



COLORADO DEPARTMENT OF REVENUE MARIJUANA ENFORCEMENT DIVISION

Emergency Rule Adoption

Amended Rules, 1 CCR 212-3

Rule 1-105 – Engaging in Business

Rule 2-260 – Changing, Altering, or Modifying Licensed Premises

Rule 2-265 – Owner Employee License: License Requirements, Applications, Qualifications, and Privileges

Rule 3-605 – Transport: All Regulated Marijuana Businesses

New Rules, 1 CCR 212-3

Rule 3-345 – Emergency Allowance for Online and Phone Ordering and Curbside Pick-Up

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103 and 44-10-203, C.R.S., I, Heidi Humphreys, Deputy Executive Director of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned Colorado Marijuana Rules, which are 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, 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 revised 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.; (2) the immediate adoption of these revised rules is necessary to preserve the public health, safety, and welfare; and (3) 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 statutory authority for the attached rules is identified in the statement of basis and purpose preceding each rule. Statutory authority for these rules includes but is not limited to section 44-10-203(1)(f), 44-10-203(1)(j), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(e), 44-10-203(2)(h), 44-10-203(2)(i), C.R.S.

Purpose

The purpose of the revisions to these rules on an emergency basis is as follows:

On March 11, 2020, the Governor issued [Executive Order 2020 003](#) “Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease in Colorado.”

The State Licensing Authority adopted the attached Emergency Rules on **March 20, 2020**. The purpose of the Emergency Rules is to limit exposure to and mitigate harm caused by COVID-19, by allowing Regulated Marijuana Businesses to implement “social distancing” and related measures consistent with guidance from the Centers for Disease Control and Colorado Department of Public Health and Environment.

Compliance With Public Health Orders and Executive Orders

To limit risks of exposure to and mitigate harm related to COVID-19, Emergency Rules require all licensees, their agents, and their employees to comply with applicable public health orders issued by any agency of the State of Colorado and any Executive Order issued by the Colorado Governor.

Sales Transactions

With limited exception¹, all sales and transfers of Regulated Marijuana must occur on the Licensed Premises of a Medical or Retail Marijuana Store. The “Licensed Premises” as defined in the Colorado Marijuana Rules does not include areas surrounding the premises, such as areas immediately exterior to the premises or curbside. As a result, licensees conducting sales of Regulated Marijuana pursuant to current rules are likely to experience congregation of patrons in higher volumes and in a manner inconsistent with “social distancing” and related state and federal guidelines, threatening the public health, safety, and welfare.

Transfer of Samples for Testing

Current rules require that Transfers of Samples for testing occur on the Licensed Premises. As noted above, the current definition for “Licensed Premises” limits options for licensees to implement with “social distancing” measures when transferring Samples for required testing. Emergency rule amendments are intended to ensure licensees can maintain compliance with statutory and regulatory requirements for testing of Regulated Marijuana by providing additional options for the transfer of Samples consistent with “social distancing” and related statewide and federal guidelines.

Modifications of Premises

Current rules subject Licensees to application and approval requirements prior to making any physical change, alteration, or modification to the Licensed Premises that materially or substantially alters the Licensed Premises or the usage of the Licensed Premises from the plans originally approved by the Marijuana Enforcement Division. Emergency rule amendments are intended to allow licensees to make necessary modifications to their Licensed Premises in order to accomplish “social distancing” consistent with state and federal guidelines while remaining in compliance with other applicable rules.

Owner License Renewal Fingerprint Requirements

Current rules require Owner Licensees to be fingerprinted at least once every two years. To comply with such fingerprint requirements, Licensees must conduct in-person visits and interact directly with Department of Revenue staff or a third-party fingerprint service provider. In an effort to minimize public health risks associated with COVID-19, the Emergency Rules suspend these fingerprint requirements.

Effective Date of Emergency Rules and Permanent Rulemaking

The attached Emergency Rules are effective immediately upon adoption.

The prior versions of Rules 1-105, 2-260, 2-265, and 3-605, 1 CCR 212-3, are hereby amended and new Rule 3-345, 1 CCR 212-3, is hereby adopted.

¹ Medical Marijuana Stores Possessing a valid Regulated Marijuana Delivery Permit.

The Emergency Rules remain in effect until their expiration date, 120 days from the date of adoption, or until Executive Order 2020 003 "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease in Colorado," signed March 11, 2020, is rescinded, withdrawn, or expires.

The State Licensing Authority will continue to monitor state and federal updates to evaluate whether additional public health reports requires the re-adoption of the aforementioned Emergency Rules and/or the initiation of permanent rulemaking proceedings for such rules.



Heidi Humphreys (Mar 20, 2020)

Heidi Humphreys
Deputy Executive Director/Chief Operating Officer
Colorado Department of Revenue
State Licensing Authority

03/20/20

Date

200320 Emergency Adoption Order_COVID19_For SLA Approval

Final Audit Report

2020-03-20

Created:	2020-03-20
By:	Dominique Mendiola (dmdaniell12@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA27ZdyeVt8vWx4DCEI9st5RFisthwmJeo

"200320 Emergency Adoption Order_COVID19_For SLA Approval" History

-  Document created by Dominique Mendiola (dmdaniell12@gmail.com)
2020-03-20 - 10:37:30 PM GMT- IP address: 184.96.128.140
-  Document emailed to . Heidi Humphreys (heidi.humphreys@state.co.us) for signature
2020-03-20 - 10:38:25 PM GMT
-  Email viewed by . Heidi Humphreys (heidi.humphreys@state.co.us)
2020-03-20 - 11:39:27 PM GMT- IP address: 64.233.172.53
-  Document e-signed by . Heidi Humphreys (heidi.humphreys@state.co.us)
Signature Date: 2020-03-20 - 11:43:11 PM GMT - Time Source: server- IP address: 71.218.40.29
-  Signed document emailed to Dominique Mendiola (dmdaniell12@gmail.com) and . Heidi Humphreys (heidi.humphreys@state.co.us)
2020-03-20 - 11:43:11 PM GMT