



COLORADO
Department of Revenue
Enforcement Division - Marijuana
455 Sherman Street, Suite 390
Denver, CO 80203

October 31, 2014

Rachel Gillette, Esq.
103 East Simpson St., Ste. 200
Lafayette, CO 80026

Dear Ms. Gillette:

This letter is in response to your request for a position statement pursuant to Rule R 104(A), 1-CCR 212-2, (2014) received in our office on October 3, 2014.

“Clarification of Rule 1111.”

“Question 1: May a Retail Marijuana Store use a fixed electric LED “Electronic Message Display”–type sign (located on the same zone lot as the Retail Marijuana Establishment) to identify the store name and store location (address)?”

Rule R1111- Signage and Advertising: Outdoor Advertising, allows an express exception to the general prohibition on outdoor advertising, allowing fixed signage “that is located on the same zone lot as a Retail Marijuana Establishment and that exists solely for the purpose of identifying the location of the Retail Marijuana Establishment and otherwise complies with any applicable local ordinances.” The Division does not interpret Rule 1111 to preclude use of a fixed LED electronic message display sign, unless prohibited by any local ordinances.

“Question 2: May a Retail Marijuana Store use a fixed electric LED “Electronic Message Display” –type sign described in Question 1 also indicate the Retail Marijuana Store’s hours of operation? By way of an example, “Open 10am-7pm everyday” or “Open on Sunday”?”

The Outdoor Advertising Generally Prohibited provision of R 1111(B) applies only to “Advertising” as that term is defined in R103. The Division’s interpretation is that a simple statement of a Retail Marijuana Establishment’s hours of operation does not fall within the term “Advertising,” in much the same ways as a sign on the door visible from the sidewalk stating “Open” or “Closed” does not constitute Advertising.

“Question 3: May a Retail Marijuana Store use a fixed electric LED “Electronic Message Display” –type sign described in Question 1 also indicate the Retail Marijuana Store’s special promotions, such as “Store Specials 3pm-6pm”? or “Buy one, get one half-off”?”

The exception to the general prohibition on outdoor advertising is a fixed sign that “exists solely for the purpose of identifying the location of the ... Establishment...” Including promotional information or similar information is prohibited.

“Question 4: May a Retail Marijuana Store use a fixed electric LED “Electronic Message Display” –type sign described in Question 1 also indicate particular brand name products carried in the Retail Marijuana Store, such as O.Pen Vape” or Mary Jane Products”?

The exception to the general prohibition on outdoor advertising is a fixed sign that “exists solely for the purpose of identifying the location of the ... Establishment...” Including particular and name products on any outdoor advertising is prohibited.

Thank you for your inquiry. If you have additional information or any questions, please contact Jim Burack, MED's Chief of Investigations, at jim.burack@state.co.us.

Sincerely,

A handwritten signature in black ink that reads "W. Lewis Koski". The signature is written in a cursive style with a large, sweeping flourish under the name.

Lewis Koski
Director