

**COLORADO DEPARTMENT OF REVENUE  
MARIJUANA ENFORCEMENT DIVISION**

**Emergency Rule Adoption**

**Amended Rules, 1 CCR 212-3**

Rule 2-265(l)(1)(d)(i) – Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges - Emergency Suspension of Fingerprinting for Renewal Applications

Rule 3-345 – Emergency Allowances, Restrictions, and Requirements in Response to COVID-19

**Statement of Emergency Justification and Adoption**

Pursuant to sections 24-4-103 and 44-10-203, C.R.S., I, Mark Ferrandino, 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 emergency 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), 44-10-203(2)(w), C.R.S.

**Purpose for Emergency Rules Related to Social Distancing**

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

- On March 11, 2020, the Governor issued [Executive Order D 2020 003](#) “Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado.” The Governor amended and extended Executive Order D 2020 003 as follows:

[Executive Order D2020 018](#), signed on March 26, 2020; [Executive Order D 2020 032](#), signed on April 8, 2020; [Executive Order D 2020 058](#), signed on May 7, 2020; [Executive Order D 2020 76](#), signed on May 22, 2020; [Executive Order D 2020 109](#), signed on June 20, 2020; [Executive Order D 2020 125](#), signed on July 6, 2020; [Executive Order D 2020 152](#), signed on August 4, 2020; [Executive Order D 2020 176](#), signed on September 4, 2020; [Executive Order D 2020 205](#), signed on October 1, 2020; [Executive Order D 2020 234](#), signed on October 30, 2020; [Executive Order D 2020 264](#), signed on November 28, 2020; and [Executive Order D 2020 268](#), signed December 3, 2020.

- On March 20, 2020, the Governor Issued [Executive Order D 2020 011](#) “Ordering the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19” suspending section

44-10-601(7) prohibiting Retail Marijuana Stores from conducting online sales. The Governor amended and extended Executive Order D 2020 011 as follows:

[Executive Order D 2020 029](#), signed on April 6, 2020; [Executive Order D 2020 052](#), signed on April 30, 2020; [Executive Order D 2020 084](#), signed on May 29, 2020; [Executive Order D 2020 093](#), signed June 5, 2020; [Executive Order D 2020 118](#), signed on June 27, 2020; [Executive Order D 2020 147](#), signed on July 26, 2020; [Executive Order D 2020 173](#), signed on August 24, 2020; [Executive Order D 2020 201](#), signed September 22, 2020; [Executive Order D 2020 229](#), signed on October 21, 2020; [Executive Order D 2020 257](#), signed on November 21, 2020; and [Executive Order D 2020 283](#), signed on December 18, 2020.

The Emergency Rules seek 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. These Emergency Rules allow Licensees to avoid congregation of patients and customers in high volumes and in manners inconsistent with “social distancing” to protect public health, safety, and welfare. For the reasons described above, the State Licensing Authority adopted the aforementioned Emergency Rules, 1 CCR 212-3.

### **Effective Date of Emergency Rules**

The attached Emergency Rules are effective immediately upon adoption.

Unless otherwise noted in the Emergency Rule provision, the attached Emergency Rules remain in effect pursuant to section 24-4-103(6), C.R.S., of the state Administrative Procedure Act, 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.

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Mark Ferrandino  
Executive Director  
Colorado Department of Revenue  
State Licensing Authority

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Date