

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0163.01 Michael Dohr x4347

HOUSE BILL 21-1159

HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITATIONS ON REGULATED MARIJUANA DELIVERY.**

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>.)

Under current law, a retail marijuana store licensee may have a marijuana delivery permit associated with its store license. The bill requires the store to be open at least 5 days a week and at least 5 hours a day to have a delivery permit. The bill limits delivery sales to only retail marijuana, retail marijuana products, or branded merchandise that is available for sale from the retail marijuana store and requires the prices to be the same as the in-store price. The bill prohibits an online platform from holding pre-paid accounts for a licensed retail marijuana store.

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.

The bill waives the licensing fee for a transporter applicant who is a social equity licensee.

The bill prohibits a medical or retail marijuana business operator from engaging in the delivery of regulated marijuana.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-10-601, **amend**
3 (13)(a)(I) and (13)(f)(I) as follows:

4 **44-10-601. Retail marijuana store license - rules - definitions.**

5 (13) (a) (I) There is authorized a retail marijuana delivery permit to a
6 retail marijuana store license authorizing the permit holder to deliver
7 retail marijuana and retail marijuana products IF THE RETAIL MARIJUANA
8 STORE IS OPEN FOR AT LEAST FIVE DAYS A WEEK AND AT LEAST FIVE
9 HOURS A DAY. THE RETAIL MARIJUANA STORE MAY ONLY DELIVER RETAIL
10 MARIJUANA, RETAIL MARIJUANA PRODUCTS, OR BRANDED MERCHANDISE
11 THAT IS AVAILABLE FOR SALE FROM THE RETAIL MARIJUANA STORE AND
12 SHALL SELL THE ITEMS AT THE SAME PRICE AS THE PRICE FOR AN IN-STORE
13 PURCHASE.

14 (f) In accordance with this subsection (13) and rules adopted to
15 implement this subsection (13), a licensed retail marijuana store with a
16 valid retail marijuana delivery permit may:

17 (I) Receive an order through electronic or other means for the
18 purchase and delivery of retail marijuana or retail marijuana products.
19 When using an online platform for marijuana delivery, the platform must
20 require the individual to choose a retail marijuana store before viewing
21 the price; EXCEPT THAT AN ONLINE PLATFORM MUST NOT HOLD PRE-PAID
22 ACCOUNTS FOR A LICENSED RETAIL MARIJUANA STORE.

23 **SECTION 2.** In Colorado Revised Statutes, 44-10-605, **amend**

1 (1)(a) as follows:

2 **44-10-605. Retail marijuana transporter license - definition.**

3 (1) (a) A retail marijuana transporter license may be issued to a person
4 to provide logistics, distribution, delivery, and storage of retail marijuana
5 and retail marijuana products. Notwithstanding any other provisions of
6 law, a retail marijuana transporter license is valid for two years but cannot
7 be transferred with a change of ownership. A licensed retail marijuana
8 transporter is responsible for the retail marijuana and retail marijuana
9 products once it takes control of the product. THE STATE LICENSING
10 AUTHORITY SHALL WAIVE THE APPLICATION AND LICENSE FEE IF THE
11 PERSON APPLYING FOR THE TRANSPORTER LICENSE MEETS THE CRITERIA
12 ESTABLISHED PURSUANT TO SECTION 44-10-308 (4).

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 44-10-506 as
14 follows:

15 **44-10-506. Medical marijuana business operator license.** A
16 medical marijuana business operator license may be issued to an entity or
17 person who operates a medical marijuana business licensed pursuant to
18 this article 10, for another medical marijuana business or retail marijuana
19 business licensed pursuant to this article 10, and who may receive a
20 portion of the profits as compensation. A MEDICAL MARIJUANA BUSINESS
21 OPERATOR SHALL NOT ENGAGE IN THE DELIVERY OF REGULATED
22 MARIJUANA.

23 **SECTION 4.** In Colorado Revised Statutes, **amend** 44-10-606 as
24 follows:

25 **44-10-606. Retail marijuana business operator license.** A retail
26 marijuana business operator license may be issued to a person who
27 operates a retail marijuana business licensed pursuant to this article 10,

1 for an owner licensed pursuant to this article 10, and who may receive a
2 portion of the profits as compensation. A RETAIL MARIJUANA BUSINESS
3 OPERATOR SHALL NOT ENGAGE IN THE DELIVERY OF REGULATED
4 MARIJUANA.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.