

HOUSE FLOOR AMENDMENT

Third Reading

BY REPRESENTATIVE Lindstedt

1 Amend revised bill, page 4, line 7, after "**amend**" insert "(1) introductory
2 portion,".

3 Page 4 line 9, strike "(3)(h)" and substitute "(3)(h); and **add** (1)(j.3)".

4 Page 4, strike lines 10 and 11 and substitute:

5 **"44-10-203. State licensing authority - rules.** (1) **Permissive**
6 **rule-making.** Rules promulgated pursuant to section 44-10-202 (1)(c)
7 may include ~~but need not be limited to~~ the following subjects:

8 (j.3) THE DOCUMENTATION A NATURAL PERSON APPLYING TO BE
9 A SOCIAL EQUITY LICENSEE MUST PROVIDE AND THE DOCUMENTATION
10 VERIFICATION THE STATE LICENSING AUTHORITY PERFORMS;

11 (2) **Mandatory rule-making.** Rules promulgated pursuant to
12 section 44-10-202 (1)(c)".

13 Page 6, strike lines 26 and 27.

14 Page 7, strike lines 1 through 23.

15 Rerumber succeeding sections accordingly.

16 Page 7, before line 25 insert:

17 **"SECTION 3.** In Colorado Revised Statutes, 44-10-308, **amend**
18 (4); and **add** (6), (7), (8), and (9) as follows:

19 **44-10-308. Business and owner requirements - legislative**
20 **declaration - definition - rules.** (4) (a) Effective January 1, 2021, a
21 NATURAL person who qualifies as a social equity licensee may apply for
22 any regulated marijuana business license or permit, including ~~but not~~ limited to
23 accelerator store, accelerator cultivator, and accelerator
24 manufacturer licenses, issued pursuant to this article 10. A NATURAL
25 person qualifies as a social equity licensee if ~~such~~ THE person meets the
26 following criteria, in addition to any criteria established by rule of the
27 state licensing authority:

28 (a) (I) Is a Colorado resident;

29 (b) (II) Has not been the beneficial owner of a license subject to
30 disciplinary or legal action from the state resulting in the revocation of a
31 license issued pursuant to this article 10;

32 (c) (III) Has demonstrated at least one of the following:

1 (A) The applicant has resided for at least fifteen years between
2 the years 1980 and 2010 in a census tract designated by the office of
3 economic development and international trade as an opportunity zone or
4 designated as a disproportionate impacted area, as defined by rule
5 pursuant to section 44-10-203 (1)(j);

6 (B) The applicant or the applicant's parent, legal guardian,
7 sibling, spouse, child, or minor in their guardianship was arrested for a
8 marijuana offense, convicted of a marijuana offense, or ~~was~~ subject to
9 civil asset forfeiture related to a marijuana investigation; or

10 (C) The applicant's household income in the year prior to
11 application did not exceed an amount determined by rule of the state
12 licensing authority; and

13 (D) The social equity licensee, or, collectively, one or more
14 social equity licensees, holds at least fifty-one percent of the beneficial
15 ownership of the regulated marijuana business license.

16 (b) THIS SUBSECTION (4) APPLIES TO A NATURAL PERSON
17 QUALIFIED AS A SOCIAL EQUITY LICENSEE AND WHO SUBMITS AN
18 APPLICATION FOR A FINDING OF SUITABILITY ON OR BEFORE FEBRUARY 1,
19 2025.

20 (6) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION,
21 EFFECTIVE FEBRUARY 1, 2025, A NATURAL PERSON THAT QUALIFIES AS A
22 SOCIAL EQUITY LICENSEE MAY APPLY FOR ANY REGULATED MARIJUANA
23 BUSINESS LICENSE OR PERMIT PURSUANT TO THIS ARTICLE 10. A NATURAL
24 PERSON QUALIFIES AS A SOCIAL EQUITY LICENSEE IF, IN ADDITION TO ANY
25 CRITERIA ESTABLISHED BY RULE, THE NATURAL PERSON:

26 (a) HAS NOT BEEN THE BENEFICIAL OWNER OF A LICENSE SUBJECT
27 TO DISCIPLINARY OR CIVIL ACTION FROM THE STATE LICENSING AUTHORITY
28 RESULTING IN THE REVOCATION OF A LICENSE ISSUED PURSUANT TO THIS
29 ARTICLE 10;

30 (b) HAS DEMONSTRATED AT LEAST ONE OF THE FOLLOWING:

31 (I) THE APPLICANT HAS RESIDED:

32 (A) FOR AT LEAST ANY FIVE YEARS OF THE THIRTY-YEAR PERIOD
33 PRIOR TO THE APPLICATION AND FOR WHICH DATA IS AVAILABLE, IN A
34 CENSUS TRACT DESIGNATED BY THE OFFICE OF ECONOMIC DEVELOPMENT
35 AND INTERNATIONAL TRADE AS AN OPPORTUNITY ZONE OR DESIGNATED AS
36 A DISPROPORTIONATE IMPACTED AREA AS DEFINED BY RULE PURSUANT TO
37 SECTION 44-10-203 (1)(j);

38 (B) FOR AT LEAST ANY FIVE OF THE THIRTY YEARS PRIOR TO THE
39 APPLICATION, IN HOUSING WITH FUNDING PROVIDED PURSUANT TO
40 SECTION 8 OR 9 OF THE FEDERAL "UNITED STATES HOUSING ACT OF
41 1937", 42 U.S.C. SECS. 1437f AND 1437g, AS AMENDED; OR

42 (C) FOR AT LEAST ANY FIVE YEARS BETWEEN 1980 AND 2021, IN
43 HOUSING WITH FUNDING FROM FEDERAL LOW-INCOME HOUSING TAX

1 CREDITS, COLORADO AFFORDABLE HOUSING TAX CREDITS, OR FUNDING
2 PROVIDED PURSUANT TO ANY FEDERAL, STATE, OR LOCAL PROGRAM THAT
3 RESTRICTS MAXIMUM RENTS FOR NATURAL PERSONS OF LOW OR
4 MODERATE INCOME THAT, AT THE TIME OF RESIDENCE, WAS SUBJECT TO A
5 USE RESTRICTION THAT WAS MONITORED TO ENSURE COMPLIANCE BY THE
6 FEDERAL GOVERNMENT, THE STATE GOVERNMENT, A COUNTY
7 GOVERNMENT, OR A MUNICIPAL GOVERNMENT, OR BY A POLITICAL
8 SUBDIVISION OR DESIGNATED AGENCY OF THE FEDERAL GOVERNMENT, THE
9 STATE GOVERNMENT, A COUNTY GOVERNMENT, OR A MUNICIPAL
10 GOVERNMENT;

11 (II) THE APPLICANT OR THE APPLICANT'S SPOUSE, PARENT, OR
12 LEGAL GUARDIAN WAS ARRESTED FOR AND CONVICTED OF A MARIJUANA
13 OFFENSE;

14 (III) THE APPLICANT'S SIBLING OR CHILD OR A MINOR IN THE
15 APPLICANT'S GUARDIANSHIP WAS ARRESTED FOR OR CONVICTED OF A
16 MARIJUANA OFFENSE, AND:

17 (A) THE APPLICANT'S SIBLING WHO WAS ARRESTED FOR OR
18 CONVICTED OF A MARIJUANA OFFENSE OR CHILD WHO WAS ARRESTED FOR
19 OR CONVICTED OF A MARIJUANA OFFENSE OR A MINOR IN THE APPLICANT'S
20 GUARDIANSHIP WHO WAS ARRESTED FOR OR CONVICTED OF A MARIJUANA
21 OFFENSE RESIDED IN A DISPROPORTIONATE IMPACTED AREA, AS DEFINED
22 BY RULE PURSUANT TO SECTION 44-10-203 (1)(j), FOR FIVE YEARS
23 BETWEEN 1980 AND 2021; OR

24 (B) THE APPLICANT'S SIBLING WHO WAS ARRESTED FOR OR
25 CONVICTED OF A MARIJUANA OFFENSE OR CHILD WHO WAS ARRESTED FOR
26 OR CONVICTED OF A MARIJUANA OFFENSE OR A MINOR IN THE APPLICANT'S
27 GUARDIANSHIP WHO WAS ARRESTED FOR OR CONVICTED OF A MARIJUANA
28 OFFENSE AND HAS RECEIVED ASSISTANCE FROM AT LEAST ONE OF THE
29 PROGRAMS LISTED IN SUBSECTION (6)(b)(IV) OF THIS SECTION FOR AT
30 LEAST FIVE YEARS BETWEEN 1980 AND 2021; OR

31 (IV) THE APPLICANT HAS RECEIVED ASSISTANCE FROM AT LEAST
32 ONE OF THE FOLLOWING PROGRAMS FOR AT LEAST FIVE OF THE TEN YEARS
33 PRIOR TO SUBMITTING AN APPLICATION:

34 (A) THE LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED IN
35 ARTICLE 8.7 OF TITLE 40;

36 (B) THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
37 DESCRIBED IN PART 3 OF ARTICLE 2 OF TITLE 26;

38 (C) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, AS DEFINED IN
39 SECTION 26-2-703 (19);

40 (D) THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
41 WOMEN, INFANTS, AND CHILDREN, CREATED PURSUANT TO 42 U.S.C. SEC.
42 1786; OR

43 (E) THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO

1 6 OF TITLE 25.5; AND

2 (c) HOLDS AT LEAST FIFTY-ONE PERCENT OF A BENEFICIAL
3 OWNERSHIP OF A REGULATED MARIJUANA BUSINESS LICENSE ALONE OR
4 COLLECTIVELY WITH AT LEAST ONE OTHER SOCIAL EQUITY LICENSEE.

5 (7) (a) FOR THE PURPOSES OF SUBSECTION (6) OF THIS SECTION, AN
6 APPLICANT IS NOT ELIGIBLE TO BE A SOCIAL EQUITY LICENSEE IF THE
7 APPLICANT IS A CONTROLLING BENEFICIAL OWNER OF MORE THAN THREE
8 RETAIL MARIJUANA STORE LICENSES, MEDICAL MARIJUANA STORE
9 LICENSES, RETAIL MARIJUANA CULTIVATION FACILITY LICENSES, OR
10 MEDICAL MARIJUANA CULTIVATION FACILITY LICENSES, UNLESS THE
11 LISTED LICENSES FOR WHICH THE APPLICANT IS A CONTROLLING
12 BENEFICIAL OWNER ARE EACH A SOCIAL EQUITY LICENSE.

13 (b) FOR THE PURPOSES OF SUBSECTION (7)(a) OF THIS SECTION,
14 CO-LOCATED RETAIL MARIJUANA STORE AND MEDICAL MARIJUANA STORE
15 LICENSES, OR CO-LOCATED RETAIL MARIJUANA CULTIVATION FACILITY
16 AND MEDICAL MARIJUANA CULTIVATION FACILITY LICENSES, CONSTITUTE
17 ONE LICENSE.

18 (8) (a) SUBSECTION (6) OF THIS SECTION APPLIES TO A NATURAL
19 PERSON QUALIFIED AS A SOCIAL EQUITY LICENSEE AND WHO SUBMITS AN
20 APPLICATION FOR A FINDING OF SUITABILITY ON OR AFTER FEBRUARY 1,
21 2025.

22 (b) SUBSECTION (6) OF THIS SECTION DOES NOT APPLY TO A
23 NATURAL PERSON QUALIFIED AS A SOCIAL EQUITY LICENSEE AND WHO
24 SUBMITS AN APPLICATION FOR A FINDING OF SUITABILITY ON OR BEFORE
25 FEBRUARY 1, 2025.

26 (9) A NATURAL PERSON WHO MEETS THE CRITERIA IN THIS SECTION
27 FOR A SOCIAL EQUITY LICENSE IS ELIGIBLE FOR INCENTIVES AVAILABLE
28 THROUGH THE DEPARTMENT OF REVENUE OR OFFICE OF ECONOMIC
29 DEVELOPMENT AND INTERNATIONAL TRADE. AN INCENTIVE MAY INCLUDE
30 A REDUCTION IN APPLICATION OR LICENSE FEES. THE STATE LICENSING
31 AUTHORITY MAY PROMULGATE RULES TO CREATE INCENTIVES.".

32 Rerumber succeeding sections accordingly.

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