

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0146.02 Christopher McMichael x4775

SENATE BILL 26-164

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SENATE SPONSORSHIP

Gonzales J.,

HOUSE SPONSORSHIP

Martinez and Woodrow,

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Senate Committees  
Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF LAWFUL THC BEVERAGES.

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>.)*

The bill regulates the manufacture, distribution, sale, and consumption of lawful tetrahydrocannabinol (THC) beverages. A "lawful THC beverage" is defined as a nonalcoholic beverage product that is infused with THC derived from a legal source of hemp that contains no more than 10 milligrams of total THC per serving.

The bill permits a person that is registered (registrant) with the department of public health and environment (CDPHE) as a hemp products manufacturer to manufacture lawful THC beverages if the

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.

registrant uses an approved source of hemp, complies with rules adopted by the CDPHE related to product labeling, production, and transportation, and sells the lawful THC beverages under certain circumstances.

A registrant that manufactures a lawful THC beverage shall only sell the lawful THC beverage to a wholesaler that is licensed by the state licensing authority in the department of revenue (DOR). The bill prohibits manufacturers from selling lawful THC beverages directly to a retail licensee or directly to a consumer.

The bill directs the CDPHE to adopt rules related to the labeling, packaging, and consumer notice requirements for lawful THC beverages on or before January 1, 2028. A manufacturer of a lawful THC beverage shall also adhere to the testing standards and requirements adopted by the CDPHE for hemp products.

A person licensed by the state licensing authority in the DOR (licensee) may sell a lawful THC beverage to a consumer if the licensee obtains a lawful THC beverage permit. A licensee must apply to the state licensing authority for the lawful THC beverage permit, and, if the lawful THC beverage permit is granted, the licensee may sell a lawful THC beverage under the rules of their existing license and additional rules adopted by the DOR specific to the sale of a lawful THC beverage. A licensee shall not:

- Sell a lawful THC beverage to an individual under 21 years old;
- Sell a lawful THC beverage to an individual who is visibly intoxicated;
- Allow a lawful THC beverage to be removed from the premises if the beverage is sold for on-site consumption;
- Permit the use of marijuana or marijuana products on the premises; or
- Mix a lawful THC beverage and an alcohol beverage in the same container.

The bill prohibits the manufacture or sale of lawful THC beverages that are made from synthetic or semi-synthetic cannabinoids.

The bill directs the DOR, in consultation with the CDPHE, to adopt rules related to the sale, transportation, inventory, recall, and seizure of lawful THC beverages.

The bill permits a local government to prohibit the sale of lawful THC beverages within the local government's jurisdiction.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 25-5-427.5 as  
3 follows:

1           **25-5-427.5. Regulation of lawful THC beverages -**  
2           **manufacture of lawful THC beverages - registration - permit -**  
3           **labeling requirements - definitions - rules.**

4           (1) **Definitions.** AS USED IN THIS SECTION, UNLESS CONTEXT  
5           OTHERWISE REQUIRES:

6           (a) "APPROVED SOURCE" MEANS:

7           (I) CULTIVATED HEMP FROM A STATE THAT HAS AN APPROVED  
8           UNITED STATES DEPARTMENT OF AGRICULTURE HEMP PROGRAM;

9           (II) A PRODUCT FROM A WHOLESALE FOOD MANUFACTURER, HEMP  
10           PRODUCT MANUFACTURER, OR STORAGE FACILITY REGISTERED WITH THE  
11           DEPARTMENT IN ACCORDANCE WITH SECTION 25-5-426;

12           (III) A SUBSTANCE THAT IS DESIGNATED BY THE UNITED STATES  
13           FOOD AND DRUG ADMINISTRATION AS "GENERALLY RECOGNIZED AS SAFE"  
14           OR "GRAS";

15           (IV) HEMP PRODUCTS OR INGREDIENTS FROM ANOTHER STATE  
16           THAT INSPECTS OR REGULATES HEMP PRODUCTS UNDER A FOOD SAFETY  
17           PROGRAM OR EQUIVALENT CRITERIA TO ENSURE SAFETY FOR HUMAN  
18           CONSUMPTION; OR

19           (V) IF ANOTHER STATE DOES NOT INSPECT OR REGULATE HEMP  
20           PRODUCTS OR INGREDIENTS, THE OUT-OF-STATE HEMP SOURCE CAN  
21           DEMONSTRATE EQUIVALENCY BY:

22           (A) MAINTAINING AN ANNUAL 21 CFR 111 OR 117 CERTIFICATION  
23           CONDUCTED BY A QUALIFIED AUDITOR;

24           (B) PROVIDING EVIDENCE OF THE CERTIFICATION REQUIRED BY  
25           SUBSECTION (1)(a)(V)(A) OF THIS SECTION TO THE REGISTERED HEMP  
26           FACILITY IN COLORADO; AND

27           (C) PROVIDING DOCUMENTATION TO THE PURCHASER THAT ALL

1 SUPPLIED HEMP PRODUCTS OR INGREDIENTS HAVE PASSED TESTING  
2 REQUIREMENTS FOR POTENCY, MICROBIALS, MYCOTOXINS, PESTICIDES,  
3 HEAVY METALS, AND RESIDUAL SOLVENTS IN ACCORDANCE WITH  
4 DEPARTMENT RULES.

5 (b) "FEDERAL CONFORMITY TRIGGER" MEANS THE EFFECTIVE DATE  
6 OF ANY FEDERAL LAW THAT RESTRICTS OR PROHIBITS THE INTRODUCTION  
7 OF A HEMP PRODUCT, INCLUDING A LAWFUL THC BEVERAGE, INTO  
8 INTERSTATE COMMERCE.

9 (c) "HEMP" HAS THE MEANING SET FORTH IN SECTION 25-5-427  
10 (2)(b).

11 (d) "HEMP PRODUCT" HAS THE MEANING SET FORTH IN SECTION  
12 25-5-427 (2)(d).

13 (e) (I) "LAWFUL THC BEVERAGE" MEANS A NONALCOHOLIC  
14 BEVERAGE PRODUCT FORMULATED FOR HUMAN CONSUMPTION THAT IS  
15 INFUSED WITH TETRAHYDROCANNABINOL (THC) DERIVED FROM A LEGAL  
16 SOURCE OF HEMP IN COLORADO OR AN APPROVED SOURCE OF HEMP IN  
17 ANOTHER STATE AND THAT CONTAINS NO MORE THAN TEN MILLIGRAMS OF  
18 TOTAL TETRAHYDROCANNABINOL (THC) PER SERVING.

19 (II) "LAWFUL THC BEVERAGE" DOES NOT INCLUDE A BEVERAGE  
20 PRODUCT THAT IS INFUSED WITH THC THAT IS DERIVED FROM:

21 (A) REGULATED MARIJUANA;

22 (B) A SEMI-SYNTHETIC CANNABINOID, AS DEFINED IN SECTION  
23 44-10-209 (2)(b); OR

24 (C) A SYNTHETIC CANNABINOID, AS DEFINED IN SECTION  
25 44-10-209 (2)(c).

26 (III) IN THE EVENT OF A FEDERAL CONFORMITY TRIGGER, "LAWFUL  
27 THC BEVERAGE" HAS THE MEANING SET FORTH IN SUBSECTIONS (1)(e)(I)

1 AND (1)(e)(II) OF THIS SECTION; EXCEPT THAT THE LAWFUL THC  
2 BEVERAGE MUST BE:

3 (A) INFUSED WITH THC DERIVED FROM A LEGAL SOURCE OF HEMP  
4 IN COLORADO;

5 (B) MANUFACTURED OR PRODUCED IN COLORADO;

6 (C) DISTRIBUTED, OFFERED FOR SALE, AND SOLD SOLELY AT  
7 RETAIL STORES IN COLORADO THAT HAVE A LAWFUL THC BEVERAGE  
8 PERMIT ISSUED IN ACCORDANCE WITH SECTION 44-8-103; AND

9 (D) NOT OFFERED FOR SALE OR DELIVERY OUTSIDE OF THE STATE.

10 (f) "REGISTRANT" MEANS A PERSON THAT IS REGISTERED WITH THE  
11 DEPARTMENT IN ACCORDANCE WITH SECTION 25-5-427 (5) FOR THE  
12 MANUFACTURE OR PRODUCTION OF A HEMP PRODUCT.

13 (g) "REGULATED MARIJUANA" HAS THE MEANING SET FORTH IN  
14 SECTION 44-10-103 (54).

15 (h) "TETRAHYDROCANNABINOL" OR "THC" HAS THE MEANING SET  
16 FORTH IN SECTION 44-10-209 (2)(d).

17 (2) **Manufacture of lawful THC beverages.**

18 (a) A REGISTRANT MAY MANUFACTURE AND SELL LAWFUL THC  
19 BEVERAGES IF THE REGISTRANT:

20 (I) IS REGISTERED WITH THE DEPARTMENT TO MANUFACTURE HEMP  
21 PRODUCTS IN ACCORDANCE WITH SECTION 25-5-427 (5);

22 (II) USES AN APPROVED SOURCE OF HEMP TO MANUFACTURE THE  
23 LAWFUL THC BEVERAGES;

24 (III) COMPLIES WITH THE RULES ADOPTED BY THE DEPARTMENT  
25 FOR THE MANUFACTURE, PRODUCTION, LABELING, AND TRANSPORTATION  
26 OF LAWFUL THC BEVERAGES; AND

27 (IV) SELLS THE LAWFUL THC BEVERAGES IN ACCORDANCE WITH

1 SUBSECTION (3) OF THIS SECTION.

2 (b) (I) A REGISTRANT THAT MANUFACTURES A LAWFUL THC  
3 BEVERAGE MAY PRODUCE A LAWFUL THC BEVERAGE IN EITHER A  
4 SINGLE-SERVING CONTAINER, A MULTI-SERVING CONTAINER, OR BOTH.

5 (II) A SINGLE-SERVING LAWFUL THC BEVERAGE MUST:

6 (A) BE BOTTLED, CANNED, OR PLACED IN A CONTAINER OF NO LESS  
7 THAN FIFTY MILLILITERS AND NO MORE THAN NINETEEN AND TWO-TENTHS  
8 OUNCES;

9 (B) BE BOTTLED, CANNED, OR PLACED IN A CONTAINER THAT  
10 UTILIZES A TRADITIONAL PULL TAB OR BOTTLE CAP, UNLESS THE PRODUCT  
11 IS LESS THAN TWO FLUID OUNCES IN TOTAL;

12 (C) CONTAIN NO MORE THAN TEN MILLIGRAMS OF THC PER  
13 CONTAINER AND NO MORE THAN ONE SERVING PER CONTAINER; AND

14 (D) BE SOLD IN A PACK OF TWENTY-FOUR CANS, BOTTLES, OR  
15 CONTAINERS OR FEWER.

16 (III) A MULTI-SERVING LAWFUL THC BEVERAGE MUST:

17 (A) BE BOTTLED OR PLACED IN A CONTAINER OF NO LESS THAN  
18 THREE HUNDRED SEVENTY MILLILITERS AND NO MORE THAN ONE AND  
19 THREE-QUARTERS LITERS;

20 (B) BE BOTTLED OR PLACED IN A RESEALABLE CONTAINER THAT  
21 USES A SCREW-TOP OR CORK-STYLE CAP; AND

22 (C) BE MEASURED IN ONE AND ONE-HALF OUNCE SERVINGS OR  
23 LESS AND CONTAIN NO MORE THAN TEN MILLIGRAMS OF THC PER  
24 SERVING.

25 (c) A REGISTRANT THAT MANUFACTURES A LAWFUL THC  
26 BEVERAGE MUST COMPLY WITH ALL APPLICABLE RULES RELATED TO THE  
27 TESTING, LABELING, PACKAGING, AND CONCENTRATION REQUIREMENTS

1 FOR HEMP PRODUCTS ADOPTED BY THE DEPARTMENT IN ACCORDANCE  
2 WITH SECTION 25-5-427 (3)(f) AND SUBSECTION (5) OF THIS SECTION.

3 **(3) Sale and distribution.**

4 (a) (I) A REGISTRANT THAT MANUFACTURES A LAWFUL THC  
5 BEVERAGE SHALL ONLY SELL THE LAWFUL THC BEVERAGE TO A  
6 WHOLESALER THAT IS LICENSED PURSUANT TO SECTION 44-3-407 AND  
7 THAT HOLDS A LAWFUL THC BEVERAGE PERMIT GRANTED PURSUANT TO  
8 SECTION 44-8-103.

9 (II) A REGISTRANT THAT MANUFACTURES LAWFUL THC  
10 BEVERAGES AND SELLS THE LAWFUL THC BEVERAGES TO A WHOLESALER  
11 IN ACCORDANCE WITH SUBSECTION (3)(a)(I) OF THIS SECTION MAY USE OR  
12 EMPLOY A RETAIL MARIJUANA TRANSPORTER, AS DEFINED IN SECTION  
13 44-10-103 (65), TO DELIVER AND TRANSPORT THE LAWFUL THC  
14 BEVERAGES TO THE WHOLESALER'S FACILITY.

15 (b) A REGISTRANT THAT MANUFACTURES LAWFUL THC  
16 BEVERAGES SHALL NOT SELL DIRECTLY TO A PERSON LICENSED PURSUANT  
17 TO ARTICLE 3 OF TITLE 44 OR ARTICLE 10 OF TITLE 44.

18 (c) A REGISTRANT THAT MANUFACTURES LAWFUL THC  
19 BEVERAGES SHALL NOT SELL LAWFUL THC BEVERAGES DIRECTLY TO A  
20 CONSUMER.

21 **(4) Labeling - packaging - testing.**

22 (a) IN ADDITION TO ALL LABELING, PACKAGING, AND CONSUMER  
23 NOTICE REQUIREMENTS FOR HEMP PRODUCTS ADOPTED BY THE  
24 DEPARTMENT IN ACCORDANCE WITH SECTION 25-5-427, A REGISTRANT  
25 THAT MANUFACTURES A LAWFUL THC BEVERAGE SHALL ENSURE THAT  
26 THE LABEL AND PACKAGING OF A LAWFUL THC BEVERAGE CONTAIN THE  
27 FOLLOWING:

1 (I) A STATEMENT THAT THE PRODUCT IS NOT APPROVED BY THE  
2 UNITED STATES FOOD AND DRUG ADMINISTRATION;

3 (II) AN EXPIRATION DATE;

4 (III) THE TOTAL AMOUNT, IN MILLIGRAMS, OF ANY HEMP-DERIVED  
5 INTOXICATING CANNABINOID PER SERVING AND THE NUMBER OF SERVINGS  
6 PER CONTAINER;

7 (IV) THE TOTAL AMOUNT, IN MILLIGRAMS, OF ANY HEMP-DERIVED  
8 INTOXICATING CANNABINOID IN THE ENTIRE CONTAINER OR PACKAGE; AND

9 (V) A NUTRITION FACTS PANEL.

10 (b) (I) THE LABEL, PACKAGING, ADVERTISEMENT, OR TRADE DRESS  
11 OF A LAWFUL THC BEVERAGE SHALL NOT INCLUDE IMAGES OR DESIGNS  
12 THAT ARE INTENDED TO BE ATTRACTIVE TO INDIVIDUALS UNDER  
13 TWENTY-ONE YEARS OLD.

14 (II) A LABEL, PACKAGE, ADVERTISEMENT, OR TRADE DRESS FOR A  
15 LAWFUL THC BEVERAGE IS CONSIDERED ATTRACTIVE TO INDIVIDUALS  
16 UNDER TWENTY-ONE YEARS OLD IF:

17 (A) IT INCLUDES CARTOONS, DRAWINGS, OR DEPICTIONS OF  
18 OBJECTS, PERSONS, ANIMALS, OR OTHER CREATURES THAT FEATURE  
19 COMICALLY EXAGGERATED CHARACTERISTICS; ATTRIBUTE HUMAN  
20 CHARACTERISTICS TO ANIMALS, PLANTS, OR OBJECTS; OR PORTRAY ANY  
21 UNNATURAL OR EXTRA-HUMAN ABILITIES; OR

22 (B) IT IS SUBSTANTIALLY SIMILAR TO PRODUCTS COMMONLY  
23 MARKETED TO OR USED BY INDIVIDUALS UNDER TWENTY-ONE OLD,  
24 INCLUDING CANDY, SODA, JUICE BEVERAGES, COOKIES, CEREAL, OR OTHER  
25 SIMILAR PRODUCTS.

26 (III) THE INCLUSION OR DESCRIPTION OF FLAVOR, INGREDIENTS, OR  
27 OTHER PRODUCT CHARACTERISTICS IS NOT CONSIDERED TO BE ATTRACTIVE

1 TO INDIVIDUALS UNDER TWENTY-ONE YEARS OLD FOR THE PURPOSES OF  
2 THIS SUBSECTION (4)(b).

3 (c) (I) PRIOR TO THE SALE OR DISTRIBUTION OF A LAWFUL THC  
4 BEVERAGE, A REGISTRANT THAT MANUFACTURES A LAWFUL THC  
5 BEVERAGE SHALL HAVE THE LAWFUL THC BEVERAGE TESTED PURSUANT  
6 TO THE RULES ADOPTED BY THE DEPARTMENT FOR THE TESTING OF HEMP  
7 PRODUCTS IN ACCORDANCE WITH THIS SECTION.

8 (II) THE DEPARTMENT SHALL DEVELOP TESTING STANDARDS FOR  
9 LAWFUL THC BEVERAGES, INCLUDING TESTING STANDARDS THAT:

10 (A) VERIFY THC POTENCY REPRESENTATIONS AND HOMOGENEITY  
11 TO ENSURE ACCURATE LABELING AND CANNABINOID PROFILE FOR THE  
12 LAWFUL THC BEVERAGE;

13 (B) ESTABLISH AN ACCEPTABLE VARIANCE FOR THC POTENCY  
14 REPRESENTATIONS, WHICH VARIANCE MUST NOT BE MORE THAN TEN  
15 PERCENT;

16 (C) ESTABLISH PROCEDURES TO ADDRESS ANY THC POTENCY  
17 MISREPRESENTATIONS, INCLUDING CORRECTIVE ACTION, RELABELING, OR  
18 PRODUCT RECALL; AND

19 (D) ENSURE THAT LAWFUL THC BEVERAGES ARE SUBJECT TO  
20 TESTING, SAMPLING, AND QUALITY-CONTROL STANDARDS THAT ARE  
21 SUBSTANTIALLY EQUIVALENT TO THE TESTING, SAMPLING, AND  
22 QUALITY-CONTROL STANDARDS APPLICABLE TO OTHER HEMP PRODUCTS.

23 (5) **Rules.** ON OR BEFORE JANUARY 1, 2028, THE DEPARTMENT, IN  
24 CONSULTATION WITH THE STATE LICENSING AUTHORITY CREATED IN  
25 SECTION 44-3-201, SHALL ADOPT RULES RELATED TO THE MANUFACTURE  
26 AND SALE OF LAWFUL THC BEVERAGES CONSISTENT WITH THIS SECTION,  
27 INCLUDING:

1 (a) THE MANUFACTURE OF LAWFUL THC BEVERAGES BY A  
2 REGISTRANT IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION;

3 (b) THE SALE AND DISTRIBUTION OF LAWFUL THC BEVERAGES BY  
4 A REGISTRANT IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION;

5 (c) TESTING, LABELING, AND PACKAGING REQUIREMENTS FOR  
6 LAWFUL THC BEVERAGES CONSISTENT WITH THE TESTING AND LABELING  
7 REQUIREMENTS FOR HEMP PRODUCTS DEVELOPED IN ACCORDANCE WITH  
8 SECTION 25-5-427 (3)(f) AND SUBSECTION (4) OF THIS SECTION; AND

9 (d) THE SAFE AND EFFECTIVE REGULATION AND TESTING OF  
10 LAWFUL THC BEVERAGES MANUFACTURED BY A PERSON FROM ANOTHER  
11 STATE USING AN APPROVED SOURCE OF HEMP.

12 (6) THIS SECTION DOES NOT PERMIT A REGISTRANT TO  
13 MANUFACTURE OR SELL A BEVERAGE PRODUCT THAT IS INFUSED WITH  
14 THC THAT IS A SYNTHETIC CANNABINOID, AS DEFINED IN SECTION  
15 44-10-209 (2)(c), OR A SEMI-SYNTHETIC CANNABINOID, AS DEFINED IN  
16 SECTION 44-10-209 (2)(b).

17 **SECTION 2.** In Colorado Revised Statutes, 25-5-427, **amend**  
18 (2)(d), (4)(c)(I)(A), (4)(d)(II)(A), (8)(f)(II)(C), (8)(f)(II)(D), (8)(g)(II)(C),  
19 and (8)(g)(II)(D); and **add** (2)(e.5), (8)(f)(II)(E), and (8)(g)(II)(E) as  
20 follows:

21 **25-5-427. Classes of hemp-derived compounds and**  
22 **cannabinoid - definitions - registration required - prohibitions - safe**  
23 **harbor - rules.**

24 (2) **Definitions.** As used in this section, unless the context  
25 otherwise requires:

26 (d) "Hemp product" means:

27 (I) A finished product that contains hemp and that:

1           ~~(H)~~ (A) Is a cosmetic, a dietary supplement, a food, a food additive,  
2 or an herb;

3           ~~(H)~~ (B) Is intended for human use or consumption;

4           ~~(H)~~ (C) Contains any part of the hemp plant, including naturally  
5 occurring cannabinoids, compounds, concentrates, extracts, isolates, or  
6 resins;

7           ~~(V)~~ (D) Is produced from hemp;

8           ~~(V)~~ (E) Contains no more than one and three-fourths milligrams  
9 of THC per serving; and

10          ~~(V)~~ (F) Contains a ratio of cannabidiol to THC of greater than or  
11 equal to fifteen to one; OR

12          (II) A LAWFUL THC BEVERAGE.

13          (e.5) "LAWFUL THC BEVERAGE" HAS THE MEANING SET FORTH IN  
14 SECTION 25-5-427.5 (1)(e).

15          (4)     **Classifications of hemp-derived compounds and**  
16 **cannabinoids - rules.**

17          (c) (I) A person shall not:

18           (A) Manufacture, produce, or distribute a potentially intoxicating  
19 cannabinoid within Colorado, as an ingredient in a hemp product or as a  
20 finished hemp product, unless the potentially intoxicating cannabinoid is  
21 a safe harbor hemp product that is exported from Colorado OR IS A  
22 LAWFUL THC BEVERAGE MANUFACTURED OR SOLD IN ACCORDANCE WITH  
23 SECTION 25-5-427.5; or

24          (d) (II) A person shall not:

25           (A) Manufacture, produce, or distribute an intoxicating  
26 cannabinoid within Colorado, as an ingredient in a hemp product or as a  
27 finished hemp product, unless the intoxicating cannabinoid is a safe

1 harbor hemp product that is exported from Colorado OR IS A LAWFUL THC  
2 BEVERAGE MANUFACTURED OR SOLD IN ACCORDANCE WITH SECTION  
3 25-5-427.5; or

4 (8) **Offenses.** It is unlawful to engage in or knowingly cause a  
5 person to engage in any of the following acts:

6 (f) (II) This subsection (8)(f) does not apply to:

7 (C) Cosmetics; ~~or~~

8 (D) A hemp product that the United States food and drug  
9 administration has determined is generally recognized as safe under the  
10 "~~Federal Food, Drug, and Cosmetic Act~~", 21 U.S.C. sec. 301 et seq.  
11 FEDERAL ACT; OR

12 (E) A LAWFUL THC BEVERAGE MANUFACTURED OR SOLD IN  
13 ACCORDANCE WITH SECTION 25-5-427.5.

14 (g) (II) This subsection (8)(g) does not apply to:

15 (C) Cosmetics; ~~or~~

16 (D) A hemp product that the United States food and drug  
17 administration has determined is generally recognized as safe under the  
18 "~~Federal Food, Drug, and Cosmetic Act~~", 21 U.S.C. sec. 301 et seq.  
19 FEDERAL ACT; OR

20 (E) A LAWFUL THC BEVERAGE MANUFACTURED OR SOLD IN  
21 ACCORDANCE WITH SECTION 25-5-427.5.

22 **SECTION 3.** In Colorado Revised Statutes, **add** article 8 to title  
23 44 as follows:

24 **ARTICLE 8**

25 **Regulation of Lawful THC Beverages**

26 **44-8-101. Legislative declaration.**

27 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE

1 REGULATION AND SALE OF LAWFUL THC BEVERAGES IS A MATTER OF  
2 STATEWIDE CONCERN AND SHOULD BE UNIFORM THROUGHOUT THE STATE.

3 **44-8-102. Definitions.**

4 AS USED IN THIS ARTICLE 8, UNLESS CONTEXT OTHERWISE  
5 REQUIRES:

6 (1) "ALCOHOL BEVERAGE" HAS THE MEANING SET FORTH IN  
7 SECTION 44-3-103 (2).

8 (2) "DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT" MEANS  
9 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN  
10 SECTION 24-1-119.

11 (3) "LAWFUL THC BEVERAGE" HAS THE MEANING SET FORTH IN  
12 SECTION 25-5-427.5 (1)(e).

13 (4) "LAWFUL THC BEVERAGE PERMIT" MEANS A PERMIT GRANTED  
14 BY THE STATE LICENSING AUTHORITY THAT PERMITS A LICENSEE TO SELL  
15 OR DISTRIBUTE LAWFUL THC BEVERAGES.

16 (5) "LICENSEE" MEANS:

17 (a) AN ESTABLISHMENT LICENSED BY THE STATE LICENSING  
18 AUTHORITY PURSUANT TO ARTICLE 3 OF THIS TITLE 44 THAT SELLS OR  
19 DISTRIBUTES ALCOHOL BEVERAGES AND HAS A LAWFUL THC BEVERAGE  
20 PERMIT;

21 (b) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS  
22 LICENSED IN ACCORDANCE WITH SECTION 44-10-610 AND THAT HAS A  
23 LAWFUL THC BEVERAGE PERMIT; OR

24 (c) A RETAIL MARIJUANA TRANSPORTER LICENSED IN ACCORDANCE  
25 WITH 44-10-605 AND THAT HAS A LAWFUL THC BEVERAGE PERMIT.

26 (6) "REGULATED MARIJUANA" HAS THE MEANING SET FORTH IN  
27 SECTION 44-10-103 (54).

1 (7) "RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS" HAS  
2 THE MEANING SET FORTH IN SECTION 44-10-103 (60.5).

3 (8) "RETAIL MARIJUANA TRANSPORTER" HAS THE MEANING SET  
4 FORTH IN SECTION 44-10-103 (65).

5 (9) "STATE LICENSING AUTHORITY" OR "LIQUOR ENFORCEMENT  
6 DIVISION" MEANS THE STATE LICENSING AUTHORITY CREATED IN SECTION  
7 44-3-201.

8 (10) "TETRAHYDROCANNABINOL" OR "THC" HAS THE MEANING  
9 SET FORTH IN 44-10-209 (2)(d).

10 **44-8-103. Lawful THC beverage permit - application - fees.**

11 (1) A LICENSEE MAY APPLY TO THE STATE LICENSING AUTHORITY  
12 TO RECEIVE A LAWFUL THC BEVERAGE PERMIT, WHICH AUTHORIZES THE  
13 LICENSEE TO SELL OR DISTRIBUTE LAWFUL THC BEVERAGES IN  
14 ACCORDANCE WITH THIS ARTICLE 8.

15 (2) (a) TO APPLY FOR A LAWFUL THC BEVERAGE PERMIT, A  
16 LICENSEE MUST SUBMIT AN APPLICATION TO THE STATE LICENSING  
17 AUTHORITY AND PAY ANY APPLICATION OR PERMITTING FEE IN AN AMOUNT  
18 DETERMINED BY THE STATE LICENSING AUTHORITY IN ACCORDANCE WITH  
19 SECTION 44-3-501 (3)(a)(XXIV).

20 (b) THE STATE LICENSING AUTHORITY SHALL NOT SET THE AMOUNT  
21 OF THE APPLICATION OR PERMITTING FEE REQUIRED BY SUBSECTION (2)(a)  
22 OF THIS SECTION IN AN AMOUNT GREATER THAN THE AMOUNT REQUIRED  
23 TO COVER THE DEPARTMENT'S DIRECT AND INDIRECT COSTS TO  
24 ADMINISTER AND ENFORCE THIS ARTICLE 8.

25 (c) THE STATE LICENSING AUTHORITY SHALL TRANSMIT ANY  
26 APPLICATION AND PERMITTING FEES COLLECTED IN ACCORDANCE WITH  
27 THIS SUBSECTION (2) TO THE STATE TREASURER, WHO SHALL CREDIT THE

1 APPLICATION AND PERMITTING FEES TO THE LIQUOR ENFORCEMENT  
2 DIVISION AND STATE LICENSING AUTHORITY CASH FUND CREATED IN  
3 SECTION 44-6-101.

4 (3) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(b) AND (3)(c) OF  
5 THIS SECTION, A LICENSEE THAT OBTAINS A LAWFUL THC BEVERAGE  
6 PERMIT MAY SELL OR DISTRIBUTE LAWFUL THC BEVERAGES IN THE  
7 MANNER THAT THE LICENSEE IS AUTHORIZED TO SELL OR DISTRIBUTE  
8 ALCOHOL BEVERAGES UNDER THE LICENSE GRANTED BY THE STATE  
9 LICENSING AUTHORITY IF THE LICENSEE COMPLIES WITH THIS ARTICLE 8  
10 AND ANY RELEVANT RULES ADOPTED BY THE STATE LICENSING AUTHORITY  
11 PURSUANT TO THIS ARTICLE 8.

12 (b) A LICENSEE THAT IS A RETAIL MARIJUANA HOSPITALITY AND  
13 SALES BUSINESS AND THAT OBTAINS A LAWFUL THC BEVERAGE PERMIT  
14 MAY SELL LAWFUL THC BEVERAGES IN THE MANNER THAT THE LICENSEE  
15 IS AUTHORIZED TO SELL REGULATED MARIJUANA PRODUCTS UNDER THE  
16 LICENSE GRANTED PURSUANT TO SECTION 44-10-610 IF THE LICENSEE  
17 COMPLIES WITH THIS ARTICLE 8 AND ANY RELEVANT RULES ADOPTED  
18 PURSUANT TO THIS ARTICLE 8 OR SECTION 44-10-610 (6).

19 (c) A LICENSEE THAT IS A RETAIL MARIJUANA TRANSPORTER THAT  
20 OBTAINS A LAWFUL THC BEVERAGE PERMIT MAY TRANSPORT LAWFUL  
21 THC BEVERAGES IN THE MANNER THAT THE LICENSEE IS AUTHORIZED TO  
22 TRANSPORT AND DISTRIBUTE REGULATED MARIJUANA PRODUCTS UNDER  
23 THE LICENSE GRANTED PURSUANT TO SECTION 44-10-605 IF THE LICENSEE  
24 COMPLIES WITH THIS ARTICLE 8 AND ANY RELEVANT RULES ADOPTED  
25 PURSUANT TO THIS ARTICLE 8 OR SECTION 44-10-605.

26 **44-8-104. Sale of lawful THC beverages - requirements -**  
27 **labeling - prohibitions.**

1 (1) (a) A LICENSEE WITH A LAWFUL THC BEVERAGE PERMIT MAY  
2 SELL OR DISTRIBUTE A LAWFUL THC BEVERAGE.

3 (b) A LICENSEE WITH A LAWFUL THC BEVERAGE PERMIT SHALL  
4 ONLY OFFER A LAWFUL THC BEVERAGE FOR SALE IF THE LICENSEE HAS  
5 PURCHASED A LAWFUL THC BEVERAGE FROM:

6 (I) A WHOLESALER THAT IS LICENSED PURSUANT TO SECTION  
7 44-3-407 AND THAT HOLDS A LAWFUL THC BEVERAGE PERMIT ISSUED  
8 PURSUANT TO SECTION 44-8-103; OR

9 (II) A LICENSEE WITH A MANUFACTURER'S LICENSE ISSUED  
10 PURSUANT TO SECTION 44-3-402, A LAWFUL THC BEVERAGE PERMIT  
11 ISSUED PURSUANT TO SECTION 44-8-103, AND A WHOLESALER'S LICENSE  
12 ISSUED PURSUANT TO SECTION 44-3-407.

13 (2) (a) A LAWFUL THC BEVERAGE MUST BE SOLD TO A CUSTOMER  
14 IN A SEALED, PREPACKAGED CONTAINER FOR OFF-PREMISES CONSUMPTION  
15 OR SERVED FOR ON-SITE CONSUMPTION IN COMPLIANCE WITH SUBSECTION  
16 (2)(b) OF THIS SECTION.

17 (b) IF A LAWFUL THC BEVERAGE IS SOLD TO A CUSTOMER FOR  
18 ON-SITE CONSUMPTION, THE LAWFUL THC BEVERAGE MUST:

19 (I) BE IN AN OPEN, PREPACKAGED CAN OR BOTTLE THAT CONTAINS  
20 NO MORE THAN TEN MILLIGRAMS OF TOTAL THC PER SERVING; OR

21 (II) BE SERVED AS A NONALCOHOLIC MIXED DRINK FOR ON-SITE  
22 CONSUMPTION IN ACCORDANCE WITH RULES ADOPTED BY THE STATE  
23 LICENSING AUTHORITY PURSUANT TO SECTION 44-8-106.

24 (3) A LAWFUL THC BEVERAGE OFFERED FOR SALE MUST COMPLY  
25 WITH ALL APPLICABLE RULES RELATED TO THE TESTING, LABELING,  
26 PACKAGING, AND CONCENTRATION REQUIREMENTS THAT HAVE BEEN  
27 ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH ENVIRONMENT IN

1 ACCORDANCE WITH SECTION 25-5-427.5 (5).

2 (4) WHEN OFFERING A LAWFUL THC BEVERAGE FOR SALE OR  
3 DISTRIBUTION, A LICENSEE SHALL ENSURE THAT:

4 (a) ALL LAWFUL THC BEVERAGES SOLD BY THE LICENSEE ARE  
5 CLEARLY LABELED IN COMPLIANCE WITH THE RULES ADOPTED BY THE  
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN ACCORDANCE  
7 WITH SECTION 25-5-427.5; AND

8 (b) A CUSTOMER IS NOTIFIED OF THE CANNABINOID CONTENT AND  
9 CONCENTRATION OF THE BEVERAGE AT THE POINT OF SALE THROUGH  
10 PRODUCT LABELING, SIGNAGE, MENUS, OR OTHER WRITTEN MATERIALS.

11 (5) (a) A LICENSEE SHALL NOT SERVE A LAWFUL THC BEVERAGE  
12 TO AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OLD. THE LICENSEE  
13 AND THE LICENSEE'S EMPLOYEES SHALL VERIFY THAT AN INDIVIDUAL  
14 MEETS THE AGE REQUIREMENT IN ACCORDANCE WITH SECTION 44-3-901  
15 (1)(b) OR 44-10-610 (2)(1).

16 (b) A LICENSEE SHALL ENSURE THAT ALL EMPLOYEES INVOLVED IN  
17 THE SALE OR SERVICE OF LAWFUL THC BEVERAGES COMPLETE A  
18 RESPONSIBLE VENDOR TRAINING PROGRAM OR AN EQUIVALENT  
19 CANNABIS-FOCUSED TRAINING PROGRAM TO PROMOTE SAFE CONSUMPTION  
20 OF LAWFUL THC BEVERAGES.

21 (6) A LICENSEE SHALL NOT:

22 (a) SELL A LAWFUL THC BEVERAGE TO AN INDIVIDUAL WHO IS  
23 VISIBLY INTOXICATED;

24 (b) ALLOW A LAWFUL THC BEVERAGE SOLD ON THE PREMISES FOR  
25 ON-SITE CONSUMPTION TO BE REMOVED FROM THE LICENSED PREMISES;

26 (c) EXCEPT FOR A LICENSEE THAT IS A RETAIL MARIJUANA  
27 HOSPITALITY AND SALES BUSINESS, PERMIT THE USE OF REGULATED

1 MARIJUANA OR REGULATED MARIJUANA PRODUCTS THAT ARE NOT A  
2 LAWFUL THC BEVERAGE ON THE PREMISES;

3 (d) SELL A LAWFUL THC BEVERAGE TO AN INDIVIDUAL WHO IS  
4 UNDER TWENTY-ONE YEARS OLD; OR

5 (e) MIX A LAWFUL THC BEVERAGE AND AN ALCOHOL BEVERAGE  
6 IN THE SAME CONTAINER.

7 (7) (a) A LICENSEE THAT HAS A RETAIL LIQUOR STORE LICENSE  
8 MAY SELL LAWFUL THC BEVERAGES THAT CONTAIN A POTENCY AMOUNT  
9 ABOVE THREE MILLIGRAMS OF THC PER SERVING BUT NOT MORE THAN  
10 TEN MILLIGRAMS OF THC PER SERVING IN EITHER A SINGLE-SERVING  
11 CONTAINER OR MULTI-SERVING CONTAINER.

12 (b) A LICENSEE THAT HAS A CONVENIENCE STORE LICENSE OR  
13 GROCERY STORE LICENSE MAY ONLY SELL LAWFUL THC BEVERAGES THAT  
14 CONTAIN A POTENCY AMOUNT OF THREE MILLIGRAMS OF THC OR LESS PER  
15 SERVING IN A SINGLE-SERVING CONTAINER.

16 (8) EXCEPT FOR A LICENSEE THAT HAS A RETAIL LIQUOR STORE  
17 LICENSE ISSUED PURSUANT TO SECTION 44-3-409, A LICENSEE SHALL NOT  
18 SHIP OR DELIVER A LAWFUL THC BEVERAGE DIRECTLY TO A CONSUMER.

19 (9) NOTHING IN THIS SECTION PERMITS A LICENSEE TO SELL OR  
20 SERVE A BEVERAGE PRODUCT THAT IS INFUSED WITH THC DERIVED FROM  
21 A SEMI-SYNTHETIC CANNABINOID, AS DEFINED IN SECTION 44-10-209  
22 (2)(b), OR A SYNTHETIC CANNABINOID, AS DEFINED IN SECTION 44-10-209  
23 (2)(c).

24 **44-8-105. Rules for transportation, inventory, and recall of**  
25 **lawful THC beverages - seizure of products.**

26 (1) ON OR BEFORE JANUARY 1, 2028, THE STATE LICENSING  
27 AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH

1 AND ENVIRONMENT, SHALL ADOPT RULES RELATED TO THE  
2 TRANSPORTATION, INVENTORY, AND RECALL OF LAWFUL THC BEVERAGES.

3 THESE RULES MUST INCLUDE:

4 (a) WHOLESALER REQUIREMENTS CONSISTENT WITH ARTICLES 3  
5 AND 10 OF THIS TITLE 44 TO AUTHORIZE THE WHOLESALE OF LAWFUL THC  
6 BEVERAGES BY A PERSON THAT:

7 (I) HAS A WHOLESALER'S LICENSE ISSUED PURSUANT TO SECTION  
8 44-3-407 AND A LAWFUL THC BEVERAGE PERMIT;

9 (II) IS A CRAFT BEVERAGE MANUFACTURER WITH WHOLESALE  
10 PRIVILEGES AND A LAWFUL THC BEVERAGE PERMIT; OR

11 (III) HAS A RETAIL MARIJUANA TRANSPORTER'S LICENSE ISSUED  
12 PURSUANT TO SECTION 44-10-605 AND A LAWFUL THC BEVERAGE PERMIT;

13 (b) RECALL, EMBARGO, AND ENFORCEMENT PROVISIONS  
14 CONSISTENT WITH ARTICLES 3 AND 10 OF THIS TITLE 44 TO ENSURE THAT  
15 LAWFUL THC BEVERAGES MAY BE RECALLED AND WITHDRAWN FROM THE  
16 MARKET SAFELY AND EFFECTIVELY;

17 (c) RULES FOR THE TRANSPORTATION AND DELIVERY OF LAWFUL  
18 THC BEVERAGES CONSISTENT WITH ARTICLES 3 AND 10 OF THIS TITLE 44,  
19 INCLUDING PROVISIONS SPECIFIC TO THE TRANSPORTATION OF LAWFUL  
20 THC BEVERAGES TO LICENSEES AND RETAIL MARIJUANA HOSPITALITY AND  
21 SALES BUSINESSES; AND

22 (d) STORAGE, TRACKING, AND MONITORING OF LAWFUL THC  
23 BEVERAGES DURING THE PERIOD BETWEEN THE MANUFACTURE AND  
24 RETAIL SALE OF THE BEVERAGES TO ENSURE THAT THE LAWFUL THC  
25 BEVERAGES ARE TRACEABLE AND MAINTAINED SAFELY.

26 (2) THE STATE LICENSING AUTHORITY MAY SEIZE, DESTROY, OR  
27 CONFISCATE A LAWFUL THC BEVERAGE THAT IS:

1 (a) SOLD, OFFERED FOR SALE, OR DISPLAYED TO A CUSTOMER AT  
2 A LOCATION THAT IS NOT PROPERLY LICENSED OR PERMITTED IN  
3 ACCORDANCE WITH THIS ARTICLE 8; OR

4 (b) OTHERWISE IN VIOLATION OF THIS ARTICLE 8 OR RULES  
5 ADOPTED BY THE STATE LICENSING AUTHORITY.

6 **44-8-106. Powers and duties of the state licensing authority -**  
7 **enforcement - rules.**

8 (1) ON OR BEFORE JANUARY 1, 2028, THE STATE LICENSING  
9 AUTHORITY SHALL ADOPT RULES NECESSARY TO IMPLEMENT AND ENFORCE  
10 THIS ARTICLE 8, INCLUDING RULES RELATED TO:

11 (a) THE ISSUANCE OF LAWFUL THC BEVERAGE PERMITS TO  
12 LICENSEES IN ACCORDANCE WITH SECTION 44-8-103;

13 (b) THE SALE OF LAWFUL THC BEVERAGES BY LICENSEES THAT  
14 OBTAIN A LAWFUL THC BEVERAGE PERMIT IN ACCORDANCE WITH SECTION  
15 44-8-104;

16 (c) THE ESTABLISHMENT OF SAFETY STANDARDS FOR THE  
17 TRANSPORTATION, INVENTORY, AND RECALL OF LAWFUL THC BEVERAGES  
18 IN ACCORDANCE WITH SECTION 44-8-105;

19 (d) ALLOWING A LICENSEE TO USE OR SELL LARGE-CONTAINER  
20 LAWFUL THC BEVERAGES, SUCH AS SEVEN-HUNDRED-FIFTY-MILLILITER  
21 BOTTLES, FOR SERVING LAWFUL THC BEVERAGE NONALCOHOLIC MIXED  
22 DRINKS FOR ON-SITE CONSUMPTION;

23 (e) THE ISSUANCE OF LAWFUL THC BEVERAGE LICENSE  
24 ENDORSEMENTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES  
25 BUSINESS AND A RETAIL MARIJUANA TRANSPORTER SO THAT THE BUSINESS  
26 MAY PURCHASE SELL, TRANSPORT, STORE, AND DISTRIBUTE LAWFUL THC  
27 BEVERAGES TO CONSUMERS IN ACCORDANCE WITH THIS ARTICLE 8;

1 (f) THE WHOLESALE AND DISTRIBUTION OF LAWFUL THC  
2 BEVERAGES BY WHOLESALERS IN ACCORDANCE WITH SECTION 44-8-105;

3 (g) THE ENFORCEMENT OF THIS ARTICLE 8 CONSISTENT WITH THE  
4 ENFORCEMENT OF ALCOHOL BEVERAGE VIOLATIONS IN ACCORDANCE WITH  
5 PART 9 OF ARTICLE 3 OF THIS TITLE 44;

6 (h) THE SEIZURE OF LAWFUL THC BEVERAGES BY THE STATE  
7 LICENSING AUTHORITY IN ACCORDANCE WITH SECTION 44-8-105;

8 (i) THE ESTABLISHMENT OF PENALTY STRUCTURES FOR VIOLATIONS  
9 OF THIS ARTICLE 8 AND RULES ADOPTED BY THE STATE LICENSING  
10 AUTHORITY PURSUANT TO THIS ARTICLE 8;

11 (j) THE ENFORCEMENT OF THIS ARTICLE 8, INCLUDING BY  
12 CONDUCTING COMPLIANCE CHECKS AND ACCEPTING AND INVESTIGATING  
13 CLAIMS FROM CUSTOMERS OR THIRD PARTIES RELATED TO THE SALE,  
14 WHOLESALE, OR DISTRIBUTION OF LAWFUL THC BEVERAGES; AND

15 (k) OTHER RULES RELATED TO THE SALE, WHOLESALE, OR  
16 DISTRIBUTION OF LAWFUL THC BEVERAGES, INCLUDING RULES RELATED  
17 TO TRADE PRACTICE REQUIREMENTS, SALES BELOW COST, LOYALTY  
18 PROGRAMS, LAWFUL THC BEVERAGE TASTINGS, PROMOTIONS, AND  
19 ADVERTISING.

20 (2) THE STATE LICENSING AUTHORITY SHALL NOT ADOPT ANY RULE  
21 THAT PROHIBITS A LICENSEE FROM HOLDING A PARTIAL FINANCIAL  
22 INTEREST IN A MANUFACTURER OF LAWFUL THC BEVERAGES REGISTERED  
23 WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN  
24 ACCORDANCE WITH SECTIONS 25-5-427 AND 25-5-427.5.

25 (3) A LICENSEE THAT VIOLATES THIS ARTICLE 8 IS SUBJECT TO THE  
26 SAME ADMINISTRATIVE, CIVIL, AND CRIMINAL PENALTIES APPLICABLE TO  
27 ALCOHOL BEVERAGE VIOLATIONS IN ACCORDANCE WITH PART 9 OF

1 ARTICLE 3 OF THIS TITLE 44.

2 **44-8-107. Local regulation of lawful THC beverages.**

3 (1) THE GOVERNING BODY OF A LOCAL GOVERNMENT SHALL NOT  
4 ADOPT AN ORDINANCE, RESOLUTION, RULE, REGULATION, OR OTHER LAW  
5 THAT:

6 (a) IMPOSES ADDITIONAL PRODUCT, LABELING, OR SERVICE  
7 REQUIREMENTS BEYOND THE REQUIREMENTS OF THIS ARTICLE 8, ANY  
8 RULES ADOPTED BY THE STATE LICENSING AUTHORITY PURSUANT TO THIS  
9 ARTICLE 8, OR RULES ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH  
10 AND ENVIRONMENT PURSUANT TO SECTION 25-5-427 OR 25-5-427.5; OR

11 (b) CREATES MEANINGFUL DISTINCTIONS BETWEEN ALCOHOL  
12 BEVERAGES AND LAWFUL THC BEVERAGES WHERE STATE LAW TREATS  
13 BOTH ALCOHOL BEVERAGES AND LAWFUL THC BEVERAGES SIMILARLY.

14 (2) THE GOVERNING BODY OF A LOCAL GOVERNMENT MAY  
15 PROHIBIT LICENSEES OPERATING IN THE LOCAL GOVERNMENT'S  
16 JURISDICTION FROM SELLING A LAWFUL THC BEVERAGE THROUGH THE  
17 ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED  
18 MEASURE, WHICH INITIATED OR REFERRED MEASURE TO PROHIBIT THE  
19 SALE OF LAWFUL THC BEVERAGES WITHIN THE LOCAL GOVERNMENT'S  
20 JURISDICTION MUST APPEAR ON A GENERAL ELECTION BALLOT DURING AN  
21 EVEN-NUMBERED YEAR.

22 (3) NOTHING IN THIS SECTION PROHIBITS A LOCAL GOVERNMENT  
23 FROM ENACTING LAWS RELATED TO THE SALE OF LAWFUL THC  
24 BEVERAGES WITH RESPECT TO THE TIME, PLACE, OR MANNER IN WHICH THE  
25 LAWFUL THC BEVERAGES ARE SOLD.

26 **SECTION 4.** In Colorado Revised Statutes, 44-3-501, **amend**  
27 (3)(a)(XXII) and (3)(a)(XXIII); and **add** (3)(a)(XXIV) as follows:

1           **44-3-501. State fees - rules.**

2           (3) (a) The state licensing authority shall establish fees for  
3 processing the following types of applications, notices, or reports required  
4 to be submitted to the state licensing authority:

5           (XXII) Applications for each noncontiguous manufacturing  
6 facility pursuant to section 44-3-402 and rules adopted pursuant to that  
7 section; ~~and~~

8           (XXIII) Applications for an alcohol beverage shipper license  
9 pursuant to section 44-3-430 and rules adopted pursuant to that section;  
10 AND

11           (XXIV) APPLICATIONS FOR A LAWFUL THC BEVERAGE PERMIT  
12 PURSUANT TO SECTION 44-8-103 (2)(a).

13           **SECTION 5.** In Colorado Revised Statutes, 44-3-901, **amend**  
14 (6)(q); and **add** (12) as follows:

15           **44-3-901. Unlawful acts - exceptions - definitions.**

16           (6) It is unlawful for any person licensed to sell at retail pursuant  
17 to this article 3 or article 4 of this title 44:

18           (q) (I) To knowingly permit the illegal sale, or negotiations for the  
19 sale, of a controlled substance, as defined in section 18-18-102 (5), on the  
20 licensee's licensed premises, EXCEPT FOR THE SALE OF LAWFUL THC  
21 BEVERAGES, AS DEFINED IN SECTION 25-5-427.5 (1)(e), IN ACCORDANCE  
22 WITH ARTICLE 8 OF THIS TITLE 44 AND ANY RULES ADOPTED BY THE STATE  
23 LICENSING AUTHORITY PURSUANT TO ARTICLE 8 OF THIS TITLE 44.

24           (II) This subsection (6)(q) does not prohibit a pharmacy licensed  
25 by the state board of pharmacy from selling lawfully prescribed controlled  
26 substances at a liquor-licensed drugstore.

27           (12) IN ACCORDANCE WITH SECTION 44-8-106(3), THE PROVISIONS

1 OF THIS SECTION AND THE CORRESPONDING PROVISIONS IN SECTION  
2 44-3-904 APPLY TO THE SALE AND CONSUMPTION OF LAWFUL THC  
3 BEVERAGES, AS DEFINED IN SECTION 25-5-427.5 (1)(e).

4 **SECTION 6.** In Colorado Revised Statutes, 44-10-103, **amend**  
5 (60.5) as follows:

6 **44-10-103. Definitions - rules.**

7 As used in this article 10, unless the context otherwise requires:

8 (60.5) (a) "Retail marijuana hospitality and sales business" means  
9 a facility, which cannot be mobile, licensed to permit the consumption of  
10 only the retail marijuana, ~~or~~ retail marijuana products, OR LAWFUL THC  
11 BEVERAGES it has sold pursuant to the provisions of an enacted, initiated,  
12 or referred ordinance or resolution of the local jurisdiction in which the  
13 licensee operates.

14 (b) AS USED IN THIS SUBSECTION (60.5), "LAWFUL THC  
15 BEVERAGE" HAS THE MEANING SET FORTH IN SECTION 25-5-427.5 (1)(e).

16 **SECTION 7.** In Colorado Revised Statutes, 44-10-605, **add** (6)  
17 as follows:

18 **44-10-605. Retail marijuana transporter license - lawful THC**  
19 **beverage permit - definition - rules.**

20 (6) ON OR BEFORE JANUARY 1, 2028, THE STATE LICENSING  
21 AUTHORITY, CREATED IN SECTION 44-10-201, SHALL ADOPT RULES THAT  
22 PERMIT A RETAIL MARIJUANA TRANSPORTER LICENSEE TO OBTAIN A  
23 LAWFUL THC BEVERAGE PERMIT PURSUANT TO SECTION 44-8-103 IN  
24 ORDER TO SELL, STORE, TRANSPORT, AND DISTRIBUTE LAWFUL THC  
25 BEVERAGES, AS DEFINED IN SECTION 25-5-427.5 (1)(e), IN ACCORDANCE  
26 WITH ARTICLE 8 OF THIS TITLE 44.

27 **SECTION 8.** In Colorado Revised Statutes, 44-10-610, **add** (6)

1 as follows:

2 **44-10-610. Retail marijuana hospitality and sales business**  
3 **license - lawful THC permit - rules.**

4 (6) ON OR BEFORE JANUARY 1, 2028, THE STATE LICENSING  
5 AUTHORITY, CREATED IN SECTION 44-10-201, SHALL ADOPT RULES THAT  
6 PERMIT A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSEE  
7 TO OBTAIN A LAWFUL THC BEVERAGE PERMIT PURSUANT TO SECTION  
8 44-8-103 IN ORDER TO SELL OR SERVE LAWFUL THC BEVERAGES, AS  
9 DEFINED IN SECTION 25-5-427.5 (1)(e), FOR ON-PREMISES CONSUMPTION  
10 IN ACCORDANCE WITH ARTICLE 8 OF THIS TITLE 44.

11 **SECTION 9. Act subject to petition - effective date.** Section  
12 25-5-427.5 (1), (2), (3), (4), and (6), Colorado Revised Statutes, as  
13 enacted in section 1 of this act; section 25-5-427, Colorado Revised  
14 Statutes, as amended in section 2 of this act; sections 44-8-101, 44-8-102,  
15 44-8-103, 44-8-104, 44-8-105 (2), 44-8-106 (2) and (3), and 44-8-107,  
16 Colorado Revised Statutes, as enacted in section 3 of this act; section  
17 44-3-501, Colorado Revised Statutes, as amended in section 4 of this act;  
18 section 44-3-901, Colorado Revised Statutes, as amended in section 5 of  
19 this act; and section 44-10-103, Colorado Revised Statutes, as amended  
20 in section 6 of this act, take effect January 1, 2028, and the remainder of  
21 this act takes effect at 12:01 a.m. on the day following the expiration of  
22 the ninety-day period after final adjournment of the general assembly;  
23 except that, if a referendum petition is filed pursuant to section 1 (3) of  
24 article V of the state constitution against this act or an item, section, or  
25 part of this act within such period, then the act, item, section, or part will  
26 not take effect unless approved by the people at the general election to be  
27 held in November 2026 and, in such case, will take effect on the date of

1 the official declaration of the vote thereon by the governor; except that  
2 section 25-5-427.5 (1), (2), (3), (4), and (6), Colorado Revised Statutes,  
3 as enacted in section 1 of this act; section 25-5-427, Colorado Revised  
4 Statutes, as amended in section 2 of this act; sections 44-8-101, 44-8-102,  
5 44-8-103, 44-8-104, 44-8-105 (2), 44-8-106 (2) and (3), and 44-8-107,  
6 Colorado Revised Statutes, as enacted in section 3 of this act; section  
7 44-3-501, Colorado Revised Statutes, as amended in section 4 of this act;  
8 section 44-3-901, Colorado Revised Statutes, as amended in section 5 of  
9 this act; and section 44-10-103, Colorado Revised Statutes, as amended  
10 in section 6 of this act, take effect January 1, 2028.