

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

ENGROSSED

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

LLS NO. 23-0029.01 Jacob Baus x2173

HOUSE BILL 23-1020

HOUSE SPONSORSHIP

Ricks and English,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING SOCIAL EQUITY LICENSES IN THE REGULATED**
102 **MARIJUANA BUSINESS, AND, IN CONNECTION THEREWITH,**
103 **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>.)

The bill creates an accelerator hospitality business license, accelerator transporter license, and accelerator retail deliverer permittee for social equity licensees qualified to participate in the accelerator program.

The bill requires the department of revenue to provide an annual

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.*

HOUSE
Amended 2nd Reading
May 2, 2023

report to the finance committees of the house of representatives and the senate concerning active social equity licenses, any recommendations for new social equity licenses and permits, and any recommendations for new or innovating funding sources for the social equity licensees or permittees.

Effective January 2, 2024, the bill amends the eligibility requirements for a person to qualify as a social equity licensee. The bill clarifies that the new eligibility requirements only apply to social equity licensee applications received on or after January 2, 2024, or to the reinstatement or reactivation of social equity licenses originally issued before January 2, 2024. The new eligibility requirements do not apply to the renewal of social equity licenses applied for or issued before January 2, 2024.

The bill authorizes a social equity licensee who satisfies the eligibility requirements effective January 2, 2024, with a retail marijuana transporter licensee and a retail marijuana delivery permit or an accelerator retail deliverer permit, to exercise the privileges of a retail marijuana store license without needing to obtain a retail marijuana store license or accelerator store license.

The bill requires the department of revenue to create incentives for social equity licensees and accelerator-endorsed licensees, including reducing or waiving fees.

The bill creates, in the office of economic development, a grant committee that is responsible for reviewing grant applications, selecting grant recipients, and determining grant awards that are issued pursuant to an existing grant program for supporting entrepreneurs in the marijuana industry.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-10-103, **amend**
3 (2), and (58); and **add** (1.3), (1.7), (4.7), and (18.5) as follows:

4 **44-10-103. Rules - definitions.** As used in this article 10, unless
5 the context otherwise requires:

6 (1.3) "ACCELERATOR HOSPITALITY BUSINESS" MEANS A SOCIAL
7 EQUITY LICENSEE QUALIFIED TO PARTICIPATE IN THE ACCELERATOR
8 PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE 10 AND AUTHORIZED
9 PURSUANT TO RULE TO EXERCISE THE PRIVILEGES OF A MARIJUANA
10 HOSPITALITY BUSINESS ON THE PREMISES OF AN ACCELERATOR-ENDORSED

1 MARIJUANA HOSPITALITY BUSINESS LICENSEE.

2 (1.7) "ACCELERATOR INDEPENDENT DELIVERER" MEANS A SOCIAL
3 EQUITY LICENSEE QUALIFIED TO PARTICIPATE IN THE ACCELERATOR
4 PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE 10 AND AUTHORIZED
5 PURSUANT TO RULE TO EXERCISE THE PRIVILEGES OF AN INDEPENDENT
6 DELIVERER.

7 (2) "Accelerator-endorsed licensee" means a retail marijuana
8 cultivation facility licensee, retail marijuana products manufacturer
9 licensee, or retail marijuana store, who, MARIJUANA HOSPITALITY
10 BUSINESS LICENSEE, RETAIL MARIJUANA TRANSPORTER LICENSEE, OR
11 INDEPENDENT DELIVERER LICENSEE THAT has, pursuant to rule, been
12 endorsed to host and offer technical and capital support to a social equity
13 licensee pursuant to the requirements of the accelerator program
14 established pursuant to this article 10.

15 (4.7) "ACCELERATOR TRANSPORTER" MEANS A SOCIAL EQUITY
16 LICENSEE QUALIFIED TO PARTICIPATE IN THE ACCELERATOR PROGRAM
17 ESTABLISHED PURSUANT TO THIS ARTICLE 10 AND AUTHORIZED PURSUANT
18 TO RULE TO EXERCISE THE PRIVILEGES OF THE ACCELERATOR-ENDORSED
19 RETAIL MARIJUANA TRANSPORTER LICENSEE.

20 (18.5) "INDEPENDENT DELIVERER" MEANS A PERSON LICENSED TO
21 DELIVER AND SELL RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS
22 TO CONSUMERS AT THE CONSUMER'S PRIVATE RESIDENCE PURSUANT TO
23 THIS ARTICLE 10; RULES PROMULGATED PURSUANT TO THIS ARTICLE 10;
24 AND THE PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED
25 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE
26 LICENSEE OPERATES.

27 (58) "Retail marijuana business" means a retail marijuana store,

1 a retail marijuana cultivation facility, a retail marijuana products
2 manufacturer, a marijuana hospitality business, a retail marijuana
3 hospitality and sales business, a retail marijuana testing facility, a retail
4 marijuana business operator, or a retail marijuana transporter, OR AN
5 INDEPENDENT DELIVERER licensed pursuant to this article 10.

6 **SECTION 2.** In Colorado Revised Statutes, 44-10-104, **amend**
7 (2)(a) as follows:

8 **44-10-104. Applicability - medical marijuana - retail**
9 **marijuana.** (2) (a) A person applying for licensure pursuant to this
10 article 10 must complete forms as provided by the state licensing
11 authority and must pay the application fee and the licensing fee, which
12 must be credited to the marijuana cash fund established pursuant to
13 section 44-10-801. The state licensing authority shall forward, within
14 seven days, one-half of the retail marijuana business license application
15 fee to the local jurisdiction unless the application is for an accelerator
16 cultivator, accelerator manufacturer, or accelerator store, ACCELERATOR
17 HOSPITALITY BUSINESS, ACCELERATOR TRANSPORTER, OR ACCELERATOR
18 INDEPENDENT DELIVERER license, or unless the local jurisdiction has
19 prohibited the operation of retail marijuana businesses pursuant to section
20 16 (5)(f) of article XVIII of the state constitution. If the license is denied,
21 the state licensing authority shall refund the licensing fee to the applicant.

22 **SECTION 3.** In Colorado Revised Statutes, 44-10-203, **amend**
23 (2)(aa), (2)(dd) introductory portion, and (2)(dd)(II); and **add** (1)(j.3) and
24 (2)(kk) as follows:

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

1 (j.3) THE DOCUMENTATION NECESSARY TO BE PROVIDED BY A
2 PERSON APPLYING FOR A SOCIAL EQUITY LICENSE AND REQUIREMENTS
3 DEEMED NECESSARY BY THE STATE LICENSING AUTHORITY TO VERIFY THE
4 DOCUMENTATION.

5 (2) **Mandatory rule-making.** Rules promulgated pursuant to
6 section 44-10-202 (1)(c) must include but need not be limited to the
7 following subjects:

8 (aa) The implementation of an accelerator program including but
9 not limited to rules to establish requirements for social equity licensees
10 operating on the same licensed premises or on separate premises
11 possessed by an accelerator-endorsed licensee. THE STATE LICENSING
12 AUTHORITY'S RULES MUST INCLUDE THE ABILITY FOR AN
13 ACCELERATOR-ENDORSED LICENSEE TO HOST AND OFFER TECHNICAL AND
14 CAPITAL SUPPORT TO MORE THAN ONE SOCIAL EQUITY LICENSEE OF THE
15 SAME LICENSE TYPE. The state licensing authority's rules establishing an
16 accelerator program may include requirements for severed custodianship
17 of regulated marijuana products, protections of the intellectual property
18 of a social equity licensee, incentives for accelerator-endorsed licensees,
19 and additional requirements if a person applying for an accelerator
20 endorsement has less than two years' experience operating a licensed
21 facility pursuant to this article 10. An accelerator-endorsed licensee is not
22 required to exercise the privileges of its license on the premises where a
23 social equity licensee operates. THE STATE LICENSING AUTHORITY'S RULES
24 MAY ALLOW FOR A SOCIAL EQUITY LICENSEE APPLICANT TO ATTEST THAT
25 THE PERSON SATISFIES THE ELIGIBILITY CRITERIA PURSUANT TO SECTION
26 44-10-308 (5). The state licensing authority's implementation of an
27 accelerator program is extended from July 1, 2020, to January 1, 2021.

1 (dd) Requirements for medical marijuana and medical marijuana
2 products delivery as described in section 44-10-501 (11) and section
3 44-10-505 (5) and retail marijuana and retail marijuana products delivery
4 as described in section 44-10-601 (13), and section 44-10-605 (5), AND
5 SECTION 44-10-613, including:

6 (II) Training requirements for personnel of medical marijuana
7 stores, retail marijuana stores, medical marijuana transporters, and retail
8 marijuana transporters that hold a medical marijuana or retail marijuana
9 delivery permit, AND INDEPENDENT DELIVERERS, who will deliver medical
10 marijuana or medical marijuana products or retail marijuana or retail
11 marijuana products pursuant to this article 10 and requirements that
12 medical marijuana stores, retail marijuana stores, INDEPENDENT
13 DELIVERERS, medical marijuana transporters, and retail marijuana
14 transporters be considered to have a responsible vendor designation
15 pursuant to section 44-10-1201 prior to conducting a delivery;

16 (kk) INDEPENDENT DELIVERY LICENSES, INCLUDING:

17 (I) PROCEDURES FOR A SOCIAL EQUITY LICENSEE WHO HOLDS A
18 RETAIL TRANSPORTER LICENSE AND A RETAIL MARIJUANA DELIVERY
19 PERMIT TO CONVERT TO AN INDEPENDENT DELIVERY LICENSE PRIOR TO
20 MARCH 1, 2024;

21 (II) PROCEDURES FOR A SOCIAL EQUITY LICENSEE TO APPLY FOR AN
22 INDEPENDENT DELIVERY LICENSE;

23 (III) REQUIREMENTS AND CONDITIONS UNDER WHICH AN
24 INDEPENDENT DELIVERY LICENSEE MAY PURCHASE, STORE, AND CONDUCT
25 SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS;

26 (IV) REQUIREMENTS AND CONDITIONS UNDER WHICH AN
27 INDEPENDENT DELIVERY LICENSEE MAY CONTRACT WITH ANOTHER

1 INDEPENDENT DELIVERY LICENSEE TO SHARE A LICENSED PREMISES FOR
2 THE PURPOSES OF STORING RETAIL MARIJUANA AND RETAIL MARIJUANA
3 PRODUCTS, INCLUDING TRACKING AND RECORD-KEEPING REQUIREMENTS
4 FOR SEPARATE INVENTORY;

5 (V) REQUIREMENTS FOR SAFETY AND SECURITY OF THE
6 AUTHORIZED STORAGE FACILITY;

7 (VI) PROCEDURES AND REQUIREMENTS TO ENSURE THAT THE
8 INDEPENDENT DELIVERY LICENSEE HOLDS NOT LESS THAN FIFTY-ONE
9 PERCENT OF THE BENEFICIAL OWNERSHIP, INCLUDING REQUIREMENTS FOR
10 DISCLOSING CONTRACTUAL AND OPERATIONAL AGREEMENTS; AND

11 (VII) PROCEDURES AND REQUIREMENTS FOR AN APPLICANT TO
12 PROVIDE PROOF OF AN OBTAINED LICENSED PREMISES, INCLUDING AN
13 AUTHORIZED STORAGE FACILITY.

14 **SECTION 4.** In Colorado Revised Statutes, **add 44-10-207** as
15 follows:

16 **44-10-207. Social equity report.** (1) BY JANUARY 31, 2025, AND
17 BY JANUARY 31 EACH YEAR THEREAFTER, THE STATE LICENSING
18 AUTHORITY SHALL SUBMIT A REPORT CONCERNING SOCIAL EQUITY
19 LICENSES TO THE FINANCE COMMITTEES OF THE HOUSE OF
20 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. AT
21 A MINIMUM, THE REPORT MUST INCLUDE:

22 (a) THE TOTAL NUMBER OF BUSINESSES LICENSED PURSUANT TO
23 THIS ARTICLE 10 THAT ARE MAJORITY OWNED BY A SOCIAL EQUITY
24 APPLICANT OR LICENSEE, AND THE TOTAL NUMBER OF THOSE BUSINESSES
25 THAT ARE OPERATIONAL;

26 (b) THE TOTAL NUMBER OF ACTIVE SOCIAL EQUITY LICENSES;

27 (c) THE TOTAL NUMBER OF ACTIVE SOCIAL EQUITY LICENSES THAT

1 ARE OPERATIONAL;

2 (d) THE TOTAL NUMBER OF SOCIAL EQUITY LICENSES THAT ARE
3 ENDORSED BY EACH ACCELERATOR-ENDORSED LICENSE TYPE;

4 (e) THE INCENTIVES AND ANY ASSOCIATED CRITERIA DEVELOPED
5 BY THE STATE LICENSING AUTHORITY PURSUANT TO SECTION 44-10-308
6 (8);

7 (f) RECOMMENDATIONS FOR NEW SOCIAL EQUITY LICENSE TYPES;

8 AND

9 (g) RECOMMENDATIONS FOR NEW OR INNOVATIVE FUNDING
10 SOURCES FOR THE SOCIAL EQUITY PROGRAM.

11 (2) THE STATE LICENSING AUTHORITY SHALL CONVENE A NEW, OR
12 UTILIZE AN EXISTING, WORKING GROUP OF PERSONS INTERESTED IN SOCIAL
13 EQUITY OPPORTUNITIES AND THE ACCELERATOR PROGRAM ESTABLISHED
14 PURSUANT TO THIS ARTICLE 10 FOR THE PURPOSE OF DEVELOPING
15 RECOMMENDATIONS PURSUANT TO SUBSECTIONS (1)(f) AND (1)(g) OF THIS
16 SECTION.

17 (3) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
18 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
19 SECTION CONTINUES INDEFINITELY.

20 **SECTION 5.** In Colorado Revised Statutes, 44-10-308, **amend**
21 (4) introductory portion and (5); and **add** (4)(e), (6), (7), (8), and (9) as
22 follows:

23 **44-10-308. Business and owner requirements - rules -**
24 **legislative declaration - definition.** (4) Effective January 1, 2021,
25 THROUGH FEBRUARY 29, 2024, a person who qualifies as a social equity
26 licensee PURSUANT TO THIS SUBSECTION (4) may apply for any regulated
27 marijuana business license or permit, including but not limited to

1 accelerator store, accelerator cultivator, and accelerator manufacturer
2 licenses, issued pursuant to this article 10. A PERSON WHO QUALIFIES FOR
3 A SOCIAL EQUITY LICENSE PURSUANT TO THIS SUBSECTION (4) MAY APPLY
4 FOR ANY REGULATED MARIJUANA BUSINESS LICENSE OR PERMIT ON OR
5 AFTER MARCH 1, 2024, WITHOUT HAVING TO QUALIFY AS A SOCIAL EQUITY
6 LICENSEE PURSUANT TO SUBSECTION (5) OF THIS SECTION, UNLESS THE
7 QUALIFICATION WAS BASED UPON THE SOCIAL EQUITY LICENSEE'S INCOME.

8 A person qualifies as a social equity licensee if such person meets the
9 following criteria, in addition to any criteria established by rule of the
10 state licensing authority:

11 (e) THIS SUBSECTION (4) APPLIES TO SOCIAL EQUITY LICENSEE
12 APPLICATIONS RECEIVED BEFORE MARCH 1, 2024, AND TO THE RENEWAL
13 OF A SOCIAL EQUITY LICENSE APPLIED FOR OR ISSUED BEFORE MARCH 1,
14 2024.

15 (5) ~~A person who meets the criteria in this section for a social~~
16 ~~equity licensee, pursuant to rule and agency discretion, may be eligible for~~
17 ~~incentives available through the department of revenue or office of~~
18 ~~economic development and international trade, including but not limited~~
19 ~~to a reduction in application or license fees. EFFECTIVE MARCH 1, 2024,~~
20 A PERSON WHO QUALIFIES AS A SOCIAL EQUITY LICENSEE MAY APPLY FOR
21 ANY REGULATED MARIJUANA BUSINESS LICENSE OR PERMIT, INCLUDING,
22 BUT NOT LIMITED TO, ACCELERATOR STORE, ACCELERATOR CULTIVATOR,
23 ACCELERATOR MANUFACTURER, ACCELERATOR HOSPITALITY BUSINESS, OR
24 ACCELERATOR TRANSPORTER LICENSES, ISSUED PURSUANT TO THIS
25 ARTICLE 10. A PERSON QUALIFIES AS A SOCIAL EQUITY LICENSEE IF THE
26 PERSON MEETS THE FOLLOWING CRITERIA, IN ADDITION TO ANY CRITERIA
27 ESTABLISHED BY RULE OF THE STATE LICENSING AUTHORITY:

1 (a) HAS NOT BEEN THE BENEFICIAL OWNER OF A LICENSE SUBJECT
2 TO DISCIPLINARY OR LEGAL ACTION FROM THE STATE LICENSING
3 AUTHORITY RESULTING IN THE REVOCATION OF A LICENSE ISSUED
4 PURSUANT TO THIS ARTICLE 10; AND

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

6 (I) THE APPLICANT HAS RESIDED:

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

13 (B) FOR AT LEAST ANY TEN OF THE THIRTY YEARS PRIOR TO THE
14 APPLICATION IN HOUSING WITH FUNDING PROVIDED PURSUANT TO SECTION
15 8 OR 9 OF THE FEDERAL "UNITED STATES HOUSING ACT OF 1937", AS
16 AMENDED, 42 U.S.C. SECS. 1437f AND 1437g; OR

17 (C) FOR AT LEAST ANY TEN OF THE THIRTY YEARS PRIOR TO THE
18 APPLICATION IN HOUSING WITH FUNDING FROM FEDERAL LOW-INCOME
19 HOUSING TAX CREDITS, COLORADO AFFORDABLE HOUSING TAX CREDITS,
20 OR FUNDING PROVIDED UNDER ANY FEDERAL, STATE, OR LOCAL PROGRAM
21 THAT RESTRICTS MAXIMUM RENTS FOR PERSONS OF LOW OR MODERATE
22 INCOME THAT AT THE TIME OF RESIDENCE WAS SUBJECT TO A USE
23 RESTRICTION THAT WAS MONITORED TO ENSURE COMPLIANCE BY THE
24 FEDERAL GOVERNMENT, THE STATE GOVERNMENT, A COUNTY
25 GOVERNMENT, OR A MUNICIPAL GOVERNMENT, OR BY ANY POLITICAL
26 SUBDIVISION OR DESIGNATED AGENCY THEREOF; OR

27 (II) THE APPLICANT OR THE APPLICANT'S SPOUSE, PARENT, OR

1 LEGAL GUARDIAN WAS CONVICTED OF A MARIJUANA OFFENSE; OR
2 (III) THE APPLICANT'S SIBLING, CHILD, OR MINOR IN THE
3 APPLICANT'S GUARDIANSHIP WAS ARRESTED OR CONVICTED OF A
4 MARIJUANA OFFENSE; AND
5 (A) THE APPLICANT'S SIBLING, CHILD, OR MINOR IN THE
6 APPLICANT'S GUARDIANSHIP WHO WAS ARRESTED OR CONVICTED OF A
7 MARIJUANA OFFENSE RESIDED IN A DISPROPORTIONATE IMPACTED AREA AS
8 DEFINED BY RULE PURSUANT TO SECTION 44-10-203 (1)(j) FOR ANY OF THE
9 FIVE YEARS OF THE THIRTY-YEAR PERIOD PRIOR TO APPLICATION; OR
10 (B) THE APPLICANT'S SIBLING, CHILD, OR MINOR IN THE
11 APPLICANT'S GUARDIANSHIP WHO WAS ARRESTED OR CONVICTED OF A
12 MARIJUANA OFFENSE HAS RECEIVED ASSISTANCE FROM AT LEAST ONE OF
13 THE PROGRAMS LISTED IN SUBSECTIONS (5)(b)(V)(A) TO (5)(b)(V)(E) OF
14 THIS SECTION FOR AT LEAST ANY FIVE OF THE TEN YEARS PRIOR TO
15 APPLICATION; OR
16 (IV) THE APPLICANT WAS A MEMBER OF THE MILITARY AND WAS
17 DISHONORABLY DISCHARGED BECAUSE THE APPLICANT WAS CONVICTED
18 OF A MARIJUANA OFFENSE; OR
19 (V) THE APPLICANT HAS RECEIVED ASSISTANCE FROM AT LEAST
20 ONE OF THE FOLLOWING PROGRAMS FOR AT LEAST ANY FIVE OF THE TEN
21 YEARS PRIOR TO APPLICATION:
22 (A) THE LOW-INCOME ENERGY ASSISTANCE PROGRAM DESCRIBED
23 IN SECTION 26-2-122.5;
24 (B) THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
25 DESCRIBED IN PART 3 OF ARTICLE 2 OF TITLE 26;
26 (C) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, AS DEFINED IN
27 SECTION 26-2-703 (19);

1 (D) THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
2 WOMEN, INFANTS, AND CHILDREN, CREATED PURSUANT TO 42 U.S.C. SEC.
3 1786; OR

4 (E) THE "COLORADO MEDICAL ASSISTANCE ACT", PURSUANT TO
5 PART 1 OF ARTICLE 4 OF TITLE 25.5; AND

6 (c) THE SOCIAL EQUITY LICENSEE, OR COLLECTIVELY ONE OR MORE
7 SOCIAL EQUITY LICENSEES, HOLDS AT LEAST FIFTY-ONE PERCENT OF THE
8 BENEFICIAL OWNERSHIP OF THE REGULATED MARIJUANA BUSINESS
9 LICENSE.

10 (6) (a) FOR THE PURPOSES OF SUBSECTION (5) OF THIS SECTION, IF
11 THE APPLICANT, OR COLLECTIVELY ONE OR MORE APPLICANTS, IS A
12 CONTROLLING BENEFICIAL OWNER, UPON ATTESTATION ON THE
13 APPLICATION OF THE LICENSES TO WHICH THE APPLICANT IS A PASSIVE
14 BENEFICIAL OWNER, OR PASSIVE BENEFICIAL OWNER OF THREE OR MORE
15 RETAIL MARIJUANA STORE LICENSES, MEDICAL MARIJUANA STORE
16 LICENSES, RETAIL MARIJUANA CULTIVATION FACILITY LICENSES, OR
17 MEDICAL MARIJUANA CULTIVATION FACILITY LICENSES, OR ANY
18 COMBINATION THEREOF, THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL
19 EQUITY LICENSE;

20 (b) FOR THE PURPOSES OF SUBSECTION (6)(a) OF THIS SECTION,
21 CO-LOCATED RETAIL MARIJUANA STORE AND MEDICAL MARIJUANA STORE
22 LICENSES, OR CO-LOCATED RETAIL MARIJUANA CULTIVATION FACILITY
23 AND MEDICAL MARIJUANA CULTIVATION FACILITY LICENSES, CONSTITUTE
24 ONE LICENSE.

25 (7) (a) SUBSECTION (5) OF THIS SECTION APPLIES TO NEW SOCIAL
26 EQUITY LICENSEE APPLICATIONS RECEIVED ON OR AFTER MARCH 1, 2024,
27 OR THE RENEWAL OF A SOCIAL EQUITY LICENSE FIRST APPLIED FOR ON OR

1 AFTER MARCH 1, 2024.

2 (b) SUBSECTION (5) OF THIS SECTION DOES NOT APPLY TO THE
3 RENEWAL OF SOCIAL EQUITY LICENSES APPLIED FOR OR ISSUED BEFORE
4 MARCH 1, 2024.

5 (8) A PERSON WHO MEETS THE CRITERIA IN THIS SECTION FOR A
6 SOCIAL EQUITY LICENSE MAY BE ELIGIBLE FOR INCENTIVES AVAILABLE
7 THROUGH THE DEPARTMENT OF REVENUE OR OFFICE OF ECONOMIC
8 DEVELOPMENT AND INTERNATIONAL TRADE, INCLUDING, BUT NOT LIMITED
9 TO, A REDUCTION IN APPLICATION OR LICENSE FEES. THE STATE LICENSING
10 AUTHORITY MAY PROMULGATE RULES TO CREATE INCENTIVES REQUIRED
11 BY THIS SUBSECTION (8).

12 (9) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE STATE
13 LICENSING AUTHORITY SHALL NOT ISSUE NEW SOCIAL EQUITY LICENSES
14 BEGINNING ON THE EFFECTIVE DATE OF HOUSE BILL 23-1020 THROUGH
15 FEBRUARY 29, 2024.

16 SECTION 6. In Colorado Revised Statutes, 44-10-401, amend
17 (2)(b)(X); and add (2)(b)(XII), (2)(b)(XIII), (2)(b)(XIV), and (2)(b)(XV)
18 as follows:

19 44-10-401. Classes of licenses. (2) (b) The following are retail
20 marijuana licenses:

21 (X) Retail marijuana hospitality and sales business license; and

22 (XII) ACCELERATOR TRANSPORTER LICENSE;

23 (XIII) ACCELERATOR HOSPITALITY BUSINESS LICENSE;

24 (XIV) INDEPENDENT DELIVERY LICENSE; AND

25 (XV) ACCELERATOR INDEPENDENT DELIVERY LICENSE.

26 SECTION 7. In Colorado Revised Statutes, 44-10-601, amend
27 (16); and add (2)(d) as follows:

1 **44-10-601. Retail marijuana store license - rules - definitions.**

2 (2) (d) A RETAIL MARIJUANA STORE MAY SELL WHOLESALE RETAIL
3 MARIJUANA AND WHOLESALE RETAIL MARIJUANA PRODUCTS TO AN
4 INDEPENDENT DELIVERY LICENSEE.

5 (16) A retail marijuana store ~~pursuant to rule and the state~~
6 ~~licensing authority discretion, may be~~ THAT HOSTS AN ACCELERATOR
7 STORE LICENSE MAY BE eligible for incentives available through the
8 department of revenue or the office of economic development and
9 international trade, including, but not limited to, a reduction in application
10 or license fees.

11 **SECTION 8.** In Colorado Revised Statutes, 44-10-602, **amend**
12 (11) as follows:

13 **44-10-602. Retail marijuana cultivation facility license - rules**
14 **- definitions.** (11) A retail marijuana cultivation facility licensee that
15 hosts an accelerator cultivator licensee ~~pursuant to rule and the state~~
16 ~~licensing authority discretion, may be~~ MAY BE eligible for incentives
17 available through the department of revenue or the office of economic
18 development and international trade, including, but not limited to, a
19 reduction in application or license fees.

20 **SECTION 9.** In Colorado Revised Statutes, 44-10-603, **amend**
21 (2)(b), (2)(c), and (14); and **add** (1)(f) and (2)(d) as follows:

22 **44-10-603. Retail marijuana products manufacturer license -**
23 **rules - definition.** (1) (f) A RETAIL MARIJUANA PRODUCTS
24 MANUFACTURER MAY SELL WHOLESALE RETAIL MARIJUANA AND
25 WHOLESALE RETAIL MARIJUANA PRODUCTS TO AN INDEPENDENT DELIVERY
26 LICENSEE.

27 (2) Retail marijuana products must be prepared on a licensed

1 premises that is used exclusively for the manufacture and preparation of
2 retail marijuana or retail marijuana products and using equipment that is
3 used exclusively for the manufacture and preparation of retail marijuana
4 products; except that, if permitted by the local jurisdiction and subject to
5 rules of the state licensing authority, a retail marijuana products
6 manufacturer licensee may share the same premises as:

7 (b) A commonly owned marijuana research and development
8 licensee so long as virtual or physical separation of inventory and
9 research activity is maintained; or

10 (c) An accelerator manufacturer licensee if the retail marijuana
11 products manufacturer has its premises endorsed pursuant to rule before
12 each accelerator manufacturer licensee operates and each accelerator
13 manufacturer licensee is approved to operate on that premises; OR

14 (d) AN INDEPENDENT DELIVERY LICENSEE FOR THE PURPOSE OF
15 STORING RETAIL MARIJUANA PRODUCTS AS PERMITTED BY RULE, IF
16 VIRTUAL OR PHYSICAL SEPARATION OF INVENTORY IS MAINTAINED.

17 (14) A retail marijuana products manufacturer licensee pursuant
18 to rule and the state licensing authority discretion, may be THAT HOSTS AN
19 ACCELERATOR MANUFACTURER LICENSE MAY BE eligible for incentives
20 through the department of revenue or the office of economic development
21 and international trade, including, but not limited to, a reduction in
22 application or license fees.

23 **SECTION 10.** In Colorado Revised Statutes, 44-10-605, add (6),
24 (7), and (8) as follows:

25 **44-10-605. Retail marijuana transporter license - definition.**

26 (6) AN ACCELERATOR TRANSPORTER LICENSEE MAY OPERATE ON THE
27 PREMISES OF A RETAIL MARIJUANA TRANSPORTER LICENSEE IF, BEFORE

1 EACH ACCELERATOR TRANSPORTER LICENSEE OPERATES, THE RETAIL
2 MARIJUANA TRANSPORTER LICENSEE HAS ITS PREMISES ENDORSED
3 PURSUANT TO RULE AND EACH ACCELERATOR TRANSPORTER LICENSEE IS
4 APPROVED TO OPERATE ON THAT PREMISES.

5 (7) A RETAIL MARIJUANA TRANSPORTER LICENSEE THAT HOSTS AN
6 ACCELERATOR TRANSPORTER LICENSEE MAY, PURSUANT TO RULE,
7 PROVIDE TECHNICAL AND COMPLIANCE ASSISTANCE AND CAPITAL
8 ASSISTANCE TO AN ACCELERATOR TRANSPORTER LICENSEE OPERATING ON
9 ITS PREMISES.

10 (8) A RETAIL MARIJUANA TRANSPORTER LICENSEE THAT HOSTS AN
11 ACCELERATOR TRANSPORTER LICENSEE MAY BE ELIGIBLE FOR INCENTIVES
12 AVAILABLE THROUGH THE DEPARTMENT OF REVENUE OR THE OFFICE OF
13 ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE, INCLUDING, BUT
14 NOT LIMITED TO, A REDUCTION IN APPLICATION OR LICENSE FEES.

15 **SECTION 11.** In Colorado Revised Statutes, 44-10-609, **add** (5),
16 (6), and (7) as follows:

17 **44-10-609. Marijuana hospitality business license.** (5) AN
18 ACCELERATOR HOSPITALITY BUSINESS LICENSEE MAY OPERATE ON THE
19 PREMISES OF A MARIJUANA HOSPITALITY BUSINESS LICENSEE IF, BEFORE
20 EACH ACCELERATOR HOSPITALITY BUSINESS LICENSEE OPERATES, THE
21 MARIJUANA HOSPITALITY BUSINESS LICENSEE HAS ITS PREMISES ENDORSED
22 PURSUANT TO RULE AND EACH ACCELERATOR HOSPITALITY BUSINESS
23 LICENSEE IS APPROVED TO OPERATE ON THAT PREMISES.

24 (6) A MARIJUANA HOSPITALITY BUSINESS LICENSEE THAT HOSTS
25 AN ACCELERATOR HOSPITALITY BUSINESS LICENSEE MAY, PURSUANT TO
26 RULE, PROVIDE TECHNICAL AND COMPLIANCE ASSISTANCE AND CAPITAL
27 ASSISTANCE TO AN ACCELERATOR HOSPITALITY BUSINESS LICENSEE

1 OPERATING ON ITS PREMISES.

2 (7) A MARIJUANA HOSPITALITY BUSINESS LICENSEE THAT HOSTS
3 AN ACCELERATOR HOSPITALITY BUSINESS LICENSEE MAY BE ELIGIBLE FOR
4 INCENTIVES AVAILABLE THROUGH THE DEPARTMENT OF REVENUE OR THE
5 OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE,
6 INCLUDING, BUT NOT LIMITED TO, A REDUCTION IN APPLICATION OR
7 LICENSE FEES.

8 **SECTION 12.** In Colorado Revised Statutes, add 44-10-612 as
9 follows:

10 **44-10-612. Retail marijuana accelerator hospitality business**
11 **license.** (1) A RETAIL MARIJUANA ACCELERATOR HOSPITALITY BUSINESS
12 LICENSE MAY BE ISSUED TO A SOCIAL EQUITY LICENSEE TO EXERCISE THE
13 PRIVILEGES OF A RETAIL MARIJUANA HOSPITALITY BUSINESS LICENSEE ON
14 THE PREMISES OF AN ACCELERATOR-ENDORSED RETAIL MARIJUANA
15 HOSPITALITY BUSINESS LICENSEE. THE RETAIL MARIJUANA ACCELERATOR
16 HOSPITALITY BUSINESS LICENSEE MAY RECEIVE TECHNICAL ASSISTANCE
17 AND FINANCIAL SUPPORT FROM THE RETAIL MARIJUANA HOSPITALITY
18 BUSINESS LICENSEE WITH AN ACCELERATOR ENDORSEMENT.

19 (2) THE STATE LICENSING AUTHORITY SHALL BEGIN ACCEPTING
20 APPLICATIONS FOR RETAIL MARIJUANA ACCELERATOR HOSPITALITY
21 BUSINESS LICENSES ON MARCH 1, 2024.

22 **SECTION 13.** In Colorado Revised Statutes, add 44-10-613 as
23 follows:

24 **44-10-613. Independent delivery license - rules - definitions -**
25 **repeal.** (1) (a) ON OR AFTER MARCH 1, 2024, AND BEFORE JANUARY 1,
26 2028, THE STATE LICENSING AUTHORITY MAY ISSUE AN INDEPENDENT
27 DELIVERY LICENSE TO A PERSON WITH A SOCIAL EQUITY LICENSE

1 AUTHORIZING THE PERSON TO DELIVER AND SELL RETAIL MARIJUANA AND
2 RETAIL MARIJUANA PRODUCTS TO CONSUMERS AT THE CONSUMER'S
3 PRIVATE RESIDENCE PURSUANT TO THIS ARTICLE 10; RULES PROMULGATED
4 PURSUANT TO THIS ARTICLE 10; AND THE PROVISIONS OF THE ORDINANCE
5 OR RESOLUTION OF THE LOCAL JURISDICTION WHERE THE LICENSEE
6 OPERATES.

7 (b) AN INDEPENDENT DELIVERER MAY PURCHASE WHOLESALE
8 RETAIL MARIJUANA AND WHOLESALE RETAIL MARIJUANA PRODUCTS FROM
9 A RETAIL MARIJUANA STORE LICENSEE, AND THE INDEPENDENT DELIVERER
10 MAY PURCHASE WHOLESALE RETAIL MARIJUANA AND WHOLESALE RETAIL
11 MARIJUANA PRODUCTS FROM A RETAIL MARIJUANA PRODUCTS
12 MANUFACTURER LICENSEE.

13 (c) AN INDEPENDENT DELIVERER SHALL TRACK ALL OF ITS RETAIL
14 MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM THE POINT THAT
15 THEY ARE TRANSFERRED FROM A RETAIL MARIJUANA STORE OR RETAIL
16 MARIJUANA PRODUCTS MANUFACTURER TO THE POINT OF SALE.

17 (d) THE INDEPENDENT DELIVERY LICENSE APPLICANT SHALL
18 PROVIDE PROOF OF AN OBTAINED LICENSED PREMISES OR PROOF OF A
19 CONTRACT WITH AN ESTABLISHED SOCIAL EQUITY LICENSEE WHO
20 MAINTAINS A LICENSED PREMISES AUTHORIZED BY THE STATE TO STORE
21 RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS. THE STATE
22 LICENSING AUTHORITY SHALL PROMULGATE RULES CONCERNING
23 PERMITTING AN INDEPENDENT DELIVERER TO STORE RETAIL MARIJUANA
24 OR RETAIL MARIJUANA PRODUCTS AT A STATE-AUTHORIZED STORAGE
25 FACILITY OR LICENSED PREMISES.

26 (e) FOR PURPOSES OF THIS SECTION, A STATE-AUTHORIZED
27 STORAGE FACILITY IS SUBJECT TO THE SAME SAFETY AND SECURITY

1 REQUIREMENTS AS A LICENSED PREMISES, UNLESS EXEMPTED BY RULE.

2 (2) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, AN
3 INDEPENDENT DELIVERY LICENSEE MAY ALSO SELL RETAIL MARIJUANA
4 PRODUCTS THAT ARE PREPACKAGED AND LABELED AS REQUIRED BY RULES
5 OF THE STATE LICENSING AUTHORITY PURSUANT TO SECTION 44-10-203
6 (2)(f) AND (3)(b).

7 (b) AN INDEPENDENT DELIVERY LICENSEE MAY TRANSACT WITH A
8 RETAIL MARIJUANA PRODUCTS MANUFACTURER LICENSEE FOR THE
9 PURCHASE OF RETAIL MARIJUANA PRODUCTS AT A RETAIL MARIJUANA
10 PRODUCTS MANUFACTURER LICENSEE'S LICENSED PREMISES OR AT THE
11 INDEPENDENT DELIVERY LICENSEE'S LICENSED PREMISES.

12 (3) (a) AN INDEPENDENT DELIVERER MAY DELIVER AND SELL
13 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS NOT IN EXCESS OF
14 THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

15 (b) (I) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO AN
16 INDIVIDUAL, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE
17 INDIVIDUAL'S IDENTIFICATION AND VERIFY THAT THE INFORMATION
18 PROVIDED AT THE TIME OF THE ORDER MATCHES THE NAME AND AGE ON
19 THE INDIVIDUAL'S IDENTIFICATION.

20 (II) (A) IF AN INDEPENDENT DELIVERY LICENSEE OR EMPLOYEE
21 HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON IS UNDER
22 TWENTY-ONE YEARS OF AGE AND IS EXHIBITING FRAUDULENT PROOF OF
23 AGE IN AN ATTEMPT TO OBTAIN ANY RETAIL MARIJUANA OR RETAIL
24 MARIJUANA PRODUCT, THE LICENSEE OR EMPLOYEE IS AUTHORIZED TO
25 CONFISCATE THE FRAUDULENT PROOF OF AGE, IF POSSIBLE, AND SHALL,
26 WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION, REMIT IT TO A
27 STATE OR LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO

1 CONFISCATE THE FRAUDULENT PROOF OF AGE OR TO REMIT IT TO A STATE
2 OR LOCAL LAW ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS
3 AFTER THE CONFISCATION DOES NOT CONSTITUTE A CRIMINAL OFFENSE.

4 (B) IF AN INDEPENDENT DELIVERY LICENSEE OR EMPLOYEE
5 BELIEVES THAT A PERSON IS UNDER TWENTY-ONE YEARS OF AGE AND IS
6 EXHIBITING FRAUDULENT PROOF OF AGE IN AN ATTEMPT TO OBTAIN ANY
7 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT, THE LICENSEE OR
8 EMPLOYEE OR A PEACE OFFICER, ACTING IN GOOD FAITH AND UPON
9 PROBABLE CAUSE BASED UPON REASONABLE GROUNDS THEREFOR, MAY
10 DETAIN AND QUESTION THE PERSON IN A REASONABLE MANNER FOR THE
11 PURPOSE OF ASCERTAINING WHETHER THE PERSON IS GUILTY OF ANY
12 UNLAWFUL ACT REGARDING THE PURCHASE OF RETAIL MARIJUANA OR
13 RETAIL MARIJUANA PRODUCT. THE QUESTIONING OF A PERSON BY AN
14 EMPLOYEE OR A PEACE OFFICER DOES NOT RENDER THE LICENSEE, THE
15 EMPLOYEE, OR THE PEACE OFFICER CIVILLY OR CRIMINALLY LIABLE FOR
16 SLANDER, FALSE ARREST, FALSE IMPRISONMENT, MALICIOUS PROSECUTION,
17 OR UNLAWFUL DETENTION.

18 (c) (I) AN INDEPENDENT DELIVERER THAT SELLS AN INDUSTRIAL
19 HEMP PRODUCT SHALL ENSURE THAT THE INDUSTRIAL HEMP PRODUCT HAS
20 PASSED ALL TESTING REQUIRED BY RULES PROMULGATED BY THE STATE
21 LICENSING AUTHORITY PURSUANT TO SECTION 44-10-203 (2)(d). PRIOR TO
22 TAKING POSSESSION OF THE INDUSTRIAL HEMP PRODUCT, AN INDEPENDENT
23 DELIVERER SHALL VERIFY THE INDUSTRIAL HEMP PRODUCT PASSED ALL
24 TESTING REQUIRED FOR RETAIL MARIJUANA PRODUCTS AT A LICENSED
25 RETAIL MARIJUANA TESTING FACILITY AND THAT THE PERSON
26 TRANSFERRING THE INDUSTRIAL HEMP PRODUCT HAS RECEIVED A
27 REGISTRATION FROM THE DEPARTMENT OF PUBLIC HEALTH AND

1 ENVIRONMENT PURSUANT TO SECTION 25-5-426.

2 (II) ABSENT SAMPLING AND TESTING STANDARDS ESTABLISHED BY
3 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE
4 SAMPLING AND TESTING OF AN INDUSTRIAL HEMP PRODUCT, A PERSON
5 TRANSFERRING AN INDUSTRIAL HEMP PRODUCT TO AN INDEPENDENT
6 DELIVERER PURSUANT TO THIS SECTION SHALL COMPLY WITH SAMPLING
7 AND TESTING STANDARDS CONSISTENT WITH THOSE ESTABLISHED BY THE
8 STATE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE 10. THE STATE
9 LICENSING AUTHORITY SHALL REPORT TO THE DEPARTMENT OF PUBLIC
10 HEALTH AND ENVIRONMENT ANY INVESTIGATIONS OR FINDINGS OF
11 VIOLATIONS OF THIS SECTION BY A PERSON REGISTERED PURSUANT TO
12 SECTION 25-5-426.

13 (d) WHEN COMPLETING A SALE OF RETAIL MARIJUANA
14 CONCENTRATE, THE INDEPENDENT DELIVERER SHALL PROVIDE THE
15 CUSTOMER WITH THE TANGIBLE EDUCATIONAL RESOURCE CREATED BY THE
16 STATE LICENSING AUTHORITY THROUGH RULE-MAKING REGARDING THE
17 USE OF RETAIL MARIJUANA CONCENTRATE.

18 (4) ALL RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS
19 SOLD BY AN INDEPENDENT DELIVERER MUST BE PACKAGED AND LABELED
20 AS REQUIRED BY RULES OF THE STATE LICENSING AUTHORITY PURSUANT
21 TO SECTION 44-10-203 (2)(f) AND (3)(b).

22 (5) (a) AN INDEPENDENT DELIVERER SHALL ONLY SELL RETAIL
23 MARIJUANA, RETAIL MARIJUANA PRODUCTS, MARIJUANA ACCESSORIES,
24 NONCONSUMABLE PRODUCTS SUCH AS APPAREL, MARIJUANA-RELATED
25 PRODUCTS SUCH AS CHILDPROOF PACKAGING CONTAINERS, AND
26 INDUSTRIAL HEMP PRODUCTS. AN INDEPENDENT DELIVERER SHALL NOT
27 SELL OR GIVE AWAY ANY CONSUMABLE PRODUCT, INCLUDING, BUT NOT

1 LIMITED TO, CIGARETTES OR ALCOHOL, OR EDIBLE PRODUCTS THAT DO NOT
2 CONTAIN MARIJUANA, INCLUDING, BUT NOT LIMITED TO, SODAS, CANDIES,
3 OR BAKED GOODS.

4 (b) AN INDEPENDENT DELIVERER SHALL NOT SELL ANY RETAIL
5 MARIJUANA OR RETAIL MARIJUANA PRODUCTS THAT CONTAIN NICOTINE OR
6 ALCOHOL IF THE SALE OF THE ALCOHOL WOULD REQUIRE A LICENSE
7 PURSUANT TO ARTICLE 3, 4, 5, OR 7 OF THIS TITLE 44.

8 (c) (I) A LICENSED INDEPENDENT DELIVERER MAY ACCEPT
9 PAYMENT ONLINE FOR THE SALE OF RETAIL MARIJUANA AND RETAIL
10 MARIJUANA PRODUCTS.

11 (II) AT THE TIME OF AN ONLINE ORDER, THE INDEPENDENT
12 RETAILER SHALL REQUIRE THE PURCHASING INDIVIDUAL TO PROVIDE
13 INFORMATION NECESSARY TO VERIFY THAT THE INDIVIDUAL IS AT LEAST
14 TWENTY-ONE YEARS OF AGE. AT A MINIMUM, THE INDEPENDENT
15 DELIVERER SHALL REQUIRE THE INDIVIDUAL'S NAME, THE INDIVIDUAL'S
16 DATE OF BIRTH, AND ANY OTHER INFORMATION REQUIRED BY THE STATE
17 LICENSING AUTHORITY BY RULE. WHEN THE INDEPENDENT DELIVERER
18 DELIVERS THE ONLINE ORDER, THE INDEPENDENT DELIVERER SHALL
19 INSPECT THE INDIVIDUAL'S IDENTIFICATION. THE INDEPENDENT DELIVERER
20 SHALL NOT TRANSFER POSSESSION OF THE ORDER UNLESS THE NAME AND
21 DATE OF BIRTH PROVIDED AT THE TIME OF THE ORDER MATCHES THE NAME
22 AND DATE OF BIRTH ON THE INDIVIDUAL'S IDENTIFICATION.

23 (III) AN INDEPENDENT DELIVERER SHALL ENSURE THAT AN
24 INDIVIDUAL PURCHASING RETAIL MARIJUANA OR RETAIL MARIJUANA
25 PRODUCTS ONLINE IS PROVIDED WITH DIGITAL VERSIONS OF ALL WARNING
26 OR EDUCATIONAL MATERIALS THAT THE INDEPENDENT DELIVERER IS
27 REQUIRED TO POST AND PROVIDE PURSUANT TO SECTION 44-10-613 (3)(d)

1 AND ANY ADDITIONAL RELEVANT WARNINGS OR EDUCATIONAL
2 MATERIALS, AS APPLICABLE. THE INDIVIDUAL MUST ACKNOWLEDGE
3 RECEIPT OF THE WARNING AND EDUCATIONAL MATERIALS BEFORE
4 COMPLETING THE PURCHASE.

5 (6) RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MUST
6 NOT BE CONSUMED IN AN INDEPENDENT DELIVERER'S VEHICLE OR ON ANY
7 LICENSED PREMISES.

8 (7) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW,
9 SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ARE NOT
10 EXEMPT FROM STATE OR LOCAL SALES TAX.

11 (8) A LISTING FOR SALE BY AN INDEPENDENT DELIVERER FOR
12 RETAIL MARIJUANA CONCENTRATE MUST INCLUDE THE POTENCY OF THE
13 RETAIL MARIJUANA CONCENTRATE NEXT TO THE NAME OF THE PRODUCT
14 AND SAFETY WARNINGS AND HEALTH RISKS FOR RETAIL MARIJUANA
15 CONCENTRATES PROMULGATED BY RULE.

16 (9) (a) AN INDEPENDENT DELIVERER LICENSEE SHALL NOT MAKE
17 DELIVERIES OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO
18 INDIVIDUALS WHILE ALSO TRANSPORTING RETAIL MARIJUANA OR RETAIL
19 MARIJUANA PRODUCTS BETWEEN LICENSEES' LICENSED PREMISES IN THE
20 SAME VEHICLE.

21 (b) AN INDEPENDENT DELIVERER LICENSEE SHALL NOT ENGAGE IN
22 THIRD-PARTY BUSINESS-TO-BUSINESS LOGISTICS, DISTRIBUTION,
23 DELIVERY, AND STORAGE OF RETAIL MARIJUANA AND RETAIL MARIJUANA
24 PRODUCTS UNLESS IT ALSO OBTAINS A VALID TRANSPORTER LICENSE.

25 (c) THE INDEPENDENT DELIVERER SHALL CHARGE A ONE-DOLLAR
26 SURCHARGE ON EACH DELIVERY. THE INDEPENDENT DELIVERER SHALL
27 REMIT THE SURCHARGES COLLECTED ON A MONTHLY BASIS TO THE

1 MUNICIPALITY WHERE THE INDEPENDENT DELIVERY BUSINESS IS LOCATED,
2 OR TO THE COUNTY IF THE INDEPENDENT DELIVERY BUSINESS IS IN AN
3 UNINCORPORATED AREA, FOR LOCAL LAW ENFORCEMENT COSTS RELATED
4 TO MARIJUANA ENFORCEMENT. FAILURE TO COMPLY WITH THIS
5 SUBSECTION (9)(c) MAY RESULT IN NONRENEWAL OF THE INDEPENDENT
6 DELIVERY LICENSE.

7 (d) AN INDEPENDENT DELIVERER MAY DELIVER RETAIL MARIJUANA
8 AND RETAIL MARIJUANA PRODUCTS ONLY TO THE INDIVIDUAL WHO PLACED
9 THE ORDER AND WHO:

10 (I) IS TWENTY-ONE YEARS OF AGE OR OLDER;

11 (II) RECEIVES THE DELIVERY OF RETAIL MARIJUANA OR RETAIL
12 MARIJUANA PRODUCTS PURSUANT TO RULES; AND

13 (III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

14 (e) ANY PERSON DELIVERING RETAIL MARIJUANA OR RETAIL
15 MARIJUANA PRODUCTS MUST POSSESS A VALID OCCUPATIONAL LICENSE
16 AND BE A CURRENT EMPLOYEE OF THE INDEPENDENT DELIVERER; MUST
17 HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION
18 AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE
19 DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST
20 HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING
21 AUTHORITY.

22 (f) IN ACCORDANCE WITH THIS SUBSECTION (9) AND RULES
23 ADOPTED TO IMPLEMENT THIS SUBSECTION (9), AN INDEPENDENT
24 DELIVERER:

25 (I) SHALL NOT DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA
26 PRODUCTS IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE
27 LICENSING AUTHORITY;

1 (II) SHALL DELIVER ONLY TO AN INDIVIDUAL AT THE ADDRESS
2 PROVIDED IN THE ORDER;

3 (III) SHALL NOT DELIVER MORE THAN ONCE PER DAY TO THE SAME
4 INDIVIDUAL OR RESIDENCE;

5 (IV) (A) SHALL DELIVER ONLY TO PRIVATE RESIDENCES;

6 (B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES"
7 MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE
8 DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES
9 ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN
10 INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY;

11 (V) SHALL DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA
12 PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION
13 AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION
14 44-10-203 (2)(dd);

15 (VI) SHALL USE AN EMPLOYEE TO CONDUCT DELIVERIES; AND

16 (VII) SHALL USE AN ASSOCIATED LICENSED PREMISES TO STORE,
17 PACKAGE, AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA
18 PRODUCTS.

19 (g) (I) AT THE TIME OF THE ORDER, THE INDEPENDENT DELIVERER
20 SHALL REQUIRE THE INDIVIDUAL TO PROVIDE INFORMATION NECESSARY TO
21 VERIFY THE INDIVIDUAL IS AT LEAST TWENTY-ONE YEARS OF AGE. THE
22 PROVIDED INFORMATION MUST, AT A MINIMUM, INCLUDE THE FOLLOWING:

23 (A) THE INDIVIDUAL'S NAME AND DATE OF BIRTH;

24 (B) THE ADDRESS OF THE RESIDENCE WHERE THE ORDER IS
25 DELIVERED; AND

26 (C) ANY OTHER INFORMATION REQUIRED BY STATE LICENSING
27 AUTHORITY RULE.

1 (II) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO AN
2 INDIVIDUAL, THE INDEPENDENT DELIVERER DELIVERING THE ORDER SHALL
3 INSPECT THE INDIVIDUAL'S IDENTIFICATION AND VERIFY THAT THE
4 INFORMATION PROVIDED AT THE TIME THE ORDER IS PLACED MATCHES THE
5 NAME AND AGE ON THE INDIVIDUAL'S IDENTIFICATION.

6 (h) THE INDEPENDENT DELIVERER SHALL NOT SELL RETAIL
7 MARIJUANA OR RETAIL MARIJUANA PRODUCTS DIRECTLY FROM THE
8 DELIVERY VEHICLE.

9 (i) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING
10 AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 10, ALL
11 REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO
12 THIS ARTICLE 10 MAY APPLY TO THE DELIVERY OF RETAIL MARIJUANA AND
13 RETAIL MARIJUANA PRODUCTS, INCLUDING, BUT NOT LIMITED TO,
14 INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING
15 REQUIREMENTS.

16 (II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED
17 PURSUANT TO SECTION 44-10-203 (3)(a) APPLY TO INDEPENDENT
18 DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (9).

19 (j) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE CIVIL OR
20 CRIMINAL LAW FOR AN INDEPENDENT DELIVERER, OR SUCH PERSON WHO
21 HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF AN
22 INDEPENDENT DELIVERY LICENSE, OR ITS LICENSEES, TO POSSESS,
23 TRANSPORT, AND DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA
24 PRODUCTS IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY
25 THE STATE LICENSING AUTHORITY.

26 (k) A LOCAL LAW ENFORCEMENT AGENCY MAY REQUEST STATE
27 LICENSING AUTHORITY REPORTS, INCLUDING COMPLAINTS, INVESTIGATIVE

1 ACTION, AND FINAL AGENCY ACTION ORDERS, RELATED TO CRIMINAL
2 ACTIVITY MATERIALLY RELATED TO RETAIL MARIJUANA DELIVERY IN THE
3 LAW ENFORCEMENT AGENCY'S JURISDICTION, AND THE STATE LICENSING
4 AUTHORITY SHALL PROMPTLY PROVIDE ANY REPORTS IN ITS POSSESSION
5 FOR THE LAW ENFORCEMENT AGENCY'S JURISDICTION.

6 (l) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION,
7 DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT
8 PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS
9 THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A
10 MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY,
11 OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL
12 ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL
13 ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM
14 ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE,
15 OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE
16 MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTE TO ALLOW THE
17 DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS
18 PURSUANT TO THIS SECTION.

19 (II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (9)(l)(I)
20 OF THIS SECTION MAY PROHIBIT DELIVERY OF RETAIL MARIJUANA AND
21 RETAIL MARIJUANA PRODUCTS FROM AN INDEPENDENT DELIVERER THAT
22 IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S
23 JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL
24 BOUNDARIES.

25 (m) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION,
26 DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT
27 PERMITTED AT ANY SCHOOL OR ON THE CAMPUS OF ANY INSTITUTION OF

1 HIGHER EDUCATION.

2 (n) THE STATE LICENSING AUTHORITY MAY BEGIN ISSUING
3 INDEPENDENT DELIVERY LICENSES TO QUALIFIED INDEPENDENT
4 DELIVERER APPLICANTS ON AND AFTER, BUT NOT EARLIER THAN, MARCH
5 1, 2024.

6 (10) AN ACCELERATOR INDEPENDENT DELIVERY LICENSEE MAY
7 OPERATE WITH AN INDEPENDENT DELIVERY LICENSEE IF BEFORE AN
8 ACCELERATOR INDEPENDENT DELIVERY LICENSEE OPERATES, THE
9 INDEPENDENT DELIVERY LICENSEE HAS ITS PREMISES ENDORSED
10 PURSUANT TO RULE AND EACH ACCELERATOR INDEPENDENT DELIVERY
11 LICENSEE IS APPROVED TO OPERATE WITH THE ENDORSED LICENSEE.

12 (11) AN INDEPENDENT DELIVERY LICENSEE THAT HOSTS AN
13 ACCELERATOR INDEPENDENT DELIVERY LICENSEE MAY, PURSUANT TO
14 RULE, PROVIDE TECHNICAL AND COMPLIANCE ASSISTANCE AND CAPITAL
15 ASSISTANCE TO AN ACCELERATOR INDEPENDENT DELIVERY LICENSEE
16 OPERATING ON ITS PREMISES WITH SHARED OPERATIONS PRIVILEGES.

17 (12) AN INDEPENDENT DELIVERY LICENSEE THAT HOSTS AN
18 ACCELERATOR INDEPENDENT DELIVERER MAY BE ELIGIBLE FOR
19 INCENTIVES AVAILABLE THROUGH THE DEPARTMENT OF REVENUE OR THE
20 OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE,
21 INCLUDING, BUT NOT LIMITED TO, A REDUCTION IN APPLICATION OR
22 LICENSE FEES.

23 **SECTION 14.** In Colorado Revised Statutes, add 44-10-614 as
24 follows:

25 **44-10-614. Retail marijuana accelerator independent delivery**
26 **license - repeal.** (1) A RETAIL MARIJUANA ACCELERATOR INDEPENDENT
27 DELIVERY LICENSE MAY BE ISSUED TO A SOCIAL EQUITY LICENSEE TO

1 EXERCISE THE PRIVILEGES OF A RETAIL MARIJUANA INDEPENDENT
2 DELIVERY LICENSEE ON THE PREMISES OF AN ACCELERATOR-ENDORSED
3 INDEPENDENT DELIVERY LICENSEE. THE RETAIL MARIJUANA
4 ACCELERATOR INDEPENDENT DELIVERY LICENSEE MAY RECEIVE
5 TECHNICAL ASSISTANCE AND FINANCIAL SUPPORT FROM THE RETAIL
6 MARIJUANA INDEPENDENT DELIVERY LICENSEE WITH AN ACCELERATOR
7 ENDORSEMENT.

8 (2) THE STATE LICENSING AUTHORITY SHALL BEGIN ACCEPTING
9 APPLICATIONS FOR RETAIL MARIJUANA ACCELERATOR INDEPENDENT
10 DELIVERY LICENSES ON MARCH 1, 2024.

11 **SECTION 15.** In Colorado Revised Statutes, **add** 44-10-615 as
12 follows:

13 **44-10-615. Retail marijuana accelerator transporter license.**

14 (1) A RETAIL MARIJUANA ACCELERATOR TRANSPORTER LICENSE MAY BE
15 ISSUED TO A SOCIAL EQUITY LICENSEE TO EXERCISE THE PRIVILEGES OF A
16 RETAIL MARIJUANA TRANSPORTER LICENSEE ON THE PREMISES OF AN
17 ACCELERATOR-ENDORSED TRANSPORTER LICENSEE. THE RETAIL
18 MARIJUANA ACCELERATOR TRANSPORTER LICENSEE MAY RECEIVE
19 TECHNICAL ASSISTANCE AND FINANCIAL SUPPORT FROM THE RETAIL
20 MARIJUANA TRANSPORTER LICENSEE WITH AN ACCELERATOR
21 ENDORSEMENT.

22 (2) THE STATE LICENSING AUTHORITY MAY BEGIN ACCEPTING
23 APPLICATIONS FOR RETAIL MARIJUANA ACCELERATOR TRANSPORTER
24 LICENSES ON MARCH 1, 2024.

25 **SECTION 16.** In Colorado Revised Statutes, 44-10-1401, **amend**
26 (2) as follows:

27 **44-10-1401. Sunset review - repeal of article.** (2) Prior to the

1 repeal of this article 10, the department of regulatory agencies shall
2 conduct a sunset review as described in section 24-34-104 (5). AS A PART
3 OF THE SUNSET REVIEW, THE DEPARTMENT OF REGULATORY AGENCIES
4 SHALL ANALYZE, EVALUATE, AND SUBMIT RECOMMENDATIONS
5 CONCERNING SOCIAL EQUITY LICENSING AND THE INDEPENDENT DELIVERY
6 LICENSE.

7 **SECTION 17.** In Colorado Revised Statutes, 24-34-104, **amend**
8 (29)(a)(XII) as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for repeal, continuation, or reestablishment -**
11 **legislative declaration - repeal.** (29) (a) The following agencies,
12 functions, or both, are scheduled for repeal on September 1, 2028:

13 (XII) The "Colorado Marijuana Code", article 10 of title 44,
14 INCLUDING SOCIAL EQUITY LICENSING AND THE INDEPENDENT DELIVERY
15 LICENSE;

16 **SECTION 18.** In Colorado Revised Statutes, 24-48.5-128, **add**
17 (3)(e) as follows:

18 **24-48.5-128. Program - marijuana entrepreneurs - social**
19 **equity licensees - committee - report - marijuana entrepreneur fund**
20 **- creation - legislative declaration - definitions.** (3) **Loans, grants,**
21 **and technical assistance.** (e) (I) THERE IS CREATED IN THE OFFICE THE
22 PROGRAM GRANT COMMITTEE THAT IS RESPONSIBLE FOR REVIEWING
23 GRANT APPLICATIONS, SELECTING GRANT RECIPIENTS, AND DETERMINING
24 GRANT AWARDS ISSUED PURSUANT TO THIS SECTION. ON OR BEFORE
25 SEPTEMBER 1, 2023, OR UPON REAUTHORIZATION OF THE PROGRAM, THE
26 OFFICE DIRECTOR SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON
27 THE COMMITTEE:

1 (A) FIVE PERSONS WHO OWN A BUSINESS THAT IS CURRENTLY
2 LOCATED AND OPERATING IN COLORADO;

3 (B) FIVE PERSONS WITH EXPERIENCE REPRESENTING MARIJUANA
4 LICENSEES; AND

5 (C) FIVE PERSONS WHO ARE INTERESTED COMMUNITY MEMBERS.

6 (II) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE
7 COMMITTEE MUST INCLUDE PERSONS FROM THROUGHOUT THE STATE AND
8 REFLECT THE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE.

9 (III) THE MEMBERSHIP OF THE COMMITTEE MUST INCLUDE NOT
10 MORE THAN THREE LICENSEES, AS DEFINED BY SECTION 44-10-103 (25).

11 (IV) MEMBERS OF THE COMMITTEE SERVE TWO-YEAR TERMS AND
12 MAY BE REAPPOINTED FOR AN ADDITIONAL TWO-YEAR TERM. MEMBERS
13 OF THE COMMITTEE SERVE AT THE PLEASURE OF THE OFFICE DIRECTOR. IF
14 A MEMBER OF THE COMMITTEE LEAVES THE COMMITTEE PRIOR TO THE
15 EXPIRATION OF THE MEMBER'S TERM, THE OFFICE DIRECTOR SHALL
16 APPOINT A NEW MEMBER TO SERVE FOR THE REMAINDER OF THE TERM.

17 (V) MEMBERS OF THE COMMITTEE SERVE WITHOUT
18 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

19 **SECTION 19.** In Colorado Revised Statutes, 39-28.8-202,
20 **amend** (1)(a)(I) as follows:

21 **39-28.8-202. Retail marijuana sales tax.** (1) (a) (I) In addition
22 to the tax imposed pursuant to part 1 of article 26 of this title 39 and the
23 sales tax imposed by a local government pursuant to title 29, 30, 31, or
24 32, but except as otherwise set forth in subsections (1)(a)(II) and
25 (1)(a)(III) of this section, beginning January 1, 2014, and through June
26 30, 2017, there is imposed upon all RETAIL sales of retail marijuana and
27 retail marijuana products by a retailer a tax at the rate of ten percent of

1 the amount of the sale. Beginning July 1, 2017, there is imposed upon all
2 sales of retail marijuana and retail marijuana products by a retailer a tax
3 at the rate of fifteen percent of the amount of the sale. The tax imposed
4 by this section is computed in accordance with schedules or forms
5 prescribed by the executive director of the department; except that a ~~retail~~
6 ~~marijuana store~~ RETAILER is not allowed to retain any portion of the retail
7 marijuana sales tax collected pursuant to this part 2 to cover the expenses
8 of collecting and remitting the tax. The executive director may
9 promulgate rules to implement this section.

10 **SECTION 20. Appropriation.** (1) For the 2023-24 state fiscal
11 year, \$330,625 is appropriated to the marijuana cash fund created in
12 section 44-10-801 (1)(a), C.R.S. This appropriation is from the general
13 fund. The department of revenue is responsible for the accounting related
14 to this appropriation.

15 (2) For the 2023-24 state fiscal year, \$330,625 is appropriated to
16 the department of revenue. This appropriation is from reappropriated
17 funds in the marijuana cash funds fund under subsection (1) of this
18 section. Any money appropriated in this subsection (2) not expended
19 prior to July 1, 2024, is further appropriated to the department for the
20 2024-25 state fiscal year for the same purposes. To implement this act,
21 the department may use the appropriation as follows:

22 (a) \$216,426 for marijuana enforcement, which amount is based
23 on an assumption that the department will require an additional 1.1 FTE;
24 and

25 (b) \$114,199 for the purchase of legal services.

26 (3) For the 2023-24 state fiscal year, \$114,199 is appropriated to
27 the department of law. This appropriation is from reappropriated funds

1 received from the department of revenue under subsection (2)(b) of this
2 section and is based on an assumption that the department of law will
3 require an additional 0.4 FTE. To implement this act, the department of
4 law may use this appropriation to provide legal services for the
5 department of revenue. Any money appropriated in this subsection (3) not
6 expended prior to July 1, 2024, is further appropriated to the department
7 for the 2024-25 state fiscal year for the same purpose.

8 **SECTION 21. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article
12 V of the state constitution against this act or an item, section, or part of
13 this act within such period, then the act, item, section, or part will not
14 take effect unless approved by the people at the general election to be
15 held in November 2024 and, in such case, will take effect on the date of
16 the official declaration of the vote thereon by the governor.