

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

PREAMENDED

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

LLS NO. 21-0163.01 Michael Dohr x4347

HOUSE BILL 21-1159

HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Finance

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
10 PRODUCTS AVAILABLE AND REGULATED FOR SALE IN THE RETAIL
11 MARIJUANA STORE ASSOCIATED WITH THE DELIVERY PERMIT AND SHALL
12 SELL THE ITEMS IN ACCORDANCE WITH SECTION 6-1-105.

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

16 (I) Receive an order through electronic or other means for the
17 purchase and delivery of retail marijuana or retail marijuana products.
18 When using an online platform for marijuana delivery, the platform must
19 require the individual to choose a retail marijuana store before viewing
20 the price. ONLY A LICENSED MEDICAL MARIJUANA STORE OR RETAIL
21 MARIJUANA STORE MAY HOLD PREPAID CUSTOMER FUNDS. THIS PROVISION
22 DOES NOT PROHIBIT A THIRD-PARTY FINANCIAL INSTITUTION, CREDIT CARD
23 COMPANY, OR OTHER PAYMENT PROCESSOR FROM FACILITATING A

1 PAYMENT BY A CUSTOMER TO A MEDICAL MARIJUANA STORE OR A RETAIL
2 MARIJUANA STORE FOR PRODUCTS PREVIOUSLY ORDERED FROM THE
3 MEDICAL MARIJUANA STORE OR RETAIL MARIJUANA STORE BY THE
4 CUSTOMER.

5

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 44-10-506 as
7 follows:

8 **44-10-506. Medical marijuana business operator license.** A
9 medical marijuana business operator license may be issued to an entity or
10 person who operates a medical marijuana business licensed pursuant to
11 this article 10, for another medical marijuana business or retail marijuana
12 business licensed pursuant to this article 10, and who may receive a
13 portion of the profits as compensation. A MEDICAL MARIJUANA BUSINESS
14 OPERATOR SHALL NOT PROVIDE PROFESSIONAL OPERATIONAL SERVICES TO
15 A MEDICAL MARIJUANA STORE OR MEDICAL MARIJUANA TRANSPORTER
16 THAT HOLDS A MEDICAL MARIJUANA DELIVERY PERMIT OR OTHERWISE
17 EXERCISE THE PRIVILEGES OF ITS LICENSE FOR PURPOSES OF PROVIDING
18 MEDICAL MARIJUANA DELIVERY-RELATED SERVICES.

19 **SECTION 3.** In Colorado Revised Statutes, **amend** 44-10-606 as
20 follows:

21 **44-10-606. Retail marijuana business operator license.** A retail
22 marijuana business operator license may be issued to a person who
23 operates a retail marijuana business licensed pursuant to this article 10,
24 for an owner licensed pursuant to this article 10, and who may receive a
25 portion of the profits as compensation. A RETAIL MARIJUANA BUSINESS
26 OPERATOR SHALL NOT PROVIDE PROFESSIONAL OPERATIONAL SERVICES TO
27 A RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER THAT

1 HOLDS A RETAIL MARIJUANA DELIVERY PERMIT OR OTHERWISE EXERCISE
2 THE PRIVILEGES OF ITS LICENSE FOR PURPOSES OF PROVIDING MEDICAL
3 MARIJUANA DELIVERY-RELATED SERVICES.

4 **SECTION 4.** In Colorado Revised Statutes, 44-10-203, **add**
5 (2)(dd)(XIII.5) as follows:

6 **44-10-203. State licensing authority - rules. (2) Mandatory**
7 **rule-making.** Rules promulgated pursuant to section 44-10-202 (1)(c)
8 must include but need not be limited to the following subjects:

9 (dd) Requirements for medical marijuana and medical marijuana
10 products delivery as described in section 44-10-501 (11) and section
11 44-10-505 (5) and retail marijuana and retail marijuana products delivery
12 as described in section 44-10-601 (13) and section 44-10-605 (5),
13 including:

14 (XIII.5) EMERGENCY EXEMPTIONS TO HOURS OF OPERATIONS AS
15 IT PERTAINS TO A RETAIL MARIJUANA STORE DELIVERY PERMIT HOLDER.
16 THE STATE LICENSING AUTHORITY SHALL ENSURE THE RULES ARE
17 EFFECTIVE BY JANUARY 1, 2022.

18 **SECTION 5.** In Colorado Revised Statutes, 44-10-601, **amend**
19 (13)(f)(VII) as follows:

20 **44-10-601. Retail marijuana store license - rules - definitions.**

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

24 (VII) (A) Use an employee to conduct deliveries or contract with
25 a retail marijuana transporter that has a valid retail marijuana delivery
26 permit to conduct deliveries on its behalf, from its retail marijuana store
27 or its associated state licensing authority-authorized storage facility as

1 defined by rule.

2 (B) IF A LICENSED RETAIL MARIJUANA STORE CONTRACTS WITH A
3 RETAIL MARIJUANA TRANSPORTER TO CONDUCT THE DELIVERIES FOR THE
4 STORE AND THE STATE LICENSING AUTHORITY FINDS THE TRANSPORTER
5 VIOLATED THIS ARTICLE 10, OR ANY RULE PROMULGATED PURSUANT TO
6 THIS ARTICLE 10, WHEN THE VIOLATION IS RELATED TO DELIVERY AND THE
7 STATE LICENSING AUTHORITY DEEMS IT TO BE A VIOLATION OF PUBLIC
8 SAFETY, THE STATE LICENSING AUTHORITY SHALL NOTIFY THE STORE OF
9 THE VIOLATION. A VIOLATION AFFECTING PUBLIC SAFETY INCLUDES THE
10 TRANSFER OF REGULATED MARIJUANA TO A PERSON UNDER TWENTY-ONE
11 YEARS OF AGE, THE TRANSFER OF REGULATED MARIJUANA IN EXCESS OF
12 SALES LIMITATIONS, AND THE DIVERSION OF REGULATED MARIJUANA.

13 (C) IF THE STORE CONTINUES TO CONTRACT WITH THE RETAIL
14 MARIJUANA TRANSPORTER TO CONDUCT THE STORE'S DELIVERIES AND THE
15 STATE LICENSING AUTHORITY FINDS THE TRANSPORTER COMMITTED A
16 SECOND OR SUBSEQUENT VIOLATION OF THIS ARTICLE 10, OR ANY RULE
17 PROMULGATED PURSUANT TO THIS ARTICLE 10, WHEN THE VIOLATION IS
18 RELATED TO DELIVERY, IS DEEMED A VIOLATION AFFECTING PUBLIC
19 SAFETY, AND OCCURS WITHIN A YEAR OF THE FINAL AGENCY ACTION
20 VIOLATION OF A PREVIOUS VIOLATION, THE STATE LICENSING AUTHORITY
21 SHALL INITIATE ADMINISTRATIVE ACTION AGAINST THE RETAIL MARIJUANA
22 STORE IN ADDITION TO ANY DISCIPLINARY ADMINISTRATIVE ACTION
23 AGAINST THE RETAIL MARIJUANA TRANSPORTER.

24 (D) NOTHING IN THIS SUBSECTION (13)(f)(VII) LIMITS THE
25 AUTHORITY OF THE STATE LICENSING AUTHORITY TO IMPOSE DISCIPLINARY
26 ADMINISTRATIVE ACTION AGAINST A RETAIL MARIJUANA TRANSPORTER OR
27 MEDICAL MARIJUANA TRANSPORTER FOR VIOLATIONS OF STATE LAW OR

1 **RULE.**

2 **SECTION 6.** In Colorado Revised Statutes, 44-10-803, **add** (4)
3 as follows:

4 **44-10-803. Fees.** (4) THE STATE LICENSING AUTHORITY SHALL
5 WAIVE THE INITIAL APPLICATION AND LICENSE FEES FOR TRANSPORTER
6 LICENSES AND DELIVERY PERMITS IF THE PERSON APPLYING FOR THE
7 TRANSPORTER LICENSE OR DELIVERY PERMIT MEETS THE CRITERIA
8 ESTABLISHED PURSUANT TO SECTION 44-10-308 (4).

9 **SECTION 7.** In Colorado Revised Statutes, 44-10-1401, **amend**
10 (2) as follows:

11 **44-10-1401. Sunset review - repeal of article.** (2) Prior to the
12 repeal of this article 10, the department of regulatory agencies shall
13 conduct a sunset review as described in section 24-34-104 (5), AND, IN
14 THAT REVIEW, THE DEPARTMENT OF REGULATORY AGENCIES MUST REVIEW
15 THE METRICS AND IMPACTS OF THE REGULATIONS ON RETAIL SALES.

16 **SECTION 8. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.