

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0948.01 Yelana Love x2295

HOUSE BILL 23-1279

HOUSE SPONSORSHIP

Lindstedt and Sharbini, Garcia, Woodrow

SENATE SPONSORSHIP

Rodriguez,

House Committees
Finance

Senate Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A LICENSED RETAIL MARIJUANA STORE**
102 **TO SELL RETAIL MARIJUANA TO A PERSON WHO IS NOT**
103 **PHYSICALLY PRESENT ON THE STORE'S LICENSED PREMISES.**

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>.)

Current law prohibits a licensed retail marijuana store from selling retail marijuana or retail marijuana products over the internet or through delivery. The bill repeals the prohibition.

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

SENATE
2nd Reading Unamended
April 28, 2023

HOUSE
3rd Reading Unamended
April 15, 2023

HOUSE
Amended 2nd Reading
April 14, 2023

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 (7)(c) as follows:

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

5 ~~(7) (c) (I) A licensed retail marijuana store shall not sell retail marijuana~~
6 ~~or retail marijuana products over the internet nor deliver retail marijuana~~
7 ~~or retail marijuana products to a person not physically present in the retail~~
8 ~~marijuana store's licensed premises~~ A LICENSED RETAIL MARIJUANA STORE
9 MAY ACCEPT PAYMENT ONLINE FOR THE SALE OF RETAIL MARIJUANA AND
10 RETAIL MARIJUANA PRODUCTS.

11 (II) UNLESS OTHERWISE AUTHORIZED BY THIS ARTICLE 10, AN
12 INDIVIDUAL MUST BE PHYSICALLY PRESENT ON THE RETAIL MARIJUANA
13 STORE'S LICENSED PREMISES TO TAKE POSSESSION OF THE PURCHASED
14 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT.

15 (III) AT THE TIME OF AN ONLINE ORDER, THE RETAIL MARIJUANA
16 STORE SHALL REQUIRE THE PURCHASING INDIVIDUAL TO PROVIDE
17 INFORMATION NECESSARY TO VERIFY THAT THE INDIVIDUAL IS AT LEAST
18 TWENTY-ONE YEARS OF AGE. AT A MINIMUM, THE STORE SHALL REQUIRE
19 THE INDIVIDUAL'S NAME, THE INDIVIDUAL'S DATE OF BIRTH, AND ANY
20 OTHER INFORMATION REQUIRED BY THE STATE LICENSING AUTHORITY BY
21 RULE. WHEN THE INDIVIDUAL ARRIVES TO PICKUP THE ONLINE ORDER, THE
22 STORE SHALL INSPECT THE INDIVIDUAL'S IDENTIFICATION. THE STORE
23 SHALL NOT TRANSFER POSSESSION OF THE ORDER UNLESS THE NAME AND
24 DATE OF BIRTH PROVIDED AT THE TIME OF THE ORDER MATCHES THE NAME
25 AND DATE OF BIRTH ON THE INDIVIDUAL'S IDENTIFICATION.

26 (IV) A RETAIL MARIJUANA STORE SHALL ENSURE THAT AN
27 INDIVIDUAL PURCHASING RETAIL MARIJUANA OR RETAIL MARIJUANA

1 PRODUCTS ONLINE IS PROVIDED WITH DIGITAL VERSIONS OF ALL WARNINGS
2 OR EDUCATIONAL MATERIALS THAT THE RETAIL MARIJUANA STORE IS
3 REQUIRED TO POST AND PROVIDE ON ITS LICENSED PREMISES, INCLUDING
4 THE WARNING REQUIRED PURSUANT TO SECTION 44-10-203 (3)(h), THE
5 EDUCATIONAL MATERIAL REQUIRED IN SUBSECTION (3)(d) OF THIS
6 SECTION, AND ANY ADDITIONAL RELEVANT WARNINGS OR EDUCATIONAL
7 MATERIALS, AS APPLICABLE. THE INDIVIDUAL MUST ACKNOWLEDGE
8 RECEIPT OF THE WARNINGS AND EDUCATIONAL MATERIALS BEFORE
9 COMPLETING THE PURCHASE.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.