



COLORADO
Department of Revenue
Marijuana Enforcement Division

COLORADO DEPARTMENT OF REVENUE
MARIJUANA ENFORCEMENT DIVISION

Emergency Rule Adoption

Amended Rules, 1 CCR 212-3

2-220 – Initial Application Requirements for Regulated Marijuana Businesses

2-225 – Renewal Application Requirements for All Licensees

6-105 – Retail Marijuana Store: License Privileges

6-110 – Retail Marijuana Sales: General Limitations or Prohibited Acts

6-1105 – Accelerator Store: License Privileges

6-1110 – Accelerator Store: General Limitations or Prohibited Acts

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103 and 44-10-203, C.R.S., I, Heidi Humphreys, Interim CEO and Executive Director of the Department of Revenue and State Licensing Authority, hereby adopt amended Rules 2-220, 2-225, 6-105, 6-110, 6-1105, 6-1110, 1 CCR 212-3 (Emergency Rules) attached hereto.

Section 24-4-103(6), C.R.S., authorizes the State Licensing Authority to issue an emergency rule if the State Licensing Authority finds that the immediate adoption of the rule is imperatively necessary to comply with state law, federal law, or for the preservation of public health, safety, or welfare, and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest. I find: (1) the immediate adoption of these amended rules is necessary to comply with the constitutional and statutory mandates of the Colorado Marijuana Code, sections 44-10-101 *et seq.*, C.R.S.; and (2) compliance with the notice and public hearing requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Statutory Authority

The State Licensing Authority promulgates these Emergency Rules pursuant to the authority granted in the Colorado Constitution, Article XVIII, Sec. 16, the Colorado Marijuana Code, sections 44-10-101 *et seq.*, C.R.S., and the state Administrative Procedure Act, section 24-4-103, C.R.S. The statutory authority for the Emergency Rules is identified in the statement of basis and purpose preceding the rules and includes but is not limited to

sections 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(1)(j), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(w), 44-10-203(2)(d)(i)-(vi), 44-10-203(2)(ee), 44-10-203(7), 44-10-301, 44-10-305, 44-10-307, 44-10-308, 44-10-309, 44-10-310, 44-10-311, 44-10-312, 44-10-313, 44-10-314, 44-10-316, 44-10-401(2)(a)(I), 44-10-601, and 44-10-605, C.R.S.

Purpose for Emergency Rule

The purpose of this Emergency Rule is to amend: 1) Rules 2-220 and 2-225, which currently prohibit the State Licensing Authority from renewing a license if the licensee has failed to obtain Local Licensing Authority or Local Jurisdiction approval within one year of the initial issuance of the state-regulated marijuana business license to implement SB 23-199; and 2) Rules 6-105, 6-110, 6-1105, & 6-1110 to implement HB 23-1279 which allows for online payment processing of Retail Marijuana.

On June 5, 2023, Governor Polis signed SB 23-199 Marijuana License Applications and Renewals, which allows the State Licensing Authority to renew a license if the licensee has failed to obtain Local Licensing Authority or Local Jurisdiction approval within one year of the initial issuance of the state-regulated marijuana business license. The bill included a petition clause, which stated that the act takes effect at 12:01 am on the day following the expiration of the ninety-day period after final adjournment of the general assembly. To date, no petition has been filed, and therefore, these Emergency Rules are imperatively necessary to align the rule with the revised statutory provisions in section 44-10-305, C.R.S.

On June 1, 2023, Governor Polis signed HB 23-1279 Allow Retail Marijuana Online Sales, which allows for online payment processing at a retail marijuana store license. The bill included a petition clause, which stated that the act takes effect at 12:01 am on the day following the expiration of the ninety-day period after final adjournment of the general assembly. To date, no petition has been filed, and therefore, these Emergency Rules are imperatively necessary to align the rule with the revised statutory provisions.

Effective Date of Emergency Rule and Permanent Rulemaking

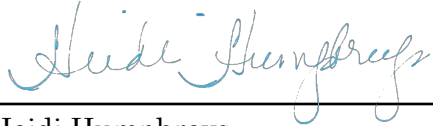
The attached Emergency Rule is effective **August 8, 2023**.

Pursuant to section 24-4-103(6), C.R.S., of the Colorado Administrative Procedure Act, the Emergency Rules will remain in effect for 120 days from the date of adoption or until repealed by the State Licensing Authority upon filing of a notice of such with the Secretary of State.

On July 14, 2023, the State Licensing Authority initiated the rulemaking stakeholder process to inform permanent rules with the intended effective date of January 1, 2024. The State Licensing Authority intends to initiate the permanent rulemaking process pursuant to the Colorado Administrative Procedure Act, section 24-4-103, C.R.S., on or around September 1, 2023 by filing the Notice of Permanent Rulemaking.

The State Licensing Authority issued a Statement of Adoption on August 8, 2023 to implement these changes. The adoption of this Emergency Rule is necessary to implement the statutory changes resulting from SB 23-199 and HB 23-1279.

Additional information regarding the Division's permanent rulemaking session can be accessed on the [Division's website](#).



Heidi Humphreys
Interim CEO and Executive Director
Colorado Department of Revenue
State Licensing Authority

8/8/2023

Date