

HB1258 L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB18-1258 be amended as follows:

- 1 Amend printed bill, page 5, strike lines 17 through 27.
- 2 Page 6, strike lines 1 through 6.
- 3 Page 6, line 7, strike "(b)" and substitute "(3) (a)".
- 4 Reletter succeeding paragraphs accordingly.
- 5 Page 7, line 5, strike "(3)(b)" and substitute "(3)(a)".
- 6 Page 7, line 9, strike "(3)(c)," and substitute "(3)(b),".
- 7 Page 11, after line 17 insert:
- 8 "SECTION 5. In Colorado Revised Statutes, 12-43.3-301, amend
- 9 (1) introductory portion, (2), (3), and (4); and add (1)(a.5) as follows:
- 10 **12-43.3-301. Local licensing authority - applications - licenses.**
- 11 (1) A local licensing authority may issue only the following medical
- 12 marijuana licenses OR ENDORSEMENT upon payment of the fee and
- 13 compliance with all local licensing OR ENDORSING requirements to be
- 14 determined by the local licensing authority:
- 15 (a.5) A MEDICAL MARIJUANA ACCESSORY CONSUMPTION
- 16 ESTABLISHMENT ENDORSEMENT;
- 17 (2) (a) A local licensing authority shall not issue a local license OR
- 18 ENDORSEMENT within a municipality, city and county, or the
- 19 unincorporated portion of a county unless the governing body of the
- 20 municipality or city and county has adopted an ordinance, or the
- 21 governing body of the county has adopted a resolution, containing
- 22 specific standards for license OR ENDORSEMENT issuance, or if no such
- 23 ordinance or resolution is adopted prior to July 1, 2012, then a local
- 24 licensing authority shall consider the minimum licensing OR ENDORSING
- 25 requirements of this part 3 when issuing a license OR ENDORSEMENT.
- 26 (b) In addition to all other standards applicable to the issuance of
- 27 licenses OR ENDORSEMENTS under this ~~article~~ ARTICLE 43.3, the local
- 28 governing body may adopt additional standards for the issuance of
- 29 medical marijuana center, optional premises cultivation, or medical
- 30 marijuana-infused products manufacturer licenses OR MEDICAL
- 31 MARIJUANA ACCESSORY CONSUMPTION ESTABLISHMENT ENDORSEMENTS
- 32 consistent with the intent of this ~~article~~ ARTICLE 43.3 that may include,
- 33 but need not be limited to:
- 34 (I) Distance restrictions between premises for which local licenses
- 35 OR ENDORSEMENTS are issued;

1 (II) Reasonable restrictions on the size of an applicant's licensed
2 OR ENDORSED premises; and

3 (III) Any other requirements necessary to ensure the control of the
4 premises and the ease of enforcement of the terms and conditions of the
5 license OR ENDORSEMENT.

6 (3) An application for a license OR ENDORSEMENT specified in
7 subsection (1) of this section shall be filed with the state licensing
8 authority and the appropriate local licensing authority on forms provided
9 by the state licensing authority and shall contain such information as the
10 state licensing authority may require and any forms as the local licensing
11 authority may require. Each application shall be verified by the oath or
12 affirmation of the persons prescribed by the state licensing authority.

13 (4) An applicant shall file, at the time of application for a license
14 OR ENDORSEMENT, plans and specifications for the interior of the building
15 if the building to be occupied is in existence at the time. If the building
16 is not in existence, the applicant shall file a plot plan and a detailed sketch
17 for the interior and submit an architect's drawing of the building to be
18 constructed. In its discretion, the local or state licensing authority may
19 impose additional requirements necessary for the approval of the
20 application.

21 **SECTION 6.** In Colorado Revised Statutes, amend 12-43.3-302
22 as follows:

23 **12-43.3-302. Public hearing notice - posting and publication.**

24 (1) Upon receipt of an application for a local license OR ENDORSEMENT,
25 except an application for renewal or for transfer of ownership, a local
26 licensing authority may schedule a public hearing upon the application to
27 be held not less than thirty days after the date of the application. If the
28 local licensing authority schedules a hearing for a license OR
29 ENDORSEMENT application, it shall post and publish public notice thereof
30 not less than ten days prior to the hearing. The local licensing authority
31 shall give public notice by posting a sign in a conspicuous place on the
32 license OR ENDORSEMENT applicant's premises for which A license OR
33 ENDORSEMENT application has been made and by publication in a
34 newspaper of general circulation in the county in which the applicant's
35 premises are located.

36 (2) Public notice given by posting shall include a sign of suitable
37 material, not less than twenty-two inches wide and twenty-six inches
38 high, composed of letters not less than one inch in height and stating the
39 type of license OR ENDORSEMENT applied for, the date of the application,
40 the date of the hearing, the name and address of the applicant, and such
41 other information as may be required to fully apprise the public of the
42 nature of the application. The sign shall contain the names and addresses
43 of the officers, directors, or manager of the facility to be licensed OR
44 ENDORSED.

45 (3) Public notice given by publication shall contain the same

1 information as that required for signs.

2 (4) If the building in which medical marijuana is to be cultivated,
3 manufactured, CONSUMED, or distributed is in existence at the time of the
4 application, a sign posted as required in subsections (1) and (2) of this
5 section shall be placed so as to be conspicuous and plainly visible to the
6 general public. If the building is not constructed at the time of the
7 application, the applicant shall post a sign at the premises upon which the
8 building is to be constructed in such a manner that the notice shall be
9 conspicuous and plainly visible to the general public.

10 (5) (a) (Deleted by amendment, L. 2013.)

11 (b) When conducting its application review, the state licensing
12 authority may advise the local licensing authority of any items that it finds
13 that could result in the denial of the license OR ENDORSEMENT application.
14 Upon correction of the noted discrepancies, if the correction is permitted
15 by the state licensing authority, the state licensing authority shall notify
16 the local licensing authority of its conditional approval of the license OR
17 ENDORSEMENT application amendments. The state licensing authority
18 shall then issue the applicant's state license OR ENDORSEMENT, which
19 shall remain conditioned upon local authority approval.

20 (c) All applications submitted for review shall be accompanied by
21 all applicable state and local license OR ENDORSEMENT and application
22 fees. Any applications that are later denied or withdrawn may allow for
23 a refund of license OR ENDORSEMENT fees only. All application fees
24 provided by an applicant shall be retained by the respective licensing
25 authority.

26 **SECTION 7.** In Colorado Revised Statutes, **amend** 12-43.3-303
27 as follows:

28 **12-43.3-303. Results of investigation - decision of authorities.**

29 (1) Not less than five days prior to the date of the public hearing
30 authorized in section 12-43.3-302, the local licensing authority shall make
31 known its findings, based on its investigation, in writing to the applicant
32 and other parties of interest. The local licensing authority has authority to
33 refuse to issue a license OR ENDORSEMENT provided for in this section for
34 good cause, subject to judicial review.

35 (2) Before entering a decision approving or denying the
36 application for a local license OR ENDORSEMENT, the local licensing
37 authority may consider, except where this ~~article~~ ARTICLE 43.3
38 specifically provides otherwise, the facts and evidence adduced as a result
39 of its investigation, as well as any other facts pertinent to the type of
40 license OR ENDORSEMENT for which application has been made, including
41 the number, type, and availability of medical marijuana centers, MEDICAL
42 MARIJUANA ACCESSORY CONSUMPTION ESTABLISHMENTS, optional
43 premises cultivation operations, or medical marijuana-infused products
44 manufacturers located in or near the premises under consideration, and
45 any other pertinent matters affecting the qualifications of the applicant for

1 the conduct of the type of business proposed.
2 (3) Within thirty days after the public hearing or completion of the
3 application investigation, a local licensing authority shall issue its
4 decision approving or denying an application for local licensure OR
5 ENDORSEMENT. The decision shall be in writing and shall state the reasons
6 for the decision. The local licensing authority shall send a copy of the
7 decision by certified mail to the applicant at the address shown in the
8 application.

9 (4) After approval of an application, the local licensing authority
10 shall not issue a local license OR ENDORSEMENT until the building in
11 which the business to be conducted is ready for occupancy with such
12 furniture, fixtures, and equipment in place as are necessary to comply
13 with the applicable provisions of this ~~article~~ ARTICLE 43.3, and then only
14 after the state or local licensing authority has inspected the premises to
15 determine that the applicant has complied with the architect's drawing and
16 the plot plan and detailed sketch for the interior of the building submitted
17 with the application.

18 (5) After approval of an application for conditional state licensure
19 OR ENDORSEMENT, the state licensing authority shall notify the local
20 licensing authority of such approval. After approval of an application for
21 local licensure OR ENDORSEMENT, the local licensing authority shall notify
22 the state licensing authority of such approval, who shall investigate and
23 either approve or disapprove the application for state licensure OR
24 ENDORSEMENT."

25 Renumber succeeding sections accordingly.

26 Page 15, strike lines 24 through 27.

27 Page 16, strike lines 1 through 13.

28 Page 16, line 14, strike "(b)" and substitute "(3) (a)".

29 Reletter succeeding paragraphs accordingly.

30 Page 17, line 12, strike "(3)(b)" and substitute "(3)(a)".

31 Page 17, line 16, strike "(3)(c)," and substitute "(3)(b),".

32 Page 21, after line 21 insert:

33 "SECTION 13. In Colorado Revised Statutes, amend
34 12-43.4-301 as follows:

35 12-43.4-301. Local approval - licensing. (1) When the state
36 licensing authority receives an application for original licensing, or
37 renewal of an existing license for any marijuana establishment, OR

1 ENDORSEMENT FOR AN ESTABLISHMENT PURSUANT TO SECTION
2 12-43.4-402.5, the state licensing authority shall provide, within seven
3 days, a copy of the application to the local jurisdiction in which the
4 establishment is to be located unless the local jurisdiction has prohibited
5 the operation of retail marijuana establishments pursuant to section 16
6 (5)(f) of article XVIII of the state constitution. The local jurisdiction shall
7 determine whether the application complies with local restrictions on
8 time, place, manner, and the number of marijuana businesses. The local
9 jurisdiction shall inform the state licensing authority whether the
10 application complies with local restrictions on time, place, manner, and
11 the number of marijuana businesses.

12 (2) A local jurisdiction may impose a separate local licensing OR
13 ENDORSEMENT requirement as a part of its restrictions on time, place,
14 manner, and the number of marijuana businesses. A local jurisdiction may
15 decline to impose any local licensing OR ENDORSEMENT requirements, but
16 a local jurisdiction shall notify the state licensing authority that it either
17 approves or denies each application forwarded to it.

18 **SECTION 14.** In Colorado Revised Statutes, amend 12-43.4-302
19 as follows:

20 **12-43.4-302. Public hearing notice - posting and publication.**

21 (1) If a local jurisdiction issues local licenses for a retail marijuana
22 establishment OR ENDORSEMENTS FOR A RETAIL MARIJUANA ACCESSORY
23 CONSUMPTION ESTABLISHMENT, a local jurisdiction may schedule a public
24 hearing on the application. If the local jurisdiction schedules a hearing,
25 it shall post and publish public notice thereof not less than ten days prior
26 to the hearing. The local jurisdiction shall give public notice by posting
27 a sign in a conspicuous place on the license OR ENDORSEMENT applicant's
28 premises for which a local license OR ENDORSEMENT application has been
29 made and by publication in a newspaper of general circulation in the
30 county in which the applicant's premises are located.

31 (2) If a local jurisdiction does not issue local licenses OR
32 ENDORSEMENTS, the local jurisdiction may give public notice of the state
33 license OR ENDORSEMENT application by posting a sign in a conspicuous
34 place on the state license OR ENDORSEMENT applicant's premises for
35 which a state license OR ENDORSEMENT application has been made and by
36 publication in a newspaper of general circulation in the county in which
37 the applicant's premises are located."

38 Renumber succeeding sections accordingly.

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