

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

PREAMENDED

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

LLS NO. 19-0954.01 Jerry Barry x4341

HOUSE BILL 19-1230

HOUSE SPONSORSHIP

Singer and Melton, Coleman, Gray, Landgraf, Michaelson Jenet, Bird, Buentello, Duran, Galindo, Herod, Valdez A.

SENATE SPONSORSHIP

Marble and Gonzales, Pettersen, Rodriguez, Fenberg

House Committees

Business Affairs & Labor
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MARIJUANA HOSPITALITY ESTABLISHMENTS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

If approval is received by both the state and local licensing authorities, the bill authorizes legal cannabis hospitality spaces in which legal cannabis may be consumed on site and retail cannabis hospitality and sales establishments in which retail marijuana, retail marijuana concentrate, and retail marijuana products may be sold and consumed on site in the establishment's hospitality space.

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.*

HOUSE
3rd Reading Unamended
April 18, 2019

HOUSE
Amended 2nd Reading
April 17, 2019

The bill establishes requirements and prohibitions for the new hospitality spaces and requires the state licensing authority to promulgate rules governing the new hospitality licenses and spaces.

The bill makes the hospitality spaces an exception to the "Colorado Clean Air Act" and makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-12-103, **amend**
3 (24); and **add** (13.5) and (21.4) as follows:

4 **44-12-103. Definitions.** As used in this article 12, unless the
5 context otherwise requires:

6 (13.5) "MARIJUANA HOSPITALITY ESTABLISHMENT" MEANS A
7 FACILITY, WHICH MAY BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION
8 OF MARIJUANA PURSUANT TO THIS ARTICLE 12; RULES PROMULGATED
9 PURSUANT TO THIS ARTICLE 12; AND THE PROVISIONS OF AN ENACTED,
10 INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL
11 JURISDICTION IN WHICH THE LICENSEE OPERATES.

12 (21.4) "RETAIL MARIJUANA HOSPITALITY AND SALES
13 ESTABLISHMENT" MEANS A FACILITY, WHICH CANNOT BE MOBILE,
14 LICENSED TO PERMIT THE CONSUMPTION OF ONLY THE RETAIL MARIJUANA
15 OR RETAIL MARIJUANA PRODUCTS IT HAS SOLD PURSUANT TO THE
16 PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR
17 RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE
18 OPERATES.

19 (24) "Retail marijuana establishment" means a retail marijuana
20 store, a retail marijuana cultivation facility, a retail marijuana products
21 manufacturer, A MARIJUANA HOSPITALITY ESTABLISHMENT, A RETAIL
22 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT, or a retail
23 marijuana testing facility.

1 **SECTION 2.** In Colorado Revised Statutes, 44-12-202, **amend**
2 (1) introductory portion and (2)(a); and **add** (3)(a)(XXV) and
3 (3)(a)(XXVI) as follows:

4 **44-12-202. Powers and duties of state licensing authority -**
5 **rules.** (1) To ensure that no marijuana grown or processed by a retail
6 marijuana establishment is sold or otherwise transferred except by a retail
7 marijuana store, A RETAIL MARIJUANA HOSPITALITY AND SALES
8 ESTABLISHMENT, or as authorized by law, the state licensing authority
9 shall develop and maintain a seed-to-sale tracking system that tracks retail
10 marijuana from either seed or immature plant stage until the marijuana or
11 retail marijuana product is sold to a customer at a retail marijuana store
12 OR TO A PATRON AT A RETAIL MARIJUANA HOSPITALITY AND SALES
13 ESTABLISHMENT; except that retail marijuana or retail marijuana product
14 ~~is~~ PRODUCTS ARE no longer subject to the tracking system once the retail
15 marijuana has been:

16 (2) The state licensing authority has the authority to:

17 (a) Grant or refuse state licenses for the cultivation, manufacture,
18 distribution, sale, HOSPITALITY, and testing of retail marijuana and retail
19 marijuana products as provided by law; suspend, fine, restrict, or revoke
20 such licenses, whether active, expired, or surrendered, upon a violation
21 of this article 12 or any rule promulgated pursuant to this article 12; and
22 impose any penalty authorized by this article 12 or any rule promulgated
23 pursuant to this article 12. The state licensing authority may take any
24 action with respect to a registration pursuant to this article 12 as it may
25 with respect to a license pursuant to this article 12, in accordance with the
26 procedures established pursuant to this article 12.

27 (3) (a) Rules promulgated pursuant to subsection (2)(b) of this

1 section must include, but need not be limited to, the following subjects:

2 (XXV) THE IMPLEMENTATION OF MARIJUANA HOSPITALITY AND
3 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSES,
4 INCLUDING BUT NOT LIMITED TO:

5 (A) GENERAL INSURANCE LIABILITY REQUIREMENTS;

6 (B) A SALES LIMIT PER TRANSACTION FOR RETAIL MARIJUANA AND
7 RETAIL MARIJUANA PRODUCTS THAT MAY BE SOLD TO A PATRON OF A
8 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT; EXCEPT
9 THAT THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY
10 MUST NOT BE AN AMOUNT LESS THAN ONE GRAM OF RETAIL MARIJUANA
11 FLOWER, ONE-QUARTER OF ONE GRAM OF RETAIL MARIJUANA
12 CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT CONTAINING NOT MORE
13 THAN TEN MILLIGRAMS OF ACTIVE THC;

14 (C) RESTRICTIONS ON THE TYPE OF ANY RETAIL MARIJUANA OR
15 RETAIL MARIJUANA PRODUCT AUTHORIZED TO BE SOLD INCLUDING THAT
16 THE MARIJUANA OR PRODUCT BE MEANT FOR CONSUMPTION IN THE
17 LICENSED PREMISES OF THE ESTABLISHMENT;

18 (D) PROHIBITIONS ON ACTIVITY THAT WOULD REQUIRE
19 ADDITIONAL LICENSURE ON THE LICENSED PREMISES, INCLUDING BUT NOT
20 LIMITED TO SALES, MANUFACTURING, OR CULTIVATION ACTIVITY;

21 (E) REQUIREMENTS FOR MARIJUANA HOSPITALITY
22 ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES
23 ESTABLISHMENTS OPERATING PURSUANT TO SECTION 44-12-408 OR
24 44-12-409 IN A RETAIL FOOD ESTABLISHMENT;

25 (F) REQUIREMENTS FOR MARIJUANA HOSPITALITY
26 ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES
27 ESTABLISHMENT LICENSEES TO DESTROY ANY UNCONSUMED MARIJUANA

- 1 OR MARIJUANA PRODUCTS LEFT BEHIND BY A PATRON; AND
- 2 (G) RULES TO ENSURE COMPLIANCE WITH SECTION 42-4-1305.5;
- 3 (XXVI) FOR MARIJUANA HOSPITALITY ESTABLISHMENTS THAT ARE
- 4 MOBILE, REGULATIONS INCLUDING BUT NOT LIMITED TO:
- 5 (A) REGISTRATION OF VEHICLES AND PROPER DESIGNATION OF
- 6 VEHICLES USED AS MOBILE LICENSED PREMISES;
- 7 (B) SURVEILLANCE CAMERAS INSIDE THE VEHICLES;
- 8 (C) GLOBAL POSITIONING SYSTEM TRACKING AND ROUTE LOGGING
- 9 IN AN ESTABLISHED ROUTE MANIFEST SYSTEM;
- 10 (D) COMPLIANCE WITH SECTION 42-4-1305.5;
- 11 (E) ENSURING ACTIVITY IS NOT VISIBLE OUTSIDE OF THE VEHICLE;
- 12 AND
- 13 (F) PROPER VENTILATION WITHIN THE VEHICLE.

14 **SECTION 3.** In Colorado Revised Statutes, 44-12-401, **amend**
15 (1)(f); and **add** (1)(h), (1)(i), and (5) as follows:

16 **44-12-401. Classes of licenses.** (1) For the purpose of regulating
17 the cultivation, manufacture, distribution, sale, and testing of retail
18 marijuana and retail marijuana products, the state licensing authority in
19 its discretion, upon receipt of an application in the prescribed form, may
20 issue and grant to the applicant a license from any of the following
21 classes, subject to the provisions and restrictions provided by this article
22 12:

- 23 (f) Retail marijuana transporter license; ~~and~~
- 24 (h) MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE; AND
- 25 (i) RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
- 26 LICENSE.
- 27 (5) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO

1 THIS ARTICLE 12 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED
2 PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44.

3 **SECTION 4.** In Colorado Revised Statutes, 44-12-402, **add**
4 (2)(c) as follows:

5 **44-12-402. Retail marijuana store license - definition.** (2) (c) A
6 RETAIL MARIJUANA STORE MAY SELL RETAIL MARIJUANA AND RETAIL
7 MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES
8 ESTABLISHMENT LICENSEE.

9 **SECTION 5.** In Colorado Revised Statutes, 44-12-403, **amend**
10 (1) as follows:

11 **44-12-403. Retail marijuana cultivation facility license - rules**
12 **- definitions.** (1) A retail marijuana cultivation facility license may be
13 issued only to a person who cultivates retail marijuana for sale and
14 distribution to licensed retail marijuana stores, retail marijuana products
15 manufacturing licensees, RETAIL MARIJUANA HOSPITALITY AND SALES
16 ESTABLISHMENT LICENSEES, or other retail marijuana cultivation facilities.

17 **SECTION 6.** In Colorado Revised Statutes, 44-12-404, **add**
18 (1)(e) as follows:

19 **44-12-404. Retail marijuana products manufacturing license**
20 **- rules - definitions.** (1) (e) A RETAIL MARIJUANA PRODUCTS
21 MANUFACTURER MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA
22 PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES
23 ESTABLISHMENT.

24 **SECTION 7.** In Colorado Revised Statutes, **add** 44-12-408 and
25 44-12-409 as follows:

26 **44-12-408. Marijuana hospitality establishment license - rules**
27 **- definition.** (1) (a) ON AND AFTER JANUARY 1, 2020, THE STATE

1 LICENSING AUTHORITY MAY ISSUE A MARIJUANA HOSPITALITY
2 ESTABLISHMENT LICENSE AUTHORIZING THE LICENSEE TO OPERATE A
3 LICENSED PREMISES IN WHICH MARIJUANA MAY BE CONSUMED PURSUANT
4 TO THIS ARTICLE 12, RULES PROMULGATED PURSUANT TO THIS ARTICLE 12,
5 AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL
6 JURISDICTION IN WHICH THE LICENSEE OPERATES.

7 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE
8 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
9 LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN
10 SECTION 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT
11 ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR
12 A LICENSE TO OPERATE A MARIJUANA HOSPITALITY ESTABLISHMENT IN AN
13 ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD
14 ESTABLISHMENT. A RETAIL FOOD ESTABLISHMENT OPERATING A
15 MARIJUANA HOSPITALITY ESTABLISHMENT PURSUANT TO THIS SUBSECTION
16 (1)(b) IS SUBJECT TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE
17 25 AND THE RULES PROMULGATED PURSUANT TO THAT ARTICLE
18 INCLUDING BUT NOT LIMITED TO LICENSURE REQUIREMENTS AND
19 INSPECTION AND ENFORCEMENT AUTHORITY OF THE COLORADO
20 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS SUBSECTION
21 (1)(b) DOES NOT AUTHORIZE THE MARIJUANA HOSPITALITY
22 ESTABLISHMENT TO ENGAGE IN THE MANUFACTURE OF MEDICAL
23 MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO
24 ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD
25 ESTABLISHMENT.

26 (2)(a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF
27 MARIJUANA HOSPITALITY ESTABLISHMENTS WITHIN ITS JURISDICTION

1 THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH A REFERRED
2 OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY ACTS
3 THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT A
4 PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE REGISTERED
5 ELECTORS IN THE COUNTY OR CITY AND COUNTY.

6 (b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY
7 AUTHORIZES THE OPERATION OF MARIJUANA HOSPITALITY
8 ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT
9 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE
10 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE
11 ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED
12 IN THIS SECTION.

13 (c) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY HAS
14 IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AN ORDINANCE OR
15 RESOLUTION RELATED TO CONSUMPTION OF MARIJUANA, NOTHING IN THIS
16 SECTION RESTRICTS THE ENFORCEMENT OF THAT ORDINANCE OR
17 RESOLUTION, AND THE LOCAL JURISDICTION MAY, BY ORDINANCE OR
18 RESOLUTION, REQUIRE A BUSINESS OPERATING AS A PLACE FOR ON-SITE
19 MARIJUANA CONSUMPTION TO BE LICENSED PURSUANT TO THIS SECTION.

20 (3) (a) (I) APPLICATIONS FOR A LICENSE PURSUANT TO THIS
21 SECTION MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS
22 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY AND
23 MUST SET FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY
24 MAY REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO
25 DETERMINE WHETHER A STATE LICENSE SHOULD BE GRANTED. THE
26 INFORMATION MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT
27 AND ANY OTHER INFORMATION REQUESTED BY THE STATE LICENSING

1 AUTHORITY. EACH APPLICATION MUST BE VERIFIED BY THE OATH OR
2 AFFIRMATION OF SUCH PERSON OR PERSONS AS THE STATE LICENSING
3 AUTHORITY MAY PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON
4 LOCAL LICENSING AUTHORITY APPROVAL.

5 (II) AN APPLICANT IS PROHIBITED FROM OPERATING A MARIJUANA
6 HOSPITALITY ESTABLISHMENT WITHOUT STATE AND LOCAL LICENSING
7 AUTHORITY APPROVAL; EXCEPT THAT A BUSINESS OPERATING A LOCATION
8 BEFORE DECEMBER 31, 2019, AT WHICH THE CONSUMPTION OF MARIJUANA
9 IS PERMITTED PURSUANT TO A LOCAL ORDINANCE OR RESOLUTION, MAY
10 CONTINUE TO OPERATE UNTIL A STATE LICENSE IS APPROVED OR DENIED
11 IF THE BUSINESS APPLIES FOR A LICENSE UNDER THIS SECTION ON OR
12 BEFORE DECEMBER 31, 2019. BEGINNING JANUARY 1, 2020, ANY SUCH
13 BUSINESS THAT HAS NOT APPLIED FOR A STATE LICENSE SHALL CEASE
14 OPERATION.

15 (III) IF A MARIJUANA HOSPITALITY LICENSE IS DENIED BY THE
16 STATE, THE BUSINESS SHALL IMMEDIATELY CEASE OPERATIONS FOR WHICH
17 A MARIJUANA HOSPITALITY LICENSE IS REQUIRED PURSUANT TO THIS
18 ARTICLE 12. IF THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING
19 AUTHORITY APPROVAL WITHIN ONE YEAR AFTER THE DATE OF STATE
20 LICENSING AUTHORITY APPROVAL, THE STATE LICENSE EXPIRES AND MAY
21 NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING
22 AUTHORITY OR THE APPROVAL OF THE LOCAL LICENSING AUTHORITY IS
23 REVOKED, THE STATE LICENSING AUTHORITY SHALL REVOKE THE
24 STATE-ISSUED LICENSE.

25 (b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE
26 LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS
27 SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES

1 TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS
2 ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE
3 RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD
4 CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:

5 (I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,
6 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR
7 PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO
8 THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR
9 REGULATIONS;

10 (II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH
11 ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE
12 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;
13 OR

14 (III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER
15 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE
16 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

17 (c) A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE IS VALID
18 FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE LICENSING
19 AUTHORITY, BUT FOR NO LONGER THAN ONE YEAR, AND THE LICENSE MAY
20 BE RENEWED. THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY
21 RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL FEE FOR THE
22 LICENSE.

23 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF
24 ALL MARIJUANA HOSPITALITY ESTABLISHMENTS IN THE STATE AND SHALL
25 MAKE THE LIST AVAILABLE ON ITS WEBSITE.

26 (4) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL NOT:

27 (a) ENGAGE IN OR PERMIT THE SALE OR EXCHANGE FOR

1 REMUNERATION OF RETAIL OR MEDICAL MARIJUANA, RETAIL MARIJUANA
2 PRODUCTS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS IN THE LICENSED
3 PREMISES;

4 (b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO
5 CONSUME ANY MARIJUANA IN THE LICENSED PREMISES OF THE
6 ESTABLISHMENT;

7 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF
8 MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

9 (d) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED
10 PREMISES;

11 (e) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN
12 THE LICENSED PREMISES OF THE ESTABLISHMENT;

13 (f) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM
14 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED
15 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

16 (g) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL
17 LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE
18 ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO SALES,
19 MANUFACTURING, OR CULTIVATION;

20 (h) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
21 CONDUCT AS DESCRIBED IN SECTION 18-9-106;

22 (i) PERMIT THE USE OR CONSUMPTION OF MARIJUANA BY A PATRON
23 WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION;

24 (j) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
25 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
26 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

27 (k) ADMIT INTO THE LICENSED PREMISES OF THE ESTABLISHMENT

1 ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

2 (5) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL:

3 (a) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND
4 RESPECTABLE MANNER;

5 (b) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO
6 SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING
7 PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;

8 (c) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY
9 MARIJUANA IS NOT VISIBLE FROM OUTSIDE OF THE LICENSED PREMISES OF
10 THE ESTABLISHMENT;

11 (d) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
12 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
13 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS
14 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
15 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
16 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
17 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
18 SUBSECTION (5)(d) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
19 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

20 (e) MAINTAIN A RECORD OF ALL EDUCATIONAL MATERIALS
21 REQUIRED BY SUBSECTION (5)(d) OF THIS SECTION IN THE LICENSED
22 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
23 AND LAW ENFORCEMENT; AND

24 (f) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
25 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
26 PUBLIC SAFETY PERSONNEL TO ENTER A MARIJUANA HOSPITALITY
27 ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE

1 ESTABLISHMENT CEASE ALL CONSUMPTION AND OTHER ACTIVITIES UNTIL
2 SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES
3 AND HAVE LEFT THE LICENSED PREMISES.

4 (6) A MARIJUANA HOSPITALITY ESTABLISHMENT AND ITS
5 EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE ESTABLISHMENT FOR
6 ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF
7 INTOXICATION.

8 **44-12-409. Retail marijuana hospitality and sales**
9 **establishment license - rules - definition.** (1) (a) ON AND AFTER
10 JANUARY 1, 2020, THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL
11 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSE
12 AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH
13 MARIJUANA MAY BE SOLD AND CONSUMED PURSUANT TO THIS ARTICLE 12,
14 RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, AND THE
15 PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL
16 JURISDICTION IN WHICH THE LICENSEE OPERATES.

17 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE
18 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
19 LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN
20 SECTION 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT
21 ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR
22 A LICENSE TO OPERATE A RETAIL MARIJUANA HOSPITALITY AND SALES
23 ESTABLISHMENT IN AN ISOLATED PORTION OF THE PREMISES OF THE RETAIL
24 FOOD ESTABLISHMENT. A RETAIL FOOD ESTABLISHMENT OPERATING A
25 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT PURSUANT
26 TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND CONDITIONS OF
27 ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED PURSUANT TO THAT

1 ARTICLE INCLUDING BUT NOT LIMITED TO LICENSURE REQUIREMENTS AND
2 INSPECTION AND ENFORCEMENT AUTHORITY OF THE COLORADO
3 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS SUBSECTION
4 (1)(b) DOES NOT AUTHORIZE THE RETAIL MARIJUANA HOSPITALITY AND
5 SALES ESTABLISHMENT TO ENGAGE IN THE MANUFACTURE OF MEDICAL
6 MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO
7 ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD
8 ESTABLISHMENT.

9 (2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF
10 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN ITS
11 JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH
12 A REFERRED OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY
13 ACTS THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT
14 A PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE
15 REGISTERED ELECTORS IN THE COUNTY OR CITY AND COUNTY.

16 (b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY
17 AUTHORIZES THE OPERATION OF RETAIL MARIJUANA HOSPITALITY AND
18 SALES ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT
19 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE
20 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE
21 ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED
22 IN THIS SECTION.

23 (3) (a) APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION
24 MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS PREPARED
25 AND FURNISHED BY THE STATE LICENSING AUTHORITY AND MUST SET
26 FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY
27 REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO DETERMINE

1 WHETHER A STATE LICENSE SHOULD BE GRANTED. THE INFORMATION
2 MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT AND ANY
3 OTHER INFORMATION REQUESTED BY THE STATE LICENSING AUTHORITY.
4 EACH APPLICATION MUST BE VERIFIED BY THE OATH OR AFFIRMATION OF
5 SUCH PERSON OR PERSONS AS THE STATE LICENSING AUTHORITY MAY
6 PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON LOCAL LICENSING
7 AUTHORITY APPROVAL. AN APPLICANT IS PROHIBITED FROM OPERATING A
8 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT WITHOUT
9 STATE AND LOCAL LICENSING AUTHORITY APPROVAL. IF THE APPLICANT
10 DOES NOT RECEIVE LOCAL LICENSING AUTHORITY APPROVAL WITHIN ONE
11 YEAR AFTER THE DATE OF STATE LICENSING AUTHORITY APPROVAL, THE
12 STATE LICENSE EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION
13 IS DENIED BY THE LOCAL LICENSING AUTHORITY OR THE APPROVAL OF THE
14 LOCAL LICENSING AUTHORITY IS REVOKED, THE STATE LICENSING
15 AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE.

16 (b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE
17 LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS
18 SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES
19 TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS
20 ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE
21 RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD
22 CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:

23 (I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,
24 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR
25 PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO
26 THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR
27 REGULATIONS;

1 (II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH
2 ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE
3 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;
4 OR

5 (III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER
6 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE
7 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

8 (c) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
9 LICENSE IS VALID FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE
10 LICENSING AUTHORITY, BUT NO LONGER THAN ONE YEAR, AND THE
11 LICENSE MAY BE RENEWED. THE STATE LICENSING AUTHORITY SHALL
12 ESTABLISH BY RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL
13 FEE FOR THE LICENSE.

14 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF
15 ALL RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS IN THE
16 STATE AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

17 (4) A RETAIL MARIJUANA HOSPITALITY AND SALES
18 ESTABLISHMENT LICENSEE SHALL NOT:

19 (a) ENGAGE IN MULTIPLE SALES TRANSACTIONS TO THE SAME
20 PATRON DURING THE SAME BUSINESS DAY WHEN THE ESTABLISHMENT'S
21 EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE
22 SALES TRANSACTION WOULD RESULT IN THE PATRON POSSESSING MORE
23 THAN THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING
24 AUTHORITY;

25 (b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO
26 CONSUME ANY MARIJUANA IN THE LICENSED PREMISES;

27 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF

- 1 MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;
- 2 (d) SELL ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS
- 3 THAT CONTAIN NICOTINE OR, IF THE SALE OF ALCOHOL WOULD REQUIRE A
- 4 LICENSE OR PERMIT PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44,
- 5 ALCOHOL;
- 6 (e) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED
- 7 PREMISES;
- 8 (f) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN
- 9 THE LICENSED PREMISES OF THE ESTABLISHMENT;
- 10 (g) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM
- 11 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED
- 12 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;
- 13 (h) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL
- 14 LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE
- 15 ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO MANUFACTURING OR
- 16 CULTIVATION ACTIVITY;
- 17 (i) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
- 18 CONDUCT AS DESCRIBED IN SECTION 18-9-106;
- 19 (j) SELL, SERVE, OR PERMIT THE SALE OR SERVING OF RETAIL
- 20 MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ANY PATRON WHO
- 21 SHOWS SIGNS OF VISIBLE INTOXICATION;
- 22 (k) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
- 23 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
- 24 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR
- 25 (l) ADMIT INTO THE LICENSED PREMISES OF A RETAIL MARIJUANA
- 26 HOSPITALITY AND SALES ESTABLISHMENT ANY PERSON WHO IS UNDER
- 27 TWENTY-ONE YEARS OF AGE.

1 (5) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
2 LICENSEE SHALL:

3 (a) TRACK ALL OF ITS RETAIL MARIJUANA AND RETAIL MARIJUANA
4 PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A RETAIL
5 MARIJUANA STORE, RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR
6 RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF SALE TO ITS
7 PATRONS;

8 (b) LIMIT A PATRON TO ONE TRANSACTION OF NO MORE THAN THE
9 SALES LIMIT SET BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT
10 TO SECTION 44-12-202 (3)(a)(XXV);

11 (c) BEFORE ALLOWING A PATRON TO LEAVE THE LICENSED
12 PREMISES WITH ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS,
13 PACKAGE AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA
14 PRODUCTS IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE
15 ESTABLISHMENT THAT COMPLY WITH THE REQUIREMENTS OF SECTION
16 44-12-202 (3)(a)(VIII) AND (3)(d)(II);

17 (d) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND
18 RESPECTABLE MANNER;

19 (e) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO
20 SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING
21 PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;

22 (f) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY RETAIL
23 MARIJUANA OR RETAIL MARIJUANA PRODUCT IS NOT VISIBLE FROM
24 OUTSIDE OF THE ESTABLISHMENT;

25 (g) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
26 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
27 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS

1 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
2 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
3 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
4 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
5 SUBSECTION (5)(g) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
6 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

7 (h) MAINTAINING A RECORD OF ALL EDUCATIONAL MATERIALS
8 REQUIRED BY SUBSECTION (5)(g) OF THIS SECTION IN THE LICENSED
9 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
10 AND LAW ENFORCEMENT; AND

11 (i) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
12 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
13 PUBLIC SAFETY PERSONNEL TO ENTER A RETAIL MARIJUANA HOSPITALITY
14 AND SALES ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS
15 OF THE ESTABLISHMENT CEASE ALL SALES, CONSUMPTION AND OTHER
16 ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR
17 INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

18 (6) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
19 AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE
20 ESTABLISHMENT FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS
21 ANY VISIBLE SIGNS OF INTOXICATION.

22 (7) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
23 MAY PURCHASE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS
24 FROM ANY RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION
25 FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER.

26 **SECTION 8.** In Colorado Revised Statutes, 44-12-901, **amend**
27 (1), (3)(c), (3)(d), and (4)(g); and **add** (3)(e) as follows:

1 **44-12-901. Unlawful acts - exceptions.** (1) Except IN THE
2 LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT
3 LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL MARIJUANA
4 HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO
5 SECTION 44-12-409 OR as otherwise provided in this article 12, it is
6 unlawful for a person to consume retail marijuana or retail marijuana
7 products in a licensed retail marijuana establishment, and it is unlawful
8 for a retail marijuana licensee to allow retail marijuana or retail marijuana
9 products to be consumed upon its licensed premises.

10 (3) It is unlawful for a person licensed pursuant to this article 12:

11 (c) To fail to report a transfer required by section 44-12-309 (10);

12 or

13 (d) To fail to report the name of or a change in managers as
14 required by section 44-12-309 (11); OR

15 (e) TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON
16 THE LICENSED PREMISES.

17 (4) It is unlawful for any person licensed to sell retail marijuana
18 or retail marijuana products pursuant to this article 12:

19 (g) EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA
20 HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408
21 OR A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT
22 LICENSED PURSUANT TO SECTION 44-12-409, to have on the licensed
23 premises any retail marijuana, retail marijuana products, or marijuana
24 paraphernalia that shows evidence of the retail marijuana having been
25 consumed or partially consumed;

26 **SECTION 9.** In Colorado Revised Statutes, 18-18-406, add
27 (5)(b)(IV) and (5)(b)(V) as follows:

1 **18-18-406. Offenses related to marijuana and marijuana**
2 **concentrate - definitions.** (5) (b) (IV) PUBLIC DISPLAY, CONSUMPTION,
3 OR USE OF MARIJUANA OR MARIJUANA CONCENTRATE PURSUANT TO THE
4 PROVISIONS OF SECTION 44-12-408, WHEN SUCH DISPLAY, CONSUMPTION,
5 OR USE IS WITHIN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY
6 ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408, IS NOT A
7 VIOLATION OF THIS SUBSECTION (5).

8 (V) PUBLIC DISPLAY, CONSUMPTION, OR USE OF RETAIL MARIJUANA
9 OR RETAIL MARIJUANA CONCENTRATE PURSUANT TO THE PROVISIONS OF
10 SECTION 44-12-409, WHEN SUCH DISPLAY, CONSUMPTION, OR USE IS
11 WITHIN THE LICENSED PREMISES OF A RETAIL MARIJUANA HOSPITALITY
12 AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409
13 AND WHEN AN INDIVIDUAL'S DISPLAY, CONSUMPTION, OR USE DOES NOT
14 EXCEED THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING
15 AUTHORITY BY RULE PURSUANT TO SECTION 44-12-202 (3)(a)(XXV)(B),
16 IS NOT A VIOLATION OF THIS SUBSECTION (5).

17 **SECTION 10.** In Colorado Revised Statutes, 25-14-205, **amend**
18 (1) introductory portion, (1)(i), and (1)(k)(I)(C); and **add** (1)(l) as
19 follows:

20 **25-14-205. Exceptions to smoking restrictions.** (1) This part 2
21 ~~shall~~ DOES not apply to:

22 (i) A private, nonresidential building on a farm or ranch, as
23 defined in section 39-1-102, ~~C.R.S.~~, that has annual gross income of less
24 than five hundred thousand dollars; ~~or~~

25 (k) (I) The areas of assisted living facilities:

26 (C) To which access is restricted to the residents or their guests;

27 OR

1 (1) IF AUTHORIZED BY LOCAL ORDINANCE, LICENSE, OR
2 REGULATION, THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY
3 ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL
4 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED
5 PURSUANT TO SECTION 44-12-409; EXCEPT THAT THIS EXCEPTION ONLY
6 APPLIES TO THE SMOKING OF MARIJUANA AND DOES NOT ALLOW THE
7 SMOKING OF TOBACCO WITHIN SUCH PREMISES.

8 **SECTION 11.** In Colorado Revised Statutes, 44-11-1101, **amend**
9 (2) introductory portion, (2)(b)(IV), and (2)(b)(V); and **add** (2)(b)(VI) as
10 follows:

11 **44-11-1101. Responsible vendor program - standards -**
12 **designation.** (2) An approved training program ~~shall~~ **MUST** contain, at a
13 minimum, the following standards and ~~shall~~ **MUST** be taught in a
14 classroom setting in a minimum of a two-hour period:

15 (b) A core curriculum of pertinent statutory and regulatory
16 provisions, which curriculum includes, but need not be limited to:

17 (IV) Acceptable forms of identification, including patient registry
18 cards and associated documents and procedures; ~~and~~

19 (V) Local and state licensing and enforcement, which may
20 include, but need not be limited to, key statutes and rules affecting
21 patients, owners, managers, and employees; ~~AND~~

22 (VI) INFORMATION ON SERVING SIZE, THC AND CANNABINOID
23 POTENCY, AND IMPAIRMENT.

24 **SECTION 12.** In Colorado Revised Statutes, 44-10-103, **amend**
25 **as relocated by Senate Bill 19-224 (46); and add as relocated by**
26 **Senate Bill 19-224 (24.5) and (48.5) as follows:**

27 **44-10-103. Definitions.** As used in this article 10, unless the

1 context otherwise requires:

2 (24.5) "MARIJUANA HOSPITALITY BUSINESS" MEANS A FACILITY,
3 WHICH MAY BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION OF
4 MARIJUANA PURSUANT TO THIS ARTICLE 10; RULES PROMULGATED
5 PURSUANT TO THIS ARTICLE 10; AND THE PROVISIONS OF AN ENACTED,
6 INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL
7 JURISDICTION IN WHICH THE LICENSEE OPERATES.

8 (46) "Retail marijuana business" means a retail marijuana store,
9 a retail marijuana cultivation facility, a retail marijuana products
10 manufacturer, A MARIJUANA HOSPITALITY BUSINESS, A RETAIL MARIJUANA
11 HOSPITALITY AND SALES BUSINESS, a retail marijuana testing facility, a
12 retail marijuana business operator, or a retail marijuana transporter
13 licensed pursuant to this article 10.

14 (48.5) "RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS"
15 MEANS A FACILITY, WHICH CANNOT BE MOBILE, LICENSED TO PERMIT THE
16 CONSUMPTION OF ONLY THE RETAIL MARIJUANA OR RETAIL MARIJUANA
17 PRODUCTS IT HAS SOLD PURSUANT TO THE PROVISIONS OF AN ENACTED,
18 INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL
19 JURISDICTION IN WHICH THE LICENSEE OPERATES.

20 **SECTION 13. In Colorado Revised Statutes, 44-10-202, amend**
21 **as relocated by Senate Bill 19-224 (1)(a) introductory portion and (1)(b)**
22 **as follows:**

23 **44-10-202. Powers and duties of state licensing authority -**
24 **rules - legislative declaration. (1) Powers and duties. The state**
25 **licensing authority shall:**

26 **(a) Develop and maintain a seed-to-sale tracking system that**
27 **tracks regulated marijuana from either the seed or immature plant stage**

1 until the regulated marijuana or regulated marijuana product is sold to a
2 patient at a medical marijuana store or to a customer at a retail marijuana
3 store OR A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS to
4 ensure that no regulated marijuana grown or processed by a medical
5 marijuana business or retail marijuana business is sold or otherwise
6 transferred except by a medical or retail marijuana store OR A RETAIL
7 MARIJUANA HOSPITALITY AND SALES BUSINESS; except that the medical
8 marijuana or medical marijuana product is no longer subject to the
9 tracking system once the medical marijuana or medical marijuana product
10 has been:

11 (b) Grant or refuse state licenses for the cultivation, manufacture,
12 distribution, sale, HOSPITALITY, and testing of regulated marijuana and
13 regulated marijuana products as provided by law; suspend, fine, restrict,
14 or revoke such licenses, whether active, expired, or surrendered, upon a
15 violation of this article 10 or any rule promulgated pursuant to this article
16 10; and impose any penalty authorized by this article 10 or any rule
17 promulgated pursuant to this article 10. The state licensing authority may
18 take any action with respect to a registration pursuant to this article 10 as
19 it may with respect to a license pursuant to this article 10, in accordance
20 with the procedures established pursuant to this article 10.

21 **SECTION 14. In Colorado Revised Statutes, 44-10-203, amend**
22 **as relocated by Senate Bill 19-224 (2)(aa); and add as relocated by**
23 **Senate Bill 19-224 (2)(cc) and (2)(dd) as follows:**

24 **44-10-203. State licensing authority - rules. (2) Mandatory**
25 **rule-making. Rules promulgated pursuant to section 44-10-202 (1)(c)**
26 **must include but need not be limited to the following subjects:**

27 **(aa) The implementation of an accelerator program including but**

1 not limited to rules to establish severed liability for licensees operating on
2 the same physical premises, severed custodianship of regulated products,
3 protections of the intellectual property of the accelerator licensee,
4 incentives for licensees endorsed as accelerators, and additional
5 requirements if a person applying for an accelerator endorsement has less
6 than two years experience operating a licensed facility under this title 10:
7 and

8 (cc) THE IMPLEMENTATION OF MARIJUANA HOSPITALITY AND
9 RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSES,
10 INCLUDING BUT NOT LIMITED TO:

11 (I) GENERAL INSURANCE LIABILITY REQUIREMENTS;

12 (II) A SALES LIMIT PER TRANSACTION FOR RETAIL MARIJUANA AND
13 RETAIL MARIJUANA PRODUCTS THAT MAY BE SOLD TO A PATRON OF A
14 RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS; EXCEPT THAT THE
15 SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY MUST NOT
16 BE AN AMOUNT LESS THAN ONE GRAM OF RETAIL MARIJUANA FLOWER,
17 ONE-QUARTER OF ONE GRAM OF RETAIL MARIJUANA CONCENTRATE, OR A
18 RETAIL MARIJUANA PRODUCT CONTAINING NOT MORE THAN TEN
19 MILLIGRAMS OF ACTIVE THC;

20 (III) RESTRICTIONS ON THE TYPE OF ANY RETAIL MARIJUANA OR
21 RETAIL MARIJUANA PRODUCT AUTHORIZED TO BE SOLD INCLUDING THAT
22 THE MARIJUANA OR PRODUCT BE MEANT FOR CONSUMPTION IN THE
23 LICENSED PREMISES OF THE BUSINESS;

24 (IV) PROHIBITIONS ON ACTIVITY THAT WOULD REQUIRE
25 ADDITIONAL LICENSURE ON THE LICENSED PREMISES, INCLUDING BUT NOT
26 LIMITED TO SALES, MANUFACTURING, OR CULTIVATION ACTIVITY;

27 (V) REQUIREMENTS FOR MARIJUANA HOSPITALITY BUSINESSES

1 AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES OPERATING
2 PURSUANT TO SECTION 44-10-609 OR 44-10-610 IN A RETAIL FOOD
3 BUSINESS;

4 (VI) REQUIREMENTS FOR MARIJUANA HOSPITALITY BUSINESSES
5 AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSEES TO
6 DESTROY ANY UNCONSUMED MARIJUANA OR MARIJUANA PRODUCTS LEFT
7 BEHIND BY A PATRON; AND

8 (VII) RULES TO ENSURE COMPLIANCE WITH SECTION 42-4-1305.5;
9 AND

10 (dd) FOR MARIJUANA HOSPITALITY BUSINESSES THAT ARE MOBILE,
11 REGULATIONS INCLUDING BUT NOT LIMITED TO:

12 (I) REGISTRATION OF VEHICLES AND PROPER DESIGNATION OF
13 VEHICLES USED AS MOBILE LICENSED PREMISES;

14 (II) SURVEILLANCE CAMERAS INSIDE THE VEHICLES;

15 (III) GLOBAL POSITIONING SYSTEM TRACKING AND ROUTE LOGGING
16 IN AN ESTABLISHED ROUTE MANIFEST SYSTEM;

17 (IV) COMPLIANCE WITH SECTION 42-4-1305.5;

18 (V) ENSURING ACTIVITY IS NOT VISIBLE OUTSIDE OF THE VEHICLE;

19 AND

20 (VI) PROPER VENTILATION WITHIN THE VEHICLE.

21 **SECTION 15. In Colorado Revised Statutes, 44-10-305, amend**
22 **as relocated by Senate Bill 19-224 (2)(b) as follows:**

23 **44-10-305. State licensing authority - application and issuance**
24 **procedures - repeal. (2) (b) (I) The state licensing authority may issue**
25 **a state license to an applicant pursuant to this section for a retail**
26 **marijuana business upon completion of the applicable criminal history**
27 **background check associated with the application, and the state license**

1 is conditioned upon local jurisdiction approval. A license applicant is
2 prohibited from operating a licensed retail marijuana business without
3 state and local jurisdiction approval. If the applicant does not receive
4 local jurisdiction approval within one year from the date of state licensing
5 authority approval, the state license expires and may not be renewed. If
6 an application is denied by the local licensing authority, the state licensing
7 authority shall revoke the state-issued license.

8 (II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
9 (2)(B)(I) OF THIS SECTION, A BUSINESS OPERATING A LOCATION BEFORE
10 DECEMBER 31, 2019, AT WHICH THE CONSUMPTION OF MARIJUANA IS
11 PERMITTED PURSUANT TO A LOCAL ORDINANCE OR RESOLUTION, MAY
12 CONTINUE TO OPERATE UNTIL A STATE LICENSE IS APPROVED OR DENIED
13 IF THE BUSINESS APPLIES FOR A LICENSE UNDER THIS SECTION ON OR
14 BEFORE DECEMBER 31, 2019. BEGINNING ON JANUARY 1, 2020, ANY SUCH
15 BUSINESS THAT HAS NOT APPLIED FOR A STATE LICENSE SHALL CEASE
16 OPERATION.

17 (B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE JULY 1,
18 2021.

19 **SECTION 16.** In Colorado Revised Statutes, 44-10-401, **amend**
20 **as relocated by Senate Bill 19-224 (1) and (2)(b)(VII); and add as**
21 **relocated by Senate Bill 19-224 (2)(b)(IX), (2)(b)(X), and (7) as follows:**

22 **44-10-401. Classes of licenses.** (1) For the purpose of regulating
23 the cultivation, manufacture, distribution, HOSPITALITY, and sale of
24 regulated marijuana and regulated marijuana products, the state licensing
25 authority in its discretion, upon application in the prescribed form made
26 to it, may issue and grant to the applicant a license from any of the
27 following classes, subject to the provisions and restrictions provided by

1 this article 10.

2 (2) (b) The following are retail marijuana licenses:

3 (VII) Retail marijuana accelerator cultivator license; and

4 (IX) MARIJUANA HOSPITALITY BUSINESS LICENSE; AND

5 (X) RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS
6 LICENSE.

7 (7) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO
8 THIS ARTICLE 12 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED
9 PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44.

10 **SECTION 17. In Colorado Revised Statutes, 44-10-601, add as**
11 **relocated by Senate Bill 19-224 (2)(c) as follows:**

12 **44-10-601. Retail marijuana store license - rules - definition.**

13 (2) (c) A RETAIL MARIJUANA STORE MAY SELL RETAIL MARIJUANA AND
14 RETAIL MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND
15 SALES BUSINESS LICENSEE.

16 **SECTION 18. In Colorado Revised Statutes, 44-10-601, amend**
17 **as relocated by Senate Bill 19-224 (1) as follows:**

18 **44-10-602. Retail marijuana cultivation facility license - rules**

19 **- definitions. (1) A retail marijuana cultivation facility license may be**
20 **issued only to a person who cultivates retail marijuana for sale and**
21 **distribution to licensed retail marijuana stores, retail marijuana products**
22 **manufacturer licensees, RETAIL MARIJUANA HOSPITALITY AND SALES**
23 **BUSINESS, or other retail marijuana cultivation facilities.**

24 **SECTION 19. In Colorado Revised Statutes, 44-10-603, add as**
25 **relocated by Senate Bill 19-224 (1)(e) as follows:**

26 **44-10-603. Retail marijuana products manufacturer license -**

27 **rules - definition. (1) (e) A RETAIL MARIJUANA PRODUCTS**

1 MANUFACTURER MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA
2 PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS.

3 **SECTION 20.** In Colorado Revised Statutes, add to article 10
4 as relocated by Senate Bill 19-224 44-10-609 and 44-10-610 as follows:

5 **44-10-609. Marijuana hospitality business license - rules -**
6 **definition.** (1) (a) THE STATE LICENSING AUTHORITY MAY ISSUE A
7 MARIJUANA HOSPITALITY BUSINESS LICENSE AUTHORIZING THE LICENSEE
8 TO OPERATE A LICENSED PREMISES IN WHICH MARIJUANA MAY BE
9 CONSUMED PURSUANT TO THIS ARTICLE 10, RULES PROMULGATED
10 PURSUANT TO THIS ARTICLE 10, AND THE PROVISIONS OF THE ORDINANCE
11 OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE
12 OPERATES.

13 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 10 AND THE
14 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
15 LICENSEE OPERATES, A RETAIL FOOD BUSINESS AS DEFINED IN SECTION
16 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT ISSUED
17 PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR A
18 LICENSE TO OPERATE A MARIJUANA HOSPITALITY BUSINESS IN AN
19 ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD BUSINESS. A
20 RETAIL FOOD BUSINESS OPERATING A MARIJUANA HOSPITALITY BUSINESS
21 PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND
22 CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED
23 PURSUANT TO THAT ARTICLE, INCLUDING BUT NOT LIMITED TO LICENSURE
24 REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE
25 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS
26 SUBSECTION (1)(b) DOES NOT AUTHORIZE THE MARIJUANA HOSPITALITY
27 BUSINESS TO ENGAGE IN THE MANUFACTURE OF MEDICAL

1 MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO
2 ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD
3 BUSINESS.

4 (c) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY HAS
5 IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AN ORDINANCE OR
6 RESOLUTION RELATED TO CONSUMPTION OF MARIJUANA, NOTHING IN THIS
7 SECTION RESTRICTS THE ENFORCEMENT OF THAT ORDINANCE OR
8 RESOLUTION, AND THE LOCAL JURISDICTION MAY, BY ORDINANCE OR
9 RESOLUTION, REQUIRE A BUSINESS OPERATING AS A PLACE FOR ON-SITE
10 MARIJUANA CONSUMPTION TO BE LICENSED PURSUANT TO THIS SECTION.

11 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF
12 ALL MARIJUANA HOSPITALITY BUSINESSES IN THE STATE AND SHALL MAKE
13 THE LIST AVAILABLE ON ITS WEBSITE.

14 (2) A MARIJUANA HOSPITALITY BUSINESS SHALL NOT:

15 (a) ENGAGE IN OR PERMIT THE SALE OR EXCHANGE FOR
16 REMUNERATION OF RETAIL OR MEDICAL MARIJUANA, RETAIL MARIJUANA
17 PRODUCTS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS IN THE LICENSED
18 PREMISES;

19 (b) ALLOW ON-DUTY EMPLOYEES OF THE BUSINESS TO CONSUME
20 ANY MARIJUANA IN THE LICENSED PREMISES OF THE BUSINESS;

21 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF
22 MARIJUANA IN THE LICENSED PREMISES OF THE BUSINESS;

23 (d) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED
24 PREMISES;

25 (e) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN
26 THE LICENSED PREMISES OF THE BUSINESS;

27 (f) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM

1 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED
2 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

3 (g) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL
4 LICENSE UNDER THIS ARTICLE 10 IN THE LICENSED PREMISES OF THE
5 BUSINESS, INCLUDING BUT NOT LIMITED TO SALES, MANUFACTURING, OR
6 CULTIVATION;

7 (h) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
8 CONDUCT AS DESCRIBED IN SECTION 18-9-106;

9 (i) PERMIT THE USE OR CONSUMPTION OF MARIJUANA BY A PATRON
10 WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION;

11 (j) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
12 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
13 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

14 (k) ADMIT INTO THE LICENSED PREMISES OF THE BUSINESS ANY
15 PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

16 (3) A MARIJUANA HOSPITALITY BUSINESS SHALL:

17 (a) OPERATE THE BUSINESS IN A DECENT, ORDERLY, AND
18 RESPECTABLE MANNER;

19 (b) REQUIRE ALL EMPLOYEES OF THE BUSINESS TO SUCCESSFULLY
20 COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING PROGRAM
21 AUTHORIZED PURSUANT TO SECTION 44-10-1201;

22 (c) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY
23 MARIJUANA IS NOT VISIBLE FROM OUTSIDE OF THE LICENSED PREMISES OF
24 THE BUSINESS;

25 (d) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
26 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
27 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS

1 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
2 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
3 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
4 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
5 SUBSECTION (3)(d) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
6 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

7 (e) MAINTAIN A RECORD OF ALL EDUCATIONAL MATERIALS
8 REQUIRED BY SUBSECTION (3)(d) OF THIS SECTION IN THE LICENSED
9 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
10 AND LAW ENFORCEMENT; AND

11 (f) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
12 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
13 PUBLIC SAFETY PERSONNEL TO ENTER A MARIJUANA HOSPITALITY
14 BUSINESS, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE BUSINESS
15 CEASE ALL CONSUMPTION AND OTHER ACTIVITIES UNTIL SUCH PERSONNEL
16 HAVE COMPLETED THEIR INVESTIGATION OR SERVICES AND HAVE LEFT THE
17 LICENSED PREMISES.

18 (4) A MARIJUANA HOSPITALITY BUSINESS AND ITS EMPLOYEES MAY
19 REMOVE AN INDIVIDUAL FROM THE BUSINESS FOR ANY REASON, INCLUDING
20 A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION.

21 **44-12-610. Retail marijuana hospitality and sales business**
22 **license - rules - definition. (1) (a) THE STATE LICENSING AUTHORITY**
23 **MAY ISSUE A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS**
24 **LICENSE AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES**
25 **IN WHICH MARIJUANA MAY BE SOLD AND CONSUMED PURSUANT TO THIS**
26 **ARTICLE 10, RULES PROMULGATED PURSUANT TO THIS ARTICLE 10, AND**
27 **THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL**

1 JURISDICTION IN WHICH THE LICENSEE OPERATES.

2 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 10 AND THE
3 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
4 LICENSEE OPERATES, A RETAIL FOOD BUSINESS AS DEFINED IN SECTION
5 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT ISSUED
6 PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR A
7 LICENSE TO OPERATE A RETAIL MARIJUANA HOSPITALITY AND SALES
8 BUSINESS IN AN ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD
9 BUSINESS. A RETAIL FOOD BUSINESS OPERATING A RETAIL MARIJUANA
10 HOSPITALITY AND SALES BUSINESS PURSUANT TO THIS SUBSECTION (1)(b)
11 IS SUBJECT TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND
12 THE RULES PROMULGATED PURSUANT TO THAT ARTICLE, INCLUDING BUT
13 NOT LIMITED TO LICENSURE REQUIREMENTS AND INSPECTION AND
14 ENFORCEMENT AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC
15 HEALTH AND ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT
16 AUTHORIZE THE RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS TO
17 ENGAGE IN THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED
18 PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO
19 FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD BUSINESS.

20 (c) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF
21 ALL RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES IN THE STATE
22 AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

23 (2) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS
24 LICENSEE SHALL NOT:

25 (a) ENGAGE IN MULTIPLE SALES TRANSACTIONS TO THE SAME
26 PATRON DURING THE SAME BUSINESS DAY WHEN THE BUSINESS'S
27 EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE

1 SALES TRANSACTION WOULD RESULT IN THE PATRON POSSESSING MORE
2 THAN THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING
3 AUTHORITY;

4 (b) ALLOW ON-DUTY EMPLOYEES OF THE BUSINESS TO CONSUME
5 ANY MARIJUANA IN THE LICENSED PREMISES;

6 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF
7 MARIJUANA IN THE LICENSED PREMISES OF THE BUSINESS;

8 (d) SELL ANY RETAIL MARIJUANA OR RETAIL MARIJUANA
9 PRODUCTS THAT CONTAIN NICOTINE OR, IF THE SALE OF ALCOHOL WOULD
10 REQUIRE A LICENSE OR PERMIT PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS
11 TITLE 44, ALCOHOL;

12 (e) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED
13 PREMISES;

14 (f) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN
15 THE LICENSED PREMISES OF THE BUSINESS;

16 (g) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM
17 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED
18 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

19 (h) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL
20 LICENSE UNDER THIS ARTICLE 10 IN THE LICENSED PREMISES OF THE
21 BUSINESS, INCLUDING BUT NOT LIMITED TO MANUFACTURING OR
22 CULTIVATION ACTIVITY;

23 (i) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
24 CONDUCT AS DESCRIBED IN SECTION 18-9-106;

25 (j) SELL, SERVE, OR PERMIT THE SALE OR SERVING OF RETAIL
26 MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ANY PATRON WHO
27 SHOWS SIGNS OF VISIBLE INTOXICATION;

1 (k) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
2 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
3 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

4 (l) ADMIT INTO THE LICENSED PREMISES OF A RETAIL MARIJUANA
5 HOSPITALITY AND SALES BUSINESS ANY PERSON WHO IS UNDER
6 TWENTY-ONE YEARS OF AGE.

7 (3) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS
8 LICENSEE SHALL:

9 (a) TRACK ALL OF ITS RETAIL MARIJUANA AND RETAIL MARIJUANA
10 PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A RETAIL
11 MARIJUANA STORE, RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR
12 RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF SALE TO ITS
13 PATRONS;

14 (b) LIMIT A PATRON TO ONE TRANSACTION OF NO MORE THAN THE
15 SALES LIMIT SET BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT
16 TO SECTION 44-10-203 (2)(cc)(II);

17 (c) BEFORE ALLOWING A PATRON TO LEAVE THE LICENSED
18 PREMISES WITH ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS,
19 PACKAGE AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA
20 PRODUCTS IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE
21 BUSINESS THAT COMPLY WITH THE REQUIREMENTS OF SECTION 44-10-203
22 (2)(f) AND (3)(b);

23 (d) OPERATE THE BUSINESS IN A DECENT, ORDERLY, AND
24 RESPECTABLE MANNER;

25 (e) REQUIRE ALL EMPLOYEES OF THE BUSINESS TO SUCCESSFULLY
26 COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING PROGRAM
27 AUTHORIZED PURSUANT TO SECTION 44-10-1201;

1 (f) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY RETAIL
2 MARIJUANA OR RETAIL MARIJUANA PRODUCT IS NOT VISIBLE FROM
3 OUTSIDE OF THE BUSINESS;

4 (g) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
5 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
6 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS
7 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
8 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
9 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
10 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
11 SUBSECTION (3)(g) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
12 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

13 (h) MAINTAINING A RECORD OF ALL EDUCATIONAL MATERIALS
14 REQUIRED BY SUBSECTION (3)(g) OF THIS SECTION IN THE LICENSED
15 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
16 AND LAW ENFORCEMENT; AND

17 (i) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
18 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
19 PUBLIC SAFETY PERSONNEL TO ENTER A RETAIL MARIJUANA HOSPITALITY
20 AND SALES BUSINESS, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE
21 BUSINESS CEASE ALL SALES, CONSUMPTION AND OTHER ACTIVITIES UNTIL
22 SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES
23 AND HAVE LEFT THE LICENSED PREMISES.

24 (4) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS AND
25 ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE BUSINESS FOR
26 ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF
27 INTOXICATION.

1 (5) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS MAY
2 PURCHASE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS FROM
3 ANY RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION
4 FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER.

5 **SECTION 21.** In Colorado Revised Statutes, 44-10-701, **amend**
6 **as relocated by Senate Bill 19-224** (1)(a), (3)(d), and (3)(f) as follows:

7 **44-10-701. Unlawful acts - exceptions.** (1) Except as otherwise
8 provided in this article 10, it is unlawful for a person:

9 (a) EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA
10 HOSPITALITY BUSINESS LICENSED PURSUANT TO SECTION 44-10-609 OR A
11 RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSED
12 PURSUANT TO SECTION 44-10-610:

13 (I) To consume regulated marijuana or regulated marijuana
14 products in a licensed medical marijuana business or retail marijuana
15 business; and it shall be unlawful OR

16 (II) For a medical marijuana business or retail marijuana business
17 to allow regulated marijuana or regulated marijuana products to be
18 consumed upon its licensed premises;

19 (3) It is unlawful for a person licensed pursuant to this article 10:

20 (d) To provide public premises, or any portion thereof, for the
21 purpose of consumption of regulated marijuana in any form, EXCEPT IN
22 THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY BUSINESS
23 LICENSED PURSUANT TO SECTION 44-10-609 OR A RETAIL MARIJUANA
24 HOSPITALITY AND SALES BUSINESS LICENSED PURSUANT TO SECTION
25 44-10-610;

26 (f) To have on the licensed premises any regulated marijuana or
27 marijuana paraphernalia that shows evidence of the regulated marijuana

1 having been consumed or partially consumed, EXCEPT:

2 (I) If it is for purposes of recycling; OR

3 (II) IN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY
4 BUSINESS LICENSED PURSUANT TO SECTION 44-10-609 OR A RETAIL
5 MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSED PURSUANT TO
6 SECTION 44-10-610;

7 **SECTION 22.** In Colorado Revised Statutes, 44-10-1201, amend
8 **as relocated by Senate Bill 19-224 (2)(b)(IV) and (2)(b)(V); and add as**
9 **relocated by Senate Bill 19-224 (2)(b)(VI) as follows:**

10 **44-10-1201. Responsible vendor program - standards -**
11 **designation.** (2) An approved training program must contain, at a
12 minimum, the following standards and be taught in a classroom setting in
13 a minimum of a two-hour period:

14 (b) A core curriculum of pertinent statutory and regulatory
15 provisions, which curriculum includes but need not be limited to:

16 (IV) Acceptable forms of identification, including patient registry
17 cards and associated documents and procedures; and

18 (V) Local and state licensing and enforcement, which may include
19 but need not be limited to key statutes and rules affecting patients,
20 owners, managers, and employees; AND

21 (VI) INFORMATION ON SERVING SIZE, THC AND CANNABINOID
22 POTENCY, AND IMPAIRMENT.

23 **SECTION 23.** In Colorado Revised Statutes, 18-18-406, amend
24 **as enacted in section 9 of this act (5)(b)(IV) and (5)(b)(V) as follows:**

25 **18-18-406. Offenses related to marijuana and marijuana**
26 **concentrate - definitions.** (5) (b) (IV) Public display, consumption, or
27 use of marijuana or marijuana concentrate pursuant to the provisions of

1 section 44-12-408 SECTION 44-10-609, when such display, consumption,
2 or use is within the licensed premises of a marijuana hospitality
3 establishment BUSINESS licensed pursuant to section 44-12-408 SECTION
4 44-10-609, is not a violation of this subsection (5).

5 (V) Public display, consumption, or use of retail marijuana or
6 retail marijuana concentrate pursuant to the provisions of section
7 44-12-409 SECTION 44-10-610, when such display, consumption, or use
8 is within the licensed premises of a retail marijuana hospitality and sales
9 establishment BUSINESS licensed pursuant to section 44-12-409 SECTION
10 44-10-610 and when an individual's display, consumption, or use does not
11 exceed the sales limit established by the state licensing authority by rule
12 pursuant to section 44-12-202 (3)(a)(XXV)(B) SECTION 44-10-203
13 (2)(cc)(II), is not a violation of this subsection (5).

14 **SECTION 24. In Colorado Revised Statutes, 25-14-205, amend**
15 **as amended in section 10 of this act (1)(l) as follows:**

16 **25-14-205. Exceptions to smoking restrictions. (1) This part 2**
17 **does not apply to:**

18 (l) If authorized by local ordinance, license, or regulation, the
19 licensed premises of a marijuana hospitality establishment BUSINESS
20 licensed pursuant to section 44-12-408 SECTION 44-10-609 or a retail
21 marijuana hospitality and sales establishment BUSINESS licensed pursuant
22 to section 44-12-409 SECTION 44-10-610; except that this exception only
23 applies to the smoking of marijuana and does not allow the smoking of
24 tobacco within such premises.

25 **SECTION 25. Appropriation. (1) For the 2019-20 state fiscal**
26 **year, \$399,479 is appropriated to the department of revenue. This**
27 **appropriation is from the marijuana cash fund created in section**

1 44-11-501 (1)(a), C.R.S. To implement this act, the department may use
2 this appropriation as follows:

3 (a) \$316,090 for marijuana enforcement, which amount is based
4 on an assumption that the department will require an additional 3.2 FTE;

5 (b) \$2,000 for tax administration IT system (GenTax) support;

6 (c) \$72,023 for the purchase of legal services;

7 (d) \$4,576 for the purchase of criminal history record checks; and

8 (e) \$4,790 for vehicle lease payments.

9 (2) For the 2019-20 state fiscal year, \$72,023 is appropriated to
10 the department of law. This appropriation is from reappropriated funds
11 received from the department of revenue under subsection (1)(c) of this
12 section and is based on an assumption that the department of law will
13 require an additional 0.3 FTE. To implement this act, the department of
14 law may use this appropriation to provide legal services for the
15 department of revenue.

16 (3) For the 2019-20 state fiscal year, \$4,576 is appropriated to the
17 department of public safety for use by the biometric identification and
18 records unit. This appropriation is from reappropriated funds received
19 from the department of revenue under subsection (1)(d) of this section.
20 To implement this act, the unit may use this appropriation to provide
21 criminal history record checks for the department of revenue.

22 (4) For the 2019-20 state fiscal year, \$4,790 is appropriated to the
23 department of personnel. This appropriation is from reappropriated funds
24 received from the department of revenue under subsection (1)(e) of this
25 section. To implement this act, the department of personnel may use this
26 appropriation to provide vehicles for the department of revenue.

27 **SECTION 26. Act subject to petition - effective date.**

1 (1) Except as otherwise provided in subsection (2) of this section, this act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.

11 (2) Sections 12 through 24 of this act take effect January 1, 2020,
12 only if Senate Bill 19-224 becomes law; except that, if a referendum
13 petition is filed pursuant to section 1 (3) of article V of the state
14 constitution against this act or an item, section, or part of this act within
15 the ninety-day period after final adjournment of the general assembly,
16 then the act, item, section, or part will not take effect unless approved by
17 the people at the general election to be held in November 2020 and, in
18 such case, will take effect on the date of the official declaration of the
19 vote thereon by the governor.