



COLORADO

Department of Revenue

Specialized Business Group—Marijuana

February 23, 2021

INDUSTRY-WIDE BULLETIN: 21-03

RE: Regulated Marijuana Delivery FAQs

Dear Stakeholders:

The Department of Revenue's Marijuana Enforcement Division is issuing this Industry-Wide Bulletin in response to stakeholder inquiries regarding delivery of Regulated Marijuana pursuant to [House Bill 19-1234](#).¹ Please be aware that the information contained in this Industry Bulletin does not represent legal advice or replace a licensee's responsibility to read, understand, and maintain compliance with all relevant statutes and rules.

ELIGIBILITY

1. Who can apply for a delivery permit?

The following Regulated Marijuana Businesses can apply for a delivery permit:

- Medical Marijuana Stores & Retail Marijuana Stores (including Accelerator Stores)
- Medical Marijuana Transporters & Retail Marijuana Transporters

Visit the [MED's Applications and Forms webpage](#) to access the Regulated Marijuana Delivery Permit Application.

2. What are the applicable fees for a delivery permit?

The fee for a delivery permit will depend on the expiration date of the applicant's associated Store or Transporter license. If the applicant's Store or Transporter license expires in six months or less, the delivery permit fee is \$2,000.00. However, if the applicant's Store or Transporter license expires in more than six months, the delivery permit fee is \$4,000.00. A delivery permit is subject to a \$2,000.00 annual renewal fee. See Rules 2-205(F)(1)(e) and 3-615(A)(5), 1 CCR 212-3. Visit the [MED's Business Application webpage](#) for additional instructions for application submission and acceptable forms of payment.

3. When will the delivery permit/license be available to those that qualify for social equity?

Medical Marijuana Stores were able to apply for an MED delivery permit beginning January 1, 2020 and Medical Transporters, Retail Marijuana Stores and Retail Marijuana Transporters were able to apply for a delivery permit beginning January 1, 2021. An interested applicant will also need to review municipal, city, and county rules to determine whether delivery is currently permitted in those areas or if it will be allowed on a future date.

4. If I have both a Medical Marijuana Store and Retail Marijuana Store, do I need more than one delivery permit to deliver Medical and Retail Marijuana?

Yes. Delivery of both Medical and Retail Marijuana requires two permits, a Medical Marijuana delivery permit and a Retail Marijuana delivery permit.

¹ See the Colorado Marijuana Code, 44-10-101, *et seq.*, C.R.S.

5. I have a Medical/Retail Marijuana Store and I plan to partner with a Transporter to conduct all deliveries on my behalf. Do I still need to apply for a delivery permit?

Yes. Only Medical and Retail Marijuana Stores with a valid delivery permit can accept orders for delivery even if the Regulated Marijuana will be delivered by a Transporter. A Medical or Retail Marijuana Transporter with a valid delivery permit may deliver Regulated Marijuana on behalf of a Medical or Retail Store. Any such arrangement requires both the Medical and Retail Marijuana Store and Transporter to possess valid delivery permits and a written contract between the Store and Transporter. § 44-10-505(5), and 44-10-605(5) C.R.S. and Rule 3-615(F)(6), 1 CCR 212-3.

6. What is the general timeline from license application submission to MED to license issuance?

The Marijuana Enforcement Division works to process applications as expeditiously as possible. However, there is not a set amount of time in which a license will be granted. It varies on a case-by-case basis. Please note that the Marijuana Enforcement Division is able to more quickly process complete applications where the Applicant has provided all necessary forms and required information.

7. What if the Local Jurisdiction in which I want to deliver has not passed an ordinance or resolution permitting Regulated Marijuana delivery?

Regulated Marijuana delivery is not permitted in any local jurisdiction unless that local jurisdiction has affirmatively allowed delivery by ordinance or resolution. Delivery privileges require both a State-issued delivery permit and approval by the municipality, county, or city and county where the Store is located or the Transporter is going to deliver.

Deliveries in a local jurisdiction that has not affirmatively permitted delivery or has prohibited delivery from outside the local jurisdiction may result in fine, suspension or revocation of the state issued delivery permit and/or the Store's or Transporter's state issued business license. §§ 44-10-501(11)(k), 44-10-505(5)(i), 44-10-601(13)(k), 44-10-605(5)(i), C.R.S., and Rule 3-615(A)(3).

DELIVERY ORDER REQUIREMENTS

8. Are there training requirements?

Before a licensee with a valid delivery permit conducts its first delivery, it must complete responsible vendor training. See Rule 3-615(C), 1 CCR 212-3. See also Rule 3-520(G) for curriculum details. Visit the [MED's Responsible Vendor webpage](#) to access MED-approved responsible vendor program providers.

9. What are the daily delivery limits?

A licensee with a valid delivery permit cannot deliver more than the following quantity of Regulated Marijuana to an authorized person in a single business day:

<u>Medical Marijuana</u>	<u>Retail Marijuana</u>
<p>No more than (individually or in any combination):</p> <ul style="list-style-type: none"> ➤ Two ounces of Medical Marijuana (flower); ➤ 40 grams of Medical Marijuana Concentrate; or ➤ Medical Marijuana Products containing more than 20,000 milligrams of THC. 	<p>No more than (individually or in any combination):</p> <ul style="list-style-type: none"> ➤ One ounce of Retail Marijuana (flower); ➤ 8 grams of Retail Marijuana Concentrate; or ➤ Retail Marijuana Products containing more than ten 80 milligram servings of THC.

For any delivery order that includes a combination of flower, concentrate, and/or product, the Store accepting the order will need to determine how an order placed in one category limits the quantity the person can order in any of the other categories. Further, Medical Marijuana delivery limits apply to *all patients*, including those with extended ounce or plant count recommendations. § 44-10-501(11)(f)(II) C.R.S; Rule 3-615(G)(8), 1 CCR 212-3.

Example of Permitted Medical Marijuana Delivery Order	
One ounce of Medical Marijuana flower	50% of flower sales limit
10 grams of Concentrate	25% of concentrate sales limit
Products containing 5,000 milligrams of THC	25% of product sales limit
Total	100% Combined Delivery Limit

Example of Prohibited Medical Marijuana Delivery Order	
One ounce of Medical Marijuana flower	50% of flower sales limit
40 grams of Concentrate	100% of concentrate sales limit
Total	150% Combined Delivery Limit

Finally, a licensee cannot deliver Regulated Marijuana to the same person or residence more than once per day and cannot deliver to a person or private residence if the licensee knows or reasonably should know that the person or private residence already received a delivery in the same business day. § 44-10-501(11)(f)(IV), 44-10-505(5)(d)(IV), 44-10-601(13)(f)(IV) and 44-10-605(5)(d)(IV), C.R.S., and Rule 3-615(G)(8), 1 CCR 212-3. This restriction applies even if a person placed a delivery order for less than the total delivery limit. Therefore, even if a person places an order for less than the total delivery limit, a licensee is still prohibited from delivering Regulated Marijuana to that same person or residence in the same day.

10. Is there a cap on the number of deliveries a licensee can make in a day or per year?

As noted above, a licensee cannot deliver Regulated Marijuana to the same person or residence more than once per day and cannot deliver to a person or private residence if the licensee knows or reasonably should know that the person or private residence already received a delivery in the same business day. However, the Colorado Marijuana Code and Colorado Marijuana Rules do not establish limitations on how many different people a delivery driver can deliver to in a day or year.

11. Do the same age requirements for in-Store sales of Medical Marijuana also apply to delivery?

The age requirements are more restrictive for delivery. Delivery of Medical Marijuana to patients ages 18 to 20 is expressly prohibited. A licensee with a valid delivery permit may only deliver Medical Marijuana to patients who are at least 21 years of age or to parents or guardians of patients who are under 18 years of age. § 44-10-501(11)(d)(I), C.R.S; Rule 3-615(F)(1), 1 CCR 212-3.

12. Online ordering for delivery does not validate age and identity beyond an 'honor system', how is underage product visibility and access being addressed to support chain of custody similar to on-premise purchases?

Before transferring Regulated Marijuana to a person who placed a delivery order, the licensee is required to inspect the person's identification for Retail Marijuana and must inspect a patient's

or parent's/guardian's identification and valid registry identification card for Medical Marijuana. For both Medical and Retail Marijuana, the person completing the delivery must also verify that the information provided at the time of the order matches the name and age on the identification card of the person receiving the Marijuana delivery. See the MED's [Delivery Compliance Checklist](#) for a summary of requirements for security and surveillance, accepting delivery orders, transport manifests, and age/identification verification. The MED will also employ its range of outreach, education, and investigative resources to support compliance and monitor delivery activities.

13. What are the inventory tracking requirements for deliveries of Regulated Marijuana to a private residence?

A Medical or Retail Marijuana Store or Transporter with a delivery permit must track all Regulated Marijuana delivered to a person. This requires use of [Metrc](#) (the MED's inventory tracking system) and a delivery manifest. A point of sale receipt for in-Store purchases does not satisfy inventory tracking requirements for deliveries. §§ 44-10-501(11)(h)(I) and 44-10-601(11)(h)(I), C.R.S; Rule 3-615(D) and (G)(5), 1 CCR 212-3.

[Metrc®](#) program updates allow authorized licensees to enter the address of a private residence as the delivery destination. A delivery transport manifest must include the following information:

Transport Manifest Requirements for Delivery
➤ Date and time of delivery
➤ Delivery address of the private residence
➤ Name and ID number on the valid acceptable identification provided by the person (e.g. driver's license)
➤ Additional required information for Medical Marijuana orders: <ul style="list-style-type: none"> ○ Patient registry number; and ○ Primary caregiver registry number of the patient's parent or guardian (if applicable)
➤ Acknowledgement of receipt of the delivery by the person

If the delivery cannot be completed the manifest must document the reason the delivery could not be completed. Rule 3-615(F)(5), 1 CCR 212-3. Additional guidance for delivery orders can be found in [Metrc® Support Bulletin CO_IB_1.5.21](#)

14. Do I have to use a hard copy of a transport manifest or can it be electronic?

Under Rule 3-605(C)(1), 1 CCR 212-3, a licensee may use a hard copy or digital copy of an Inventory Tracking System-generated transport manifest. Licensees are required to ensure all information is preserved with valid and verified signatures on any digital copy of an Inventory Tracking System-generated transport manifest.

15. What are the authorized methods of payment for delivery orders?

Medical and Retail Marijuana Stores may accept any legal method of payment for Regulated Marijuana delivery orders. This includes gift cards, prepayment accounts established with the Store, or payment on delivery, which can include cash payment unless the local jurisdiction restricts cash payments on delivery, or other forms of payment, pursuant to Rule 3-615(E)(5), 1 CCR 212-3. However, use of electronic benefit transfers services cards are prohibited.

16. What constitutes a “private residence” for delivery? Are there express prohibitions regarding where Regulated Marijuana can be delivered?

Licensees with a valid delivery permit may only deliver to a private residence, which means a private premises where a person lives, such as a private dwelling or place of habitation. This

includes a house, a multi-dwelling unit for residential occupants, or an apartment unit. A private residence **does not include** any premises located at a school, on the campus of an institution of higher education, public property, or any commercial property unit such as offices or retail space. Therefore, delivery cannot be made to any of these locations.

17. How can Medical and Retail Stores accepting delivery orders ensure a person or private residence has not already received a delivery in the same business day?

A licensee cannot deliver Regulated Marijuana to the same person or residence more than once per day and cannot deliver to a person or private residence if the licensee knows or reasonably should know that the person or private residence already received a delivery in the same business day.

A Store may employ various methods to verify whether a person or private residence has already received a delivery of Regulated Marijuana. A Store should use its point-of-sale and inventory tracking system data to verify it hasn't already accepted an order from the same person or address. In addition, the Store can ask the person placing the order to directly verify she/he has not already placed/received an order. For example, if a Store allows persons to place delivery orders via the Store's website, the licensee should consider online verification functionality that requires the person to certify she/he has not already placed an order prior to allowing such person to complete the transaction. The MED recommends licensees employ methods that allow them to document their verification efforts.

Further, Stores using an online platform provider to accept orders are required to obtain verification from the online platform provider that the private residence has not already received a delivery in that same business day. Rule 3-615(E)(2)(b), 1 CCR 212-3.

18. What items can a Medical Marijuana Store and Retail Marijuana Store with a valid delivery permit deliver to a private residence?

The delivery statute and rules permit a Medical Marijuana Store and a Retail Marijuana Store to apply for a permit to deliver Regulated Marijuana from their Stores. Accordingly, the items that can be delivered include anything that a Store is permitted to sell in-Store. The MED recommends licensees consult with the relevant local jurisdiction to determine whether any restrictions apply.

A Medical Marijuana Store can sell and deliver Medical Marijuana, Medical Marijuana Products and Industrial Hemp Products. § 44-10-501(1)(a), (2)(a) and (3)(e), C.R.S. A Retail Marijuana Store can sell and deliver Retail Marijuana, Retail Marijuana Products, Marijuana accessories, and nonconsumable items such as apparel. A Retail Marijuana Store that sells Industrial Hemp Products can also deliver those products with a delivery permit. However, a Retail Marijuana Store cannot sell, and therefore cannot deliver, consumable products like cigarettes and alcohol, and edible products that do not include Retail Marijuana like soda, candy and baked goods. § 44-10-601(7)(a), C.R.S.

SALES TAX AND DELIVERY SURCHARGE

19. How does a Retail Marijuana Store with a delivery permit determine the amount of sales tax for deliveries outside its municipality, county, or city and county?

State and local sales taxes are generally determined at the point of delivery, not the location of the Retail Marijuana Store. For example, if a Retail Marijuana Store with a delivery permit in "Municipality A" delivers Retail Marijuana to a consumer in "Municipality B", the tax is collected at the rate established by "Municipality B" and remitted to "Municipality B." § 39-26-104(3), C.R.S. Home-rule cities that administer their own sales taxes may establish their own rules and should be contacted directly for additional information.

20. How does a Retail Marijuana Store that makes Marijuana sales for delivery to consumers at their homes register for state and local sales tax collection?

A Retail Marijuana Store is required to obtain a sales tax license from the Taxation Division for each Retail Marijuana Store it operates (a “physical site”).

Additionally, A Retail Marijuana Store that sells Retail Marijuana that is delivered to consumers at their homes, either by employees of the Retail Marijuana Store or by a Retail Marijuana Transporter, must set up with the Taxation Division a “non-physical site” for each location/jurisdiction code into which Marijuana is delivered (see Department publication Location/Jurisdiction Codes for Sales Tax Filing (DR 0800) for information about location jurisdiction codes). A “non-physical site” is required for deliveries even if the Retail Marijuana Store has a physical site within the same location/jurisdiction code. Please visit Tax.Colorado.gov/add-locations-sites-to-your-sales-tax-account for additional information about physical and non-physical sites.

21. How does a Retail Marijuana Store remit state and local sales taxes collected for Marijuana sales delivered to consumers at their homes?

A Retail Marijuana Store that makes sales delivered to consumers at their private residences must file separate returns for each physical site and each non-physical site, licensed and registered as described in the preceding question. A separate Retail Marijuana sales tax return (reporting and remitting state Retail Marijuana sales tax) and Colorado Retail sales tax return (reporting and remitting any applicable state-administered local sales taxes) are required for each physical and non-physical site. Home-rule cities that administer their own sales taxes may establish their own rules and should be contacted directly about the filing and remittance of their sales taxes.

22. What records and books must Retail Marijuana Stores maintain with respect to Marijuana sales delivered to consumers at their private residences?

Retail Marijuana Stores are required to keep and preserve for a minimum of three years any books, accounts, and records as may be necessary to determine the correct amount of both all state and state-administered local sales taxes. In the case of each Marijuana sale delivered to a consumer’s private residence, such records must indicate the address to which the Marijuana was delivered. A Retail Marijuana Store must produce all such books, accounts, and records upon request from the Department.

23. What is the one-dollar surcharge and when is it required to be submitted?

A licensee is required to charge a one-dollar surcharge on each delivery, and remit the surcharge on a monthly basis to the municipality where the Medical Marijuana Store or Retail Marijuana Store is located (or county if in an unincorporated area). Failure to collect or timely remit the surcharge may result in a denial of the permit at the time of renewal. §§ 44-10-501(11)(c), 44-10-601(13)(c), C.R.S.; Rule 3-615(A)(5)(c), 1 CCR 212-3.

DELIVERY VEHICLE REQUIREMENTS

24. Can the front-facing dash cam be used as a body cam or does the dashcam have to be recording the front view during the entire business day?

A body camera would not meet the requirements of the rules which require the front view of the Delivery Motor Vehicle to be recorded during all deliveries. Per rule 3-615(E)(6)(a), the Delivery Motor Vehicle must be equipped with video surveillance equipment that digitally records during all deliveries. The video surveillance shall record at least the secured, locked, opaque storage compartment containing the Regulated Marijuana and the front view of the Delivery Motor Vehicle (e.g. dash camera). Rule 3-615(E)(6), 1 CCR 212-3. The Rules do not require the delivery driver to wear a body worn camera but this is permitted in addition to the required video surveillance. Local jurisdictions may further regulate surveillance requirements.

25. What safety requirements will there be for delivery?

See the MED's [Delivery Compliance Checklist](#) for a summary of requirements for security and surveillance, accepting delivery orders, transport manifests, and age/identification verification. Further, the MED's Town Hall recording and materials provides additional information regarding delivery vehicle, security, and safety requirements.

26. What sort of tracking/security will be required on delivery vehicles?

All Delivery Motor Vehicles must use a vehicle tracking system which can include an application installed on a mobile device. Additionally, the Delivery Motor Vehicles must have a security alarm, cameras, and all Regulated Marijuana for delivery must be kept in a secure, locked, opaque, and attached container (e.g. a metal lockbox). Finally, the vehicle cannot have any external markings, words, or symbols that indicate it is used for delivery or is owned or leased by a Regulated Marijuana Business.

27. Are there advertising restrictions for delivery?

Advertising restrictions for a delivery permit are the same as the restrictions applicable for the affiliated license. For a Medical Marijuana Store, the Store may advertise in television, radio, print, or via the internet where at least 71.6% of the audience is reasonably expected to be at least 18. For a Retail Marijuana Store, the Store may advertise in television, radio, print, or via the internet where at least 71.6% of the audience is expected to be at least 21. See Rule 3-720, 1 CCR 212-3. Additionally, a Delivery Motor Vehicle may not advertise on the outside of the vehicle and any marking, symbol or word identifying the vehicle is conducting Marijuana deliveries are prohibited. Rule 3-615(D)(3), 1 CCR 212-3.

TRANSPORTERS

28. Can Medical or Retail Marijuana Transporters accept delivery orders from patients or consumers?

Medical and Retail Marijuana Transporters cannot take orders for Regulated Marijuana delivery. Medical and Retail Marijuana Transporters may only deliver Regulated Marijuana on behalf of a Medical or Retail Marijuana Store pursuant to a contract with the Store, provided that the Store also holds a valid delivery permit. §§ 44-10-505(5)(c) and (d)(I), 44-10-605(5)(c) and (d)(I), and Rules 3-615(E)(6), 5-510(H), 6-510(H), 1 CCR 212-3.

29. Can a Medical or Retail Marijuana Transporter operate a third party online ordering platform, like an app similar to Uber Eats, GrubHub, etc?

A Transporter cannot use an online platform for purposes of accepting orders from people. However, online platform providers are expressly permitted subject to the requirements in statute and rule. The Colorado Marijuana Code and rules do not prohibit or restrict a licensee from developing its own online platform. However, the order must still be filled, packaged, and labeled at a Medical or Retail Marijuana Store.

30. Can a Medical or Retail Marijuana Transporter change beneficial owners?

Yes, but Medical Marijuana Transporters and Retail Marijuana Transporters cannot change the entire beneficial ownership of their Regulated Marijuana Business. §§ 44-10-505(1)(a), 44-10-605(1)(a), C.R.S. and Rule 2-245(A)(8), 1 CCR 212-3.

31. Can a Transporter make deliveries for more than one Regulated Marijuana Store?

A Medical or Retail Marijuana Transporter holding a valid delivery permit may make deliveries for multiple Medical or Retail Marijuana Stores that also hold valid delivery permits using the same Delivery Motor Vehicle without returning to a Regulated Marijuana Store between deliveries. Rule 3-615(E)(2)(c-d), 1 CCR 212-3. However, a licensee cannot use the same vehicle to deliver to private residences while also transporting Regulated Marijuana to Regulated Marijuana Businesses. §§ 44-10-501(11)(b) and 44-10-505(5)(b), C.R.S.

32. If a Medical or Retail Marijuana Transporter has an off premises storage facility can they deliver from that storage facility?

No. A Medical or Retail Marijuana Transporter cannot deliver Regulated Marijuana that originates from the Transporter's off-premises storage facility to people. However, a Medical or Retail Marijuana Transporter with a valid delivery permit may Store Regulated Marijuana it **received from** a Medical or Retail Marijuana Store (or the Store's off-premises storage facility) in the Transporter's approved off-premises storage facility. The Marijuana must be packaged for delivery to a specific person and can be Stored for no more than seven days from its receipt. Rules 5-510(D) and 6-510(D), 1 CCR 212-3.

SOCIAL EQUITY

33. How can a Social Equity Licensee take part in Regulated Marijuana Delivery?

A Social Equity Licensee that has been issued a license for an Accelerator Store, a Medical Marijuana Store, a Retail Marijuana Store, a Medical Marijuana Transporter or a Retail Marijuana Transporter may apply for a delivery permit.

34. Can an Accelerator Store apply for a delivery permit?

Yes, an Accelerator Store can apply for a delivery permit. See Rule 6-1110(E)-(F), 1 CCR 212-3.

35. Can a Licensee subcontract or hire an independent contractor to work as drivers?

No. Sections 44-10-501(11)(e) and 44-10-601(13)(e) require that any person delivering Medical or Retail Marijuana or Medical or Retail Marijuana Products must possess a valid occupational license **and** be a current employee of the licensed Medical or Retail Marijuana Store. If the Store is using a licensed Medical or Retail Marijuana Transporter licensee, then the person completing the delivery must possess a valid occupational license and be an employee of the Transporter. Sections 44-10-505(5)(d)(VII) and 44-10-605(5)(d)(VII), C.R.S.

LOCAL LICENSING AUTHORITIES

36. Is a municipality, county or city and county required to allow Medical Marijuana Stores, Retail Marijuana Stores, Medical Marijuana Transporters and Retail Marijuana Transporters in its jurisdiction to deliver Regulated Marijuana?

No, a municipality, county or city and county is not required to allow Medical or Retail Marijuana Stores or Transporters to deliver Regulated Marijuana. Delivery of Regulated Marijuana is prohibited in a municipality, county, or city and county unless it has enacted an ordinance or resolution expressly permitting Marijuana delivery. §§ 44-10-501(11)(k), 44-10-505(5)(i), 44-10-601(13)(k), and 44-10-605(5)(i), C.R.S.; Rule 3-615(A)(3), 1 CCR 212-3.

Prior to the issuance of a delivery permit by the State, applicants must establish: (a) The Local Licensing Authority or Local Jurisdiction in which the applicant is located has an ordinance or resolution that allows delivery of Regulated Marijuana; and (b) The Local Licensing Authority or Local Jurisdiction is accepting delivery permit applications, if required.

Medical and Retail Marijuana Stores and Transporters with a State-issued delivery permit must also obtain a permit, license or other approval from the applicable Local Licensing Authority or Local Jurisdiction before conducting any delivery. A Local Licensing Authority or Local Jurisdiction may impose additional requirements for Regulated Marijuana delivery, which may be more restrictive than the state statutes and Rules.

37. Can a Medical or Retail Marijuana Store or Transporter with a delivery permit deliver Regulated Marijuana in a municipality, county, or city and county beyond where it is physically located?

It depends on whether the local jurisdiction's ordinance or resolution allowing delivery also prohibits deliveries from outside that jurisdiction. Any ordinance or resolution permitting

Marijuana delivery can also prohibit deliveries to addresses in that jurisdiction by Stores located outside that jurisdiction. Stores and Transporters will need to consult the ordinance or resolution in each municipality, county, or city and county to determine whether deliveries by Stores from outside that location are prohibited. §§ 44-10-501(11)(k)(I)-(II), 44-10-505(5)(k)(I)-(II), 44-10-601(13)(k)(I)-(II) and 44-10-605(5)(k)(I)-(II), C.R.S.

38. How will municipalities, counties or cities that have not allowed delivery or have not allowed delivery from outside their jurisdiction enforce their ordinance when the delivery is completed by a Store or Transporter that does not have a local license or permit?

Regulated Marijuana Stores and Transporters are required to have a state issued delivery permit and any required local jurisdiction delivery permit or approval for the municipality, county or city where the delivery will occur. Regulated Marijuana Stores and Transporters are required to have and maintain for three years transport manifests including the address of the private residence where the delivery was made. Rule 3-615(F)(5), 1 CCR 212-3.

Regulated Marijuana Stores and Transporters are responsible for determining whether or not delivery is permitted in each jurisdiction and are permitted to deliver only to private residences located in municipalities, counties or cities and counties that have by either ordinance or resolution permitted delivery. The Regulated Marijuana Store and Transporter are also required to have any required local delivery permit.

A Regulated Marijuana Store or Transporter that delivers Regulated Marijuana in a municipality, county or city and county that does not permit delivery or that permits delivery but for which the Regulated Marijuana Store or Transporter does not have any required local permit or license, may be subject to administrative action including fine, suspension or revocation of the delivery permit and Regulated Marijuana business license issued by the State Licensing Authority. 44-10-901, C.R.S.

39. Are there restrictions on delivery radius?

While the statute and Rules do not restrict a delivery radius, there may be local jurisdictional limitations. It depends on whether the municipality, county, or city and county's ordinance or resolution that permits Marijuana delivery also prohibits deliveries from outside that jurisdiction. Before any Marijuana delivery is permitted in a municipality, county, or city and county, either the majority of voters or the governing board are required to vote to allow Marijuana delivery. Any ordinance or resolution permitting Marijuana delivery can also prohibit deliveries to addresses in that jurisdiction by Stores located outside that jurisdiction. Stores and Transporters will need to consult the ordinance or resolution in each municipality, county, or city and county to determine whether deliveries by Stores from outside that location are prohibited. §§ 44-10-501(11)(k)(I)-(II), 44-10-505(5)(k)(I)-(II), 44-10-601(13)(k)(I)-(II) and 44-10-605(5)(k)(I)-(II), C.R.S.