



## Liquor, Nicotine, Marijuana, & Gaming

During the 2022 legislative session, the General Assembly considered numerous bills related to liquor, nicotine, marijuana, and gaming.

### Liquor

The General Assembly passed the following bills related to liquor.

*House Bill 22-1017*, recommended by the Legislative Oversight Committee Concerning Tax Policy, expands the current excise tax exemption for alcohol brought into the state from another state or foreign country by an individual for personal use. The bill increases the exempt quantities to 2.25 gallons of beer and hard cider; 9 liters of wine; and 6 liters of spirits.

Under current law, a person whose driver license has been revoked because of a conviction for driving under the influence (DUI), DUI per se, driving while ability impaired (DWAI), or excess blood alcohol content must wait for one month before applying for an early reinstatement with an interlock-restricted license. *Senate Bill 22-055* changes the law to allow these individuals to apply for early reinstatement with an interlock-restricted license at any time. The bill also requires at least 90 days of continuous alcohol monitoring for a person sentenced to probation following a felony or third or subsequent offense for DUI, DUI per se, or DWAI, with some exceptions.

*House Bill 22-1415* modifies the requirements for hotel and restaurant, tavern, and lodging and entertainment liquor licensees' managers and changes the fees that these licensees must pay to the state and local licensing authorities when there is a manager change.

### Nicotine

The General Assembly considered, but did not pass, *House Bill 22-1064*, which, as introduced, would have prohibited all retailers in the state from selling, advertising, displaying, or marketing flavored cigarettes, tobacco products, and nicotine products beginning July 1, 2022. The bill also would have created a \$10 million grant program in the Colorado Department of Public Health and Environment for services in communities disproportionately impacted by targeted tobacco and nicotine marketing and sales or increased use rates.

### Marijuana

The General Assembly passed the following bills related to marijuana.

*House Bill 22-1037* reinstates the ability for licensed medical and retail marijuana businesses to operate in the same location, which was unintentionally amended out of state law in *Senate Bill 19-224*.

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## Liquor, Nicotine, Marijuana, & Gaming (cont'd)

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*House Bill 22-1135* allows a medical or retail marijuana transporter license to be transferred with a change of ownership.

Under current law, only licensed medical or retail marijuana businesses may receive a responsible vendor designation after completing a responsible vendor program.

*House Bill 22-1222* allows a marijuana business employee, manager, or licensed controlling beneficial owner, or any other person, to receive a responsible vendor designation after successfully completing an approved training program. The training must be completed every two years. A marijuana business is considered to have a responsible vendor designation if all controlling owners, all management personnel, and all employee licensees have a valid responsible vendor designation.

*House Bill 22-1321* requires the Colorado Department of Transportation to issue a request for proposal for a study to investigate and evaluate the effectiveness of devices that are capable of assessing cognitive and physical impairment of motorists to detect the presence of drugs other than alcohol during roadside sobriety investigations.

*House Bill 22-1341*, sponsored by the Joint Budget Committee, reauthorizes the appropriation of revenues from the Marijuana Tax Cash Fund (MTCF) in the year in which they are received. The bill also modifies the MTCF reserve requirement and transfers made to the Public School Capital Construction Assistance Fund (BEST Fund).

*Senate Bill 22-155* extends the Medical Marijuana Research Grant Program one year through fiscal year 2023-24.

*House Bill 21-1216* allowed retail marijuana to be transferred from a retail marijuana licensee to a

co-located medical marijuana licensee and change the designation from retail marijuana to medical marijuana. *Senate Bill 22-178* allows a medical marijuana cultivation facility to transfer medical marijuana to certain retail marijuana cultivation facilities that have at least one identical owner and change the designation of the medical marijuana to retail marijuana beginning January 1, 2023.

*Senate Bill 22-205* allows the Department of Public Health and Environment to promulgate rules to prohibit the chemical modification, conversion, or synthetic derivation of intoxicating tetrahydrocannabinol isomers, including Delta-8, Delta-9, and Delta-10. The bill also creates a task force within the Marijuana Enforcement Division in the Department of Revenue to study intoxicating hemp products and make legislative and rule recommendations.

### Gaming

The General Assembly passed the following bills related to gaming.

*House Bill 22-1093* makes changes to state bingo and raffle laws, including the use of bingo strip card games and pull tabs.

Under current law, in order to obtain a charitable gaming license, an eligible organization must have been in existence for five continuous years. *House Concurrent Resolution 22-1006* refers an amendment to the Colorado Constitution to the voters on the November 2022 ballot to make changes to charitable gaming operations, similar to Amendment C in 2020, which did not pass. The measure, if passed by the voters, would lower the continuous operation requirement from five years to three years until January 1, 2025, after which the General Assembly may set the required time period. The measure would also

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remove the prohibition on paying charitable gaming managers or operators and would allow these individuals to be paid up to minimum wage until July 1, 2024, after which there would be no payment limit imposed.

*Senate Bill 22-216*, sponsored by the Joint Budget Committee, modifies the allocation of gaming tax revenues between the Limited Gaming and Extended Gaming Funds. The reallocation is intended to account for the impacts of the passage of Amendment 77 in 2020 and more equitably allocate gaming tax revenues in years following a significant decline in revenues. The bill sets a base rate and formula to be used each year to determine the amount of limited gaming tax revenues attributable to extended limited gaming. The bill also allocates \$3 million to a new State Historical Society Strategic Initiatives Fund. Finally, the bill creates a working group to study the attribution of limited gaming tax revenue.

*House Bill 22-1402* creates the Responsible Gaming Grant Program (program) in the Department of Revenue to promote responsible gaming and address problem gaming in the state. The Limited Gaming Control Commission is responsible for administering the grant program in collaboration with the Behavioral Health Administration. Grants may be awarded to agencies of the state government, local governments, and eligible nonprofit organizations. The bill funds the program with \$2.5 million from the Limited Gaming Fund each year, \$200,000 from the Lottery Fund, and with certain money from the sports betting Hold Harmless Fund that is not disbursed. In addition, the bill requires the Division of Gaming to operate a program to exclude certain individuals from participation in gaming activities or sports betting in the state and requires certain gaming and sports betting licensees to submit a report to the division that describes the current and planned efforts of the licensee to promote responsible gaming. The

bill also amends the calculation of net sports betting proceeds to gradually decrease the amount of free bets an operator may deduct. Finally, the bill removes the requirement that lottery and instant scratch game tickets may only be purchased with cash.

Under current law, the Division of Gaming in the Department of Revenue was scheduled to repeal on September 1, 2022. *House Bill 22-1412* codifies the recommendations of the 2021 Sunset Review of the division and continues the division through 2033. The 2021 Sunset Review report can be found [here](#).