

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0377.01 Michael Dohr x4347

HOUSE BILL 18-1092

HOUSE SPONSORSHIP

Melton and Singer, Herod, Rosenthal, Coleman, Hooton, Salazar

SENATE SPONSORSHIP

Neville T.,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PILOT PROGRAM FOR 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>.)

The bill creates a pilot program to allow marijuana delivery. The marijuana state licensing authority can enter into a memorandum of understanding with up to 3 municipalities to allow medical and retail marijuana delivery. The state licensing authority can adopt rules regarding marijuana delivery and can issue up to 15 marijuana delivery licenses.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-202, **add**
3 (2)(a)(XXIII) and (4) as follows:

4 **12-43.3-202. Powers and duties of state licensing authority -**
5 **rules - repeal.** (2) (a) Rules promulgated pursuant to subsection (1)(b)
6 of this section may include, but need not be limited to, the following
7 subjects:

8 (XXIII) MARIJUANA DELIVERY AS DESCRIBED IN SECTION
9 12-43.3-409, INCLUDING:

10 (A) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR
11 APPLYING FOR A MARIJUANA DELIVERY LICENSE;

12 (B) TRAINING REQUIREMENTS FOR PERSONNEL OF A MARIJUANA
13 DELIVERY LICENSEE WHO WILL DELIVER MEDICAL MARIJUANA, MEDICAL
14 MARIJUANA-INFUSED PRODUCTS, RETAIL MARIJUANA, AND RETAIL
15 MARIJUANA PRODUCTS PURSUANT TO SECTION 12-43.3-409;

16 (C) PROCEDURES FOR PROOF OF MEDICAL MARIJUANA REGISTRY
17 AND AGE IDENTIFICATION AND VERIFICATION;

18 (D) DELIVERY VEHICLE REQUIREMENTS, INCLUDING BUT NOT
19 LIMITED TO REQUIREMENTS FOR LOCATION AND VEHICLE TRACKING,
20 SECURITY, AND SURVEILLANCE;

21 (E) SECURITY REQUIREMENTS, INCLUDING BUT NOT LIMITED TO
22 REQUIREMENTS FOR AREAS WHERE DELIVERY ORDERS ARE PROCESSED,
23 STORED, WEIGHED, PACKAGED, PREPARED, TAGGED, TRANSPORTED,
24 TRANSFERRED, AND DELIVERED, AND OTHER MINIMUM PROCEDURES FOR
25 INTERNAL CONTROL AS DEEMED NECESSARY BY THE STATE LICENSING
26 AUTHORITY TO PROPERLY ADMINISTER AND ENFORCE THE PROVISIONS OF
27 THIS ARTICLE 43.3;

1 (F) RECORD-KEEPING REQUIREMENTS;

2 (G) LIMITS ON THE AMOUNTS OF MEDICAL MARIJUANA, MEDICAL
3 MARIJUANA-INFUSED PRODUCTS, RETAIL MARIJUANA, AND RETAIL
4 MARIJUANA PRODUCTS THAT MAY BE CARRIED IN A DELIVERY VEHICLE;

5 (H) INVENTORY TRACKING SYSTEM REQUIREMENTS, INCLUDING
6 BUT NOT LIMITED TO REQUIREMENTS THAT MEDICAL MARIJUANA, MEDICAL
7 MARIJUANA-INFUSED PRODUCTS, RETAIL MARIJUANA, AND RETAIL
8 MARIJUANA PRODUCTS ARE TRACKED FROM THE POINT THAT THEY ARE
9 TRANSFERRED FROM A MEDICAL MARIJUANA CENTER OR RETAIL
10 MARIJUANA STORE TO THE POINT OF DELIVERY AT A PHYSICAL ADDRESS
11 AND BETWEEN PHYSICAL ADDRESSES AND REQUIREMENTS FOR USE OF AN
12 INVENTORY TRACKING SYSTEM-GENERATED DELIVERY MANIFEST FOR
13 EACH DELIVERY ORDER;

14 (I) PACKAGING REQUIREMENTS FOR DELIVERIES; AND

15 (J) HEALTH AND SAFETY REQUIREMENTS FOR DELIVERY OF
16 MEDICAL MARIJUANA, MEDICAL MARIJUANA-INFUSED PRODUCTS, RETAIL
17 MARIJUANA, AND RETAIL MARIJUANA PRODUCTS.

18 (4) (a) THE STATE LICENSING AUTHORITY SHALL ENTER INTO NO
19 MORE THAN THREE MEMORANDUMS OF UNDERSTANDING WITH
20 MUNICIPALITIES TO ALLOW MARIJUANA DELIVERY IN THOSE
21 JURISDICTIONS. A MEMORANDUM OF UNDERSTANDING MAY ALLOW
22 MULTIPLE MUNICIPALITIES TO COMPRISE A CONTIGUOUS JURISDICTION IN
23 ORDER TO PERMIT DELIVERY BETWEEN THE MUNICIPALITIES.

24 (b) THE MUNICIPALITY OR THE STATE LICENSING AUTHORITY CAN
25 TERMINATE THE MEMORANDUM OF UNDERSTANDING FOR GOOD CAUSE.

26 (c) BY MARCH 1, 2020, THE STATE LICENSING AUTHORITY SHALL
27 REPORT TO THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE

1 OF REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY
2 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING
3 MARIJUANA DELIVERY IN THE JURISDICTIONS WITH THE MEMORANDUMS OF
4 UNDERSTANDING.

5 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2020.

6 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-301, **amend**
7 (1)(g) and (1)(h); and **add** (1)(i) as follows:

8 **12-43.3-301. Local licensing authority - applications - licenses.**

9 (1) A local licensing authority may issue only the following medical
10 marijuana licenses upon payment of the fee and compliance with all local
11 licensing requirements to be determined by the local licensing authority:

12 (g) A marijuana research and development license; ~~and~~

13 (h) A marijuana research and development cultivation license;

14 AND

15 (i) A MARIJUANA DELIVERY LICENSE.

16 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-401, **amend**
17 (1)(g) and (1)(h); and **add** (1)(i) as follows:

18 **12-43.3-401. Classes of licenses.** (1) For the purpose of
19 regulating the cultivation, manufacture, distribution, and sale of medical
20 marijuana, the state licensing authority in its discretion, upon application
21 in the prescribed form made to it, may issue and grant to the applicant a
22 license from any of the following classes, subject to the provisions and
23 restrictions provided by this article 43.3:

24 (g) Marijuana research and development license; ~~and~~

25 (h) Marijuana research and development cultivation license; AND

26 (i) MARIJUANA DELIVERY LICENSE.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 12-43.3-409 as

1 follows:

2 **12-43.3-409. Marijuana delivery license - repeal.** (1)(a) THERE
3 IS A MARIJUANA DELIVERY LICENSE AUTHORIZING THE LICENSEE:

4 (I) TO DELIVER MEDICAL MARIJUANA AND MEDICAL
5 MARIJUANA-INFUSED PRODUCTS BY THE LICENSEE OR ITS EMPLOYEES TO
6 A REGISTERED MEDICAL MARIJUANA CARDHOLDER EIGHTEEN YEARS OF
7 AGE OR OLDER, OR TO A CARDHOLDER'S PARENT OR GUARDIAN WHO IS
8 TWENTY-ONE YEARS OF AGE OR OLDER, AT A PHYSICAL ADDRESS; AND

9 (II) TO DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA
10 PRODUCTS BY THE LICENSEE OR ITS EMPLOYEES TO A PERSON WHO IS
11 TWENTY-ONE YEARS OF AGE OR OLDER AT A PHYSICAL ADDRESS.

12 (b) A MARIJUANA DELIVERY LICENSE IS VALID FOR ONE YEAR AND
13 MAY BE RENEWED ANNUALLY.

14 (c) THE STATE LICENSING AUTHORITY MAY ISSUE A MARIJUANA
15 DELIVERY LICENSE TO UP TO FIFTEEN QUALIFIED APPLICANTS, AS
16 DETERMINED BY THE STATE LICENSING AUTHORITY, IN JURISDICTIONS
17 AUTHORIZED PURSUANT TO SECTION 12-43.3-202 (4). THE STATE
18 LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN
19 APPLICANT IS QUALIFIED TO RECEIVE A MARIJUANA DELIVERY LICENSE. A
20 MARIJUANA DELIVERY LICENSE ISSUED BY THE STATE LICENSING
21 AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE.

22 (d) (I) THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY
23 RULE AN APPLICATION FEE AND ANNUAL RENEWAL FEE FOR THE
24 MARIJUANA DELIVERY LICENSE.

25 (II) THE AMOUNT OF THE FEE MUST REFLECT THE EXPECTED COSTS
26 OF ADMINISTERING THE MARIJUANA DELIVERY LICENSE AND MAY BE
27 ADJUSTED BY THE STATE LICENSING AUTHORITY TO REFLECT THE

1 LICENSE'S ACTUAL DIRECT AND INDIRECT COSTS.

2 (e) (I) A PERSON WITH A MARIJUANA DELIVERY LICENSE MAY
3 DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED
4 PRODUCTS ONLY TO A PERSON WHO PLACED THE ORDER AND WHO:

5 (A) IS A CURRENT REGISTRANT OF THE MEDICAL MARIJUANA
6 PATIENT REGISTRY AND IS EIGHTEEN YEARS OF AGE OR OLDER, OR THE
7 PARENT OR GUARDIAN, WHO IS TWENTY-ONE YEARS OF AGE OR OLDER, OF
8 A MINOR WHO IS A CURRENT REGISTRANT;

9 (B) RECEIVES THE DELIVERY PURSUANT TO RULES; AND

10 (C) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

11 (II) ANY PERSON DELIVERING MEDICAL MARIJUANA OR MEDICAL
12 MARIJUANA-INFUSED PRODUCTS MUST POSSESS A VALID OCCUPATIONAL
13 LICENSE AND MUST HAVE UNDERGONE TRAINING REGARDING PROOF OF
14 AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF
15 IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING
16 AUTHORITY, AND ANY OTHER TRAINING REQUIRED BY THE STATE
17 LICENSING AUTHORITY.

18 (f) (I) A PERSON WITH A MARIJUANA DELIVERY LICENSE MAY
19 DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ONLY TO
20 A PERSON WHO PLACED THE ORDER AND WHO:

21 (A) IS TWENTY-ONE YEARS OF AGE OR OLDER;

22 (B) RECEIVES THE DELIVERY PURSUANT TO RULES; AND

23 (C) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

24 (II) ANY PERSON DELIVERING RETAIL MARIJUANA OR RETAIL
25 MARIJUANA PRODUCTS MUST POSSESS A VALID OCCUPATIONAL LICENSE
26 AND MUST HAVE UNDERGONE TRAINING REGARDING PROOF OF AGE
27 IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF

1 IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING
2 AUTHORITY, AND ANY OTHER TRAINING REQUIRED BY THE STATE
3 LICENSING AUTHORITY.

4 (g) (I) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING
5 MARIJUANA DELIVERY LICENSES ON SEPTEMBER 1, 2018.

6 (II) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

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