenue. This appropriation is from the marijuana cash fund created in section 44-11-501 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$349,450 for marijuana enforcement, which amount is based on an assumption that the department will require an additional 3.6 FTE;

(b) \$35,752 for the purchase of legal services; and

(c) \$4,950 for vehicle lease payments.

(2) For the 2019-20 state fiscal year, \$35,752 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(b) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

(3) For the 2019-20 state fiscal year, \$4,950 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(c) of this section. To implement this act, the department of personnel may use this appropriation to provide vehicles for the department of revenue.

SECTION 11. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on

May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2019