

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 22-0971.01 Jacob Baus x2173

SENATE BILL 22-178

SENATE SPONSORSHIP

Gonzales, Ginal, Jaquez Lewis, Lee, Moreno, Smallwood

HOUSE SPONSORSHIP

Valdez A. and Van Winkle,

Senate Committees

Finance  
Appropriations

House Committees

Finance  
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE ABILITY FOR CERTAIN MARIJUANA LICENSEES TO  
102 CHANGE THE DESIGNATION OF MARIJUANA FROM MEDICAL TO  
103 RETAIL, AND, IN CONNECTION THEREWITH, MAKING AN  
104 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>.)*

The bill allows a medical marijuana cultivation facility licensee to transfer medical marijuana to a retail marijuana cultivation facility licensee and the retail marijuana cultivation facility licensee to receive the

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  
2nd Reading Unamended  
May 10, 2022

SENATE  
3rd Reading Unamended  
April 22, 2022

SENATE  
Amended 2nd Reading  
April 21, 2022

marijuana and change the designation of the marijuana from medical to retail.

The bill clarifies that the retail marijuana cultivation facility licensee is required to pay any retail marijuana excise tax.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-10-502, **add** (9.5)  
3 as follows:

4 **44-10-502. Medical marijuana cultivation facility license -**  
5 **rules - definitions.** (9.5) (a) STARTING JANUARY 1, 2023, AFTER  
6 OBTAINING PASSING TEST RESULTS, A MEDICAL MARIJUANA CULTIVATION  
7 FACILITY MAY TRANSFER MEDICAL MARIJUANA TO A CO-LOCATED RETAIL  
8 MARIJUANA CULTIVATION FACILITY WITH AT LEAST ONE IDENTICAL  
9 CONTROLLING BENEFICIAL OWNER AND CHANGE THE DESIGNATION OF THE  
10 MEDICAL MARIJUANA TO RETAIL MARIJUANA. PURSUANT TO SECTION  
11 44-10-602 (13.5)(a), AFTER THE RETAIL MARIJUANA CULTIVATION  
12 FACILITY ENTERS THE DESIGNATION CHANGE INTO THE SEED-TO-SALE  
13 TRACKING SYSTEM, THE MARIJUANA IS RETAIL MARIJUANA AND IS THE  
14 PROPERTY OF THE RETAIL MARIJUANA CULTIVATION FACILITY. THE  
15 MARIJUANA THAT CHANGED DESIGNATION PURSUANT TO THIS SUBSECTION  
16 (9.5)(a) MUST NOT BE TRANSFERRED TO THE ORIGINATING MEDICAL  
17 MARIJUANA CULTIVATION FACILITY OR ANY MEDICAL MARIJUANA  
18 LICENSEE, HAVE ITS DESIGNATION CHANGED FROM RETAIL MARIJUANA  
19 BACK TO MEDICAL MARIJUANA, OR OTHERWISE BE TREATED AS MEDICAL  
20 MARIJUANA.

21 (b) (I) NOTWITHSTANDING SUBSECTION (9.5)(a) OF THIS SECTION  
22 TO THE CONTRARY, A MEDICAL MARIJUANA CULTIVATION FACILITY MAY  
23 TRANSFER MEDICAL MARIJUANA TO A RETAIL MARIJUANA CULTIVATION

1 FACILITY THAT IS NOT CO-LOCATED WITH THE MEDICAL MARIJUANA  
2 CULTIVATION FACILITY TO CHANGE THE DESIGNATION OF THE MEDICAL  
3 MARIJUANA TO RETAIL MARIJUANA IF:

4 (A) THE MEDICAL MARIJUANA CULTIVATION FACILITY AND RETAIL  
5 MARIJUANA CULTIVATION FACILITY HAVE AT LEAST ONE IDENTICAL  
6 CONTROLLING BENEFICIAL OWNER; AND

7 (B) THE MEDICAL MARIJUANA CULTIVATION FACILITY AND RETAIL  
8 MARIJUANA CULTIVATION FACILITY CANNOT BE CO-LOCATED BECAUSE THE  
9 LOCAL JURISDICTION PROHIBITS THE OPERATION OF EITHER A MEDICAL  
10 MARIJUANA CULTIVATION FACILITY OR A RETAIL MARIJUANA CULTIVATION  
11 FACILITY.

12 (II) PRIOR TO MAKING A TRANSFER PURSUANT TO THIS SUBSECTION  
13 (9.5)(b), THE MEDICAL MARIJUANA CULTIVATION FACILITY SHALL ENSURE  
14 THAT THE MEDICAL MARIJUANA PASSED ALL TESTS REQUIRED BY THE  
15 STATE LICENSING AUTHORITY IN RULE.

16 (c) BOTH THE MEDICAL MARIJUANA CULTIVATION FACILITY AND  
17 THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL REMAIN AT OR  
18 UNDER THEIR RESPECTIVE REGULATED INVENTORY LIMITS BEFORE AND  
19 AFTER THE TRANSFER IS CONDUCTED PURSUANT TO THIS SUBSECTION  
20 (9.5).

21 (d) THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL PAY  
22 ANY RETAIL MARIJUANA EXCISE TAX PURSUANT TO SECTION 39-28.8-302.  
23 THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL NOTIFY THE LOCAL  
24 LICENSING AUTHORITY IN THE LOCAL JURISDICTION WHERE THE  
25 TRANSFEROR AND TRANSFEREE OPERATE AND PAY ANY APPLICABLE  
26 EXCISE TAX ON THE TRANSFERRED RETAIL MARIJUANA.

27 (e) PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (9.5),

1 A MEDICAL MARIJUANA CULTIVATION FACILITY MAY MAKE A VIRTUAL  
2 TRANSFER OF MARIJUANA THAT IS REFLECTED IN THE SEED-TO-SALE  
3 TRACKING SYSTEM EVEN IF THE MARIJUANA IS NOT PHYSICALLY MOVED OR  
4 TRANSFERRED.

5 **SECTION 2.** In Colorado Revised Statutes, 44-10-602, **add**  
6 (13.5) as follows:

7 **44-10-602. Retail marijuana cultivation facility license - rules**  
8 **- definitions.** (13.5) (a) STARTING JANUARY 1, 2023, AFTER OBTAINING  
9 PASSING TESTING RESULTS, A RETAIL MARIJUANA CULTIVATION FACILITY  
10 MAY RECEIVE A TRANSFER OF MEDICAL MARIJUANA FROM A CO-LOCATED  
11 MEDICAL MARIJUANA CULTIVATION FACILITY WITH AT LEAST ONE  
12 IDENTICAL CONTROLLING BENEFICIAL OWNER AND CHANGE THE  
13 DESIGNATION OF THE MEDICAL MARIJUANA TO RETAIL MARIJUANA. THE  
14 RETAIL MARIJUANA CULTIVATION FACILITY SHALL ENTER THE  
15 DESIGNATION CHANGE INTO THE SEED-TO-SALE TRACKING SYSTEM AND,  
16 AFTER THE CHANGE IS ENTERED INTO THE SYSTEM, THE MARIJUANA IS  
17 RETAIL MARIJUANA AND IS THE PROPERTY OF THE RETAIL MARIJUANA  
18 CULTIVATION FACILITY. THE MARIJUANA THAT CHANGED DESIGNATION  
19 PURSUANT TO THIS SUBSECTION (13.5)(a) MUST NOT BE TRANSFERRED TO  
20 THE ORIGINATING MEDICAL MARIJUANA CULTIVATION FACILITY OR ANY  
21 MEDICAL MARIJUANA LICENSEE, HAVE ITS DESIGNATION CHANGED FROM  
22 RETAIL MARIJUANA BACK TO MEDICAL MARIJUANA, OR OTHERWISE BE  
23 TREATED AS MEDICAL MARIJUANA.

24 (b) (I) NOTWITHSTANDING SUBSECTION (13.5)(a) OF THIS SECTION  
25 TO THE CONTRARY, A RETAIL MARIJUANA CULTIVATION FACILITY MAY  
26 RECEIVE A TRANSFER OF MEDICAL MARIJUANA FROM A MEDICAL  
27 MARIJUANA CULTIVATION FACILITY THAT IS NOT CO-LOCATED WITH THE

1 RETAIL MARIJUANA CULTIVATION FACILITY TO CHANGE THE DESIGNATION  
2 OF THE MEDICAL MARIJUANA TO RETAIL MARIJUANA IF:

3 (A) THE RETAIL MARIJUANA CULTIVATION FACILITY AND MEDICAL  
4 MARIJUANA CULTIVATION FACILITY HAVE AT LEAST ONE IDENTICAL  
5 CONTROLLING BENEFICIAL OWNER; AND

6 (B) THE RETAIL MARIJUANA CULTIVATION FACILITY AND MEDICAL  
7 MARIJUANA CULTIVATION FACILITY CANNOT BE CO-LOCATED BECAUSE THE  
8 LOCAL JURISDICTION PROHIBITS THE OPERATION OF EITHER A MEDICAL  
9 MARIJUANA CULTIVATION FACILITY OR A RETAIL MARIJUANA CULTIVATION  
10 FACILITY.

11 (II) PRIOR TO RECEIVING A TRANSFER PURSUANT TO THIS  
12 SUBSECTION (13.5)(b), THE RETAIL MARIJUANA CULTIVATION FACILITY  
13 SHALL ENSURE THAT THE MEDICAL MARIJUANA PASSED ALL TESTS  
14 REQUIRED BY THE STATE LICENSING AUTHORITY IN RULE.

15 (c) BOTH THE RETAIL MARIJUANA CULTIVATION FACILITY AND THE  
16 MEDICAL MARIJUANA CULTIVATION FACILITY SHALL REMAIN AT OR UNDER  
17 THEIR RESPECTIVE REGULATED INVENTORY LIMITS BEFORE AND AFTER THE  
18 TRANSFER IS CONDUCTED PURSUANT TO THIS SUBSECTION (13.5).

19 (d) THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL PAY  
20 ANY RETAIL MARIJUANA EXCISE TAX PURSUANT TO SECTION 39-28.8-302.  
21 THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL NOTIFY THE LOCAL  
22 LICENSING AUTHORITY IN THE LOCAL JURISDICTION WHERE THE  
23 TRANSFEROR AND TRANSFEREE OPERATE AND PAY ANY APPLICABLE  
24 EXCISE TAX ON THE TRANSFERRED RETAIL MARIJUANA.

25 (e) PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (13.5),  
26 A RETAIL MARIJUANA CULTIVATION FACILITY MAY RECEIVE A VIRTUAL  
27 TRANSFER OF MARIJUANA THAT IS REFLECTED IN THE SEED-TO-SALE

1 TRACKING SYSTEM EVEN IF THE MARIJUANA IS NOT PHYSICALLY MOVED OR  
2 TRANSFERRED.

3 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,  
4 \$228,510 is appropriated to the department of revenue for use by the  
5 marijuana enforcement division. This appropriation is from the marijuana  
6 cash fund created in section 44-10-801 (1)(a), C.R.S., and is based on an  
7 assumption that the division will require an additional 2.9 FTE. To  
8 implement this act, the division may use this appropriation for marijuana  
9 enforcement.

10 **SECTION 4. Effective date.** This act takes effect July 1, 2022.

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