

CHAPTER 292

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 23-1279

BY REPRESENTATIVE(S) Lindstedt and Sharbini, Garcia, Woodrow;
also SENATOR(S) Rodriguez, Gonzales, Moreno.**AN ACT****CONCERNING THE ABILITY OF A LICENSED RETAIL MARIJUANA STORE TO SELL RETAIL MARIJUANA TO A PERSON WHO IS NOT PHYSICALLY PRESENT ON THE STORE'S LICENSED PREMISES.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 44-10-601, **amend** (7)(c) as follows:

44-10-601. Retail marijuana store license - rules - definitions. (7) (c) (I) ~~A licensed retail marijuana store shall not sell retail marijuana or retail marijuana products over the internet nor deliver retail marijuana or retail marijuana products to a person not physically present in the retail marijuana store's licensed premises~~ A LICENSED RETAIL MARIJUANA STORE MAY ACCEPT PAYMENT ONLINE FOR THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

(II) UNLESS OTHERWISE AUTHORIZED BY THIS ARTICLE 10, AN INDIVIDUAL MUST BE PHYSICALLY PRESENT ON THE RETAIL MARIJUANA STORE'S LICENSED PREMISES TO TAKE POSSESSION OF THE PURCHASED RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT.

(III) AT THE TIME OF AN ONLINE ORDER, THE RETAIL MARIJUANA STORE SHALL REQUIRE THE PURCHASING INDIVIDUAL TO PROVIDE INFORMATION NECESSARY TO VERIFY THAT THE INDIVIDUAL IS AT LEAST TWENTY-ONE YEARS OF AGE. AT A MINIMUM, THE STORE SHALL REQUIRE THE INDIVIDUAL'S NAME, THE INDIVIDUAL'S DATE OF BIRTH, AND ANY OTHER INFORMATION REQUIRED BY THE STATE LICENSING AUTHORITY BY RULE. WHEN THE INDIVIDUAL ARRIVES TO PICKUP THE ONLINE ORDER, THE STORE SHALL INSPECT THE INDIVIDUAL'S IDENTIFICATION. THE STORE SHALL NOT TRANSFER POSSESSION OF THE ORDER UNLESS THE NAME AND DATE OF BIRTH PROVIDED AT THE TIME OF THE ORDER MATCHES THE NAME AND DATE OF BIRTH ON THE INDIVIDUAL'S IDENTIFICATION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(IV) A RETAIL MARIJUANA STORE SHALL ENSURE THAT AN INDIVIDUAL PURCHASING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS ONLINE IS PROVIDED WITH DIGITAL VERSIONS OF ALL WARNINGS OR EDUCATIONAL MATERIALS THAT THE RETAIL MARIJUANA STORE IS REQUIRED TO POST AND PROVIDE ON ITS LICENSED PREMISES, INCLUDING THE WARNING REQUIRED PURSUANT TO SECTION 44-10-203 (3)(h), THE EDUCATIONAL MATERIAL REQUIRED IN SUBSECTION (3)(d) OF THIS SECTION, AND ANY ADDITIONAL RELEVANT WARNINGS OR EDUCATIONAL MATERIALS, AS APPLICABLE. THE INDIVIDUAL MUST ACKNOWLEDGE RECEIPT OF THE WARNINGS AND EDUCATIONAL MATERIALS BEFORE COMPLETING THE PURCHASE.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 1, 2023