



**COLORADO**  
Department of Revenue

**Emergency Rule Adoption - Colorado Marijuana Rules  
Response to COVID-19  
1 CCR 212-3**

**April 2, 2020**

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**Questions:**

*Dominique D. Mendiola  
Colorado Department of Revenue  
Marijuana Enforcement Division  
[Dominique.Mendiola@state.co.us](mailto:Dominique.Mendiola@state.co.us)*

**CODE OF COLORADO REGULATIONS 1 CCR 212-3 MARIJUANA ENFORCEMENT DIVISION  
EMERGENCY RULES  
APRIL 2, 2020**

**DEPARTMENT OF REVENUE**

**MARIJUANA ENFORCEMENT DIVISION**

**COLORADO MARIJUANA RULES**

**1 CCR 212-3**

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**Part 1 – General Applicability**

**Basis and Purpose – 1-105**

The statutory authority for this rule includes but is not limited to sections 44-10-102(3), 44-10-202(1)(c), and 44-10-701(2)(a), C.R.S. Unless such activity is authorized by the Colorado Constitution, article XVIII, Section 14 or Section 16, the Colorado Marijuana Code, section 25-1.5-106.5, C.R.S., or these rules, any Person who buys, Transfers, or acquires Regulated Marijuana outside the requirements of the Colorado Marijuana Code is engaging in illegal activity pursuant to Colorado law. This rule clarifies that those engaged in the business of possessing, cultivating, dispensing, Transferring, transporting, or testing Medical Marijuana or Retail Marijuana must be properly licensed to be in compliance with Colorado law. This rule also clarifies requirements for licensees to comply with public health and executive orders. This Rule 1-105 was previously Rules M and R 101, 1 CCR 212-1 and 1 CCR 212-2.

**1-105 – Engaging in Business**

- A. License Required to Engage in Business. Except as authorized by the Colorado Constitution, article XVIII, sections 14 or 16, the Colorado Marijuana Code, or section 25-1.5-106.5, C.R.S., no person shall possess, cultivate, dispense, Transfer, transport, offer to sell, manufacture, or test Regulated Marijuana unless said person is duly licensed by the State Licensing Authority and approved by the relevant Local Jurisdiction(s) and/or licensed by the relevant Local Licensing Authority(-ies).
- B. Public Health Orders and Executive Orders.
1. All Licensees, their agents, and their employees shall comply with any applicable public health orders issued by any agency of the State of Colorado including, but not limited to the Colorado Department of Public Health and Environment related to businesses that cultivate, manufacture, distribute, sell, or test Regulated Marijuana and Regulated Marijuana Products.
  2. All Licensees, their agents, and their employees, shall comply with any and all executive orders issued by the Governor pursuant to the Governor's disaster emergency powers under section 24-33.5-704, C.R.S., relating to businesses that cultivate, manufacture, distribute, sell, or test Regulated Marijuana and Regulated Marijuana Products.
  3. A violation of this Rule by a Licensee, or by any of the agents or employees of a Licensee, is a license violation affecting public safety, which may result in disciplinary action, up to and including license revocation, pursuant to section 44-10-901(1), C.R.S., and these Rules may also result in a summary suspension of a license pursuant to section 44-10-901(2), C.R.S., and these Rules.

**Basis and Purpose – 1-115**

The statutory authority for this rule includes but is not limited to sections 44-10-202(1)(c), 44-10-202(1)(j), and 44-10-103, C.R.S., and all of the Marijuana Code. The purpose of this rule is to provide necessary

definitions of terms used throughout the rules. Defined terms are capitalized where they appear in the rules, to let the reader know to refer back to these definitions. When a term is used in a conventional sense, and is not intended to be a defined term, it is not capitalized. This Rule 1-115 was previously Rules M and R 103, 1 CCR 212-1 and 1 CCR 212-2.

## 1-115 – Definitions

Definitions. The following definitions of terms, in addition to those set forth in section 44-10-103, C.R.S., apply to all rules promulgated pursuant to the Marijuana Code, unless the context requires otherwise:

“Employee License” means a license granted by the State Licensing Authority pursuant to section 44-10-401, C.R.S., to a natural person who is not a Controlling Beneficial Owner. Any person who possesses, cultivates, manufactures, tests, dispenses, sells, serves, transports, or delivers Regulated Marijuana, who is authorized to input data into a Regulated Marijuana Business’s Inventory Tracking System or point-of-sale system, or who has unescorted access in the Restricted Access Area or Limited Access Area must hold an Employee License. Employee License includes both Key Licenses and Support Licenses [as well as a Limited Gaming support or key licensee, licensed by the Colorado Limited Gaming Commission that is in compliance with the requirements of Rule 2-265\(E.5\).](#)

“Identification Badge” means a physical badge issued to any natural person possessing an Owner License or Employee License, used to verify the identity of the natural persons on the Licensed Premises of a Regulated Marijuana Business. [Identification Badge also includes the identification issued to a Limited Gaming support or key licensee that has complied with the requirement in Rule 2-265\(E.5\).](#)

## Part 2 – Applications and Licenses

### 2-200 Series – Applications and Licenses Rules

#### Basis and Purpose – 2-225

The statutory basis for this rule 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(2)(a), 44-10-203(2)(c), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-307, 44-10-308, 44-10-309, 44-10-313, 44-10-314, and 44-10-316 C.R.S. The purpose of this rule is to establish the requirements and procedures for the license renewal process, including the circumstances under which an expired license may be reinstated.

#### 2-225 – Renewal Application Requirements for All Licensees

##### A. License Periods.

1. Regulated Marijuana Business and Owner Licenses are valid for one year from the date of issuance.
2. Medical Marijuana Transporters, Retail Marijuana Transporters, and Employee Licenses are valid for two years from the date of issuance.

##### B. Division Notification Prior to Expiration.

1. The Division will send a notice of license renewal 90 days prior to the expiration of an existing license by first class mail to the Licensee’s physical address of record.
2. Failure to receive the Division notification does not relieve the Licensee of the obligation to timely renew the license.

C. Renewal Deadline.

1. A Licensee must apply for the renewal of an existing license prior to the License's expiration date.
2. A renewal application submitted to the Division prior to the license's expiration date shall be deemed timely pursuant to subsection 24-4-104(7), C.R.S., and the Licensee may continue to operate until Final Agency Order on the renewal application.
3. Emergency Extension of Regulated Marijuana Business License and Owner License Renewal Deadline. Pursuant to Executive Order D 2020 015, "Authorizing the Executive Directors of Certain State Agencies to Promulgate and Issue Emergency Rules Extending the Expiration Date of Licenses and Other Documents Due to the Presence of COVID-19, the expiration date of any Regulated Marijuana Business and Owner License that would expire between March 25, 2020 and April 24, 2020 is extended for 30 days. For example, an Owner License that would expire on April 1, 2020, will not expire until May 1, 2020.
  - a. Employee Licenses Not Included. This emergency exemption does not apply to Employee Licensees, who must renew on or before the expiration date of the license.
  - b. Regulated Marijuana Business and Owner Licensees subject to the emergency extension provided under this Rule 2-225(C)(3) must apply for a renewal of such licenses prior to their extended expiration date. This extension does not prohibit a Regulated Marijuana Business or Owner Licensee from submitting their application for renewal prior to their original expiration date.

D. If License Not Renewed Before Expiration. A license is immediately invalid upon expiration if the Licensee has not filed a renewal application and remitted all of the required application and license fees prior to the license expiration date. A Regulated Marijuana Business that fails to file a renewal application and remit all required application and license fees prior to the license expiration date must not operate unless it first obtains a new state license and any required local license.

1. Reinstatement of Expired Regulated Marijuana Business License. A Regulated Marijuana Business that fails to file a renewal application and remit all required application and license fees prior to the license expiration date may request that the Division reinstate an expired license only in accordance to the following:
  - a. The Regulated Marijuana Business license expired within the previous 30 days;
  - b. The Regulated Marijuana Business License has submitted an initial application pursuant to Rule 2-220. The initial application must be submitted prior to, or currently with, the request for reinstatement;
  - c. The Regulated Marijuana Business has paid the reinstatement fee in Rule 2-205; and
  - d. Any license or approval from the Local Licensing Authority or Local Jurisdiction is still valid or has been obtained.
2. Reinstatement Not Available for Surrendered or Revoked Licenses. A request for reinstatement cannot be submitted and will not be approved for a Regulated Marijuana Business license that was surrendered or revoked.

3. Reinstatement Not Available for Owner Licenses or Employee Licenses. A request for reinstatement cannot be submitted and will not be approved for expired, surrendered, or revoked Owner Licenses or Employee Licenses.
4. Denial of Request for Reinstatement or Administrative Action. If the Licensee requesting reinstatement of a Regulated Marijuana Business license operated during a period that the license was expired, the request may be subject to denial or subject to any administrative action authorized by the Marijuana Code or these Rules.
5. Approval of Request for Reinstatement. Upon approval of any request for reinstatement of an expired Regulated Marijuana Business License, the Licensee may resume operations until the final agency action on the Licensee's initial application for a Regulated Marijuana Business license.
  - a. Approval of a request for reinstatement of an expired Regulated Marijuana Business license does not guarantee approval of the Regulated Marijuana Business license initial application;
  - b. Approval of a request for reinstatement of an expired license does not waive the State Licensing Authority's authority to pursue administrative action on the expired license or initial application for Regulated Marijuana Business license.
6. Final Agency Order on Initial Application for Regulated Marijuana Business.
  - a. If the initial application for a Regulated Marijuana Business license submitted pursuant to this Rule is approved, the Regulated Marijuana Business license will replace the reinstated license.
  - b. If the initial application for a Regulated Marijuana Business license submitted pursuant to this Rule is denied, the Licensee must immediately cease all operations including but not limited to, Transfer of Regulated Marijuana. See Rule 2-270 – Application Denial and Voluntary Withdrawal; 8-115 – Disposition of Unauthorized Regulated Marijuana; 8-130 – Administrative Warrants.
- E. Voluntarily Surrendered or Revoked Licenses Not Eligible for Renewal. Any license that was voluntarily surrendered or that was revoked by a Final Agency Order is not eligible for renewal. Any Licensee who voluntarily surrendered its license or has had its license revoked by a Final Agency Order may only submit an initial application. The State Licensing Authority will consider the voluntary surrender or the Final Agency Order and all related facts and circumstances in determining approval of any subsequent initial application.
- F. Licenses Subject to Ongoing Administrative Action. Licenses subject to an administrative action are subject to the requirements of this Rule. Licenses that are not timely renewed expire and cannot be renewed.
- G. Documents Required at Renewal. A Regulated Marijuana Business must provide the following documents with every renewal application:
  1. Any document required by Rule 2-220(A)(1) through (10) that has changed since the document was last submitted to the Division. It is a license violation affecting public safety to fail to submit any document that changed since the last submission for the purpose of circumventing the requirements of the Marijuana Code, or these Rules;

2. A copy of the Local Licensing Authority or Local Jurisdiction approval, licensure, and/or documentation demonstrating timely submission of pending local license renewal application;
  3. A list of any sanctions, penalties, assessments, or cease and desist orders imposed by any securities regulatory agency, including but not limited to the United States Securities and Exchange Commission or the Canadian Securities Administrators;
  4. A Regulated Marijuana Business operating under a single Entity name with more than one license may submit the following documents only once each calendar year on the first license renewal in lieu of submission with every license renewal in the same calendar year:
    - a. Tax documents and financial statements required by Rule 2-220(A)(11) and (12);
    - b. If the Regulated Marijuana Business is a Publicly Traded Corporation, the most recent list of Non-Objecting Beneficial Owners possessed by the Regulated Marijuana Business;
    - c. A copy of all management agreement(s) the Regulated Marijuana Business has entered into regardless of whether the Person is licensed or unlicensed.; and
    - d. Contracts, agreements, royalty agreements, equipment leases, financing agreement, or security contract for any Indirect Financial Interest Holder that is required to be disclosed by Rule 2-230(A)(3).
- H. Controlling Beneficial Owner Signature. At least one Controlling Beneficial Owner shall sign the renewal application. However, other Controlling Beneficial Owners may be required to sign authorizations and/or requests to release information.

### **Basis and Purpose – 2-260**

The statutory authority for this rule includes but is not limited to sections 44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(e), 44-10-203(1)(j), 44-10-203(2)(a), 44-10-203(2)(h), 44-10-203(2)(w), 44-10-305, 44-10-313(8)(b), and 44-10-313(2) C.R.S. The purpose of this rule is to establish guidelines for changing, altering, modifying, or transitioning the Licensed Premises. This Rule 2-260 was previously Rules M and R 303, 1 CCR 212-1 and 1 CCR 212-2.

### **2-260 – Changing, Altering, or Modifying Licensed Premises**

- A. Application Required to Change, Alter, or Modify Licensed Premises. After obtaining a license, the Licensee shall make no physical change, alteration, or modification of the Licensed Premises that materially or substantially alters the Licensed Premises or the usage of the Licensed Premises from the plans originally approved, without the Division's prior written approval and, written approval or written acknowledgement from the relevant Local Licensing Authority or Local Jurisdiction. The Licensee whose Licensed Premises are to be materially or substantially changed is responsible for filing an application for approval on current forms provided by the Division. Changes to the Licensed Premises which do not require an application must be disclosed on a floorplan submitted with the Licensee's renewal application.
1. Emergency Exemption. A Regulated Marijuana Business making temporary modifications to its Licensed Premises to effectuate social distancing measures pursuant to Executive Order 2020 003 "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado," signed March 11, 2020, is exempt from State Licensing Authority application and prior-approval requirements in this Rule. The exemption

provided under this subparagraph (A)(1) expires 120 days from [March 20, 2020](#), the original effective date of this Rule 2-260(A)(1), or until Executive Order 2020 003 is rescinded, withdrawn, or expires, if such rescission, withdrawal, or expiration occurs earlier.

- B. What Constitutes a Material Change. This Rule does not exempt Licensees from complying with any Local Licensing Authority or Local Jurisdiction requirements regarding changes, alterations, or modifications to the Licensed Premises. Material or substantial changes, alterations, or modifications requiring Division approval include, but are not limited to, the following:
1. Any increase or decrease in the total physical size or capacity of the Licensed Premises;
  2. The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage alters or changes Limited Access Areas, such as the cultivation, harvesting, manufacturing, testing, or sale of Regulated Marijuana within the Licensed Premises; or
  3. Any physical modification of the Licensed Premises which would require the installation of additional video surveillance cameras. See Rule 3-225 – Video Surveillance.
- C. Attachments to Application. The Division and relevant Local Licensing Authority or Local Jurisdiction may grant approval for the types of changes, alterations, or modifications described herein upon the filing of an application by the Licensee and payment of any applicable fee. The Licensee must submit all information requested by the Division, including but not limited to, documents that verify the following:
1. The Licensee will continue to have possession of the Licensed Premises, as changed, by ownership, lease, or rental agreement; and
  2. The proposed change conforms to any local restrictions related to the time, manner, and place of Regulated Marijuana Business regulation.

### **Basis and Purpose – 2-265**

The statutory basis for this rule includes but is not limited to sections 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), and 24-76.5-101 et seq., C.R.S. Historically, natural persons who held an Owner's Interest in a Regulated Marijuana Business were required to hold an Associated Key License. This Rule transitions the Associated Key designation to an Owner License designation after August 1, 2019. The purpose of this rule is to clarify the requirements and procedures a Person must follow when applying for or possessing either an Owner License or an Employee License. This rule also identifies factors the State Licensing Authority will consider in determining whether a natural person is a resident and whether such person possess good moral character.

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

- A. Associated Key Licenses. Associated Key licenses remain valid until the first renewal following August 1, 2019, after which such licenses will be renewed as an Owner License.
- B. Owner Licenses Required.
1. Each Controlling Beneficial Owner must hold a valid Owner License.

2. If a Controlling Beneficial Owner is an Entity, then its Executive Officer(s) and any natural person who indirectly holds ten percent or more of the Owner's Interests in the Regulated Marijuana Business must also hold a valid Owner's License.
  3. A Passive Beneficial Owner who is a natural person may elect to hold an Owner License and obtain an Owner Identification Badge provided that such Person agrees to be disclosed as holding an Owner's Interest in the Regulated Marijuana Business.
  4. Only Controlling Beneficial Owners and Passive Beneficial Owners can obtain an Owner License.
- C. Owner License and Identification Badge or Employee License and Identification Badge Required. The following natural persons must possess a valid Owner License and Identification Badge or an Employee License and Identification Badge:
1. Any natural person who possesses, cultivates, manufactures, tests, dispenses, sells, serves, transports, or delivers Regulated Marijuana or Regulated Marijuana Products as permitted by privileges of a Regulated Marijuana Business license;
  2. Any natural person who has access to the Inventory Tracking System or a Regulated Marijuana Business point-of-sale system; and
  3. Any natural person with unescorted access in the Limited Access Area.
- D. Escort or Monitoring Required.
1. Any natural person in a Limited Access Area that does not have a valid Owner License and Identification Badge or an Employee License and Identification Badge is a visitor and must be escorted at all times by a person who holds a valid Owner License and Identification Badge or Employee License and Identification Badge. Failure by a Regulated Marijuana Business to continuously escort an individual who does not have a valid Owner License and Identification Badge or an Employee License and Identification Badge in the Limited Access Area is a license violation affecting public safety.
  2. Patients and consumers in a Restricted Access Area and third-party vendors in a Limited Access Area do not need to be escorted at all times, but must be reasonably monitored to ensure compliance with these rules.
- E. Employee License Required to Commence or Continue Employment. Any natural person required to obtain an Employee License by these rules must obtain such license before commencing activities permitted by his or her Employee License.
- E.5 Limited Gaming Support and Key Licensees. This Rule 2-265(E.5) expires 120 days from the effective date of this Rule 2-265, or when the Executive Order 2020 003 "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado," signed on March 11, 2020, is rescinded, withdrawn, or expires, if such rescission, withdrawal, or expiration occurs earlier. An individual who holds a license issued by the Colorado Limited Gaming Commission that has not been suspended, revoked, expired, or surrendered, may work in a Regulated Marijuana Business without application to, or approval and licensure by, the State Licensing Authority subject to the following requirements:
1. The individual must have been a resident of the State of Colorado as of March 25, 2020, and must maintain Colorado residency for the period of time during which he or she is working in a Regulated Marijuana Business;



2. The individual must comply with any Local Licensing Authority or Local Jurisdiction requirements related to Employee Licenses or otherwise related to the activities the individual will be performing on the Licensed Premises, such as security services for the Regulated Marijuana Business;
  3. The individual must properly display his or her valid Limited Gaming Identification Badge at all times while in the Limited Access Area of any Regulated Marijuana Business;
  4. The individual must not be given access to the Regulated Marijuana Business Licensee's Inventory Tracking System account;
  5. The individual must be adequately supervised by an Owner Licensee or Employee Licensee on the Licensed Premises; and
  6. Notification Requirements.
    - a. Limited Gaming Licensees. Prior to working in a Regulated Marijuana Business, the individual must submit the following information to the Division via electronic mail correspondence to dor\_medoccupational\_appts@state.co.us, with "GAMING LICENSEE" included in the subject line of the electronic mail correspondence:
      - i. Notification of the individual's intention to work in a Regulated Marijuana Business. Such notification shall include the individual's Gaming License number, and if known, the name, location, and license number of the Regulated Marijuana Business employing the individual; and
      - ii. A signed Marijuana Enforcement Division Gaming Employee Statement of Understanding, which may be signed electronically.
    - b. Regulated Marijuana Businesses Licensees. Any Regulated Marijuana Business employing an individual holding a license issued by the Colorado Limited Gaming Commission pursuant to this Rule 265(E.5) must submit the following information to the Division via electronic mail correspondence to dor\_medoccupational\_appts@state.co.us, with "GAMING LICENSEE" included in the subject line of the electronic mail correspondence:
      - i. Notification of the name and Gaming License number of the individual working for the Regulated Marijuana Business. Such notification must be submitted within 10 days of the individual starting employment with the Regulated Marijuana Business and within 10 days of the individual ceasing employment with the Regulated Marijuana Business.
- F. Owner License and Employee License Identification Badges Are Property of the State Licensing Authority. All Owner Licenses and Employee Licenses, and all Identification Badges are property of the State Licensing Authority.
- G. Owner and Employee Initial and Renewal Applications Required. Owner Licensees and Employee Licensees must submit initial license applications and renewal applications on Division forms and in accordance with this Rule and Rules 2-215, 2-220, and 2-225.
- H. Owner License Qualifications and Privileges.

1. Owner License Qualifications. Each Controlling Beneficial Owner, or Passive Beneficial Owner who elects to be subject to disclosure and licensure, must meet the following criteria before receiving an Owner License:
    - a. The Applicant is not prohibited from licensure pursuant to section 44-10-307, C.R.S.;
    - b. The Applicant has not been a State Licensing Authority employee with regulatory oversight responsibilities for Persons licensed by the State Licensing Authority in the six months immediately preceding the date of the Applicant's application;
    - c. The Division has not received notice that the Applicant has failed to comply with a court or administrative order for current child support, child support debt, retroactive child support, or child support arrearages. If the Division receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied or delayed until the Applicant has established compliance with the order to the satisfaction of the state child support enforcement agency.
    - d. Each Controlling Beneficial Owner required to hold an Owner License, and any Passive Beneficial Owner that elects to hold an Owner License, must be fingerprinted at least once every two years, and may be fingerprinted more often at the Division's discretion.
      - i. Emergency Suspension of Fingerprinting. Due to Executive Order 2020 003 "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado," signed March 11, 2020, the requirement for an Owner Licensee to submit fingerprints under this subparagraph (H)(1)(d) is temporarily suspended. This suspension expires 120 days from [March 20, 2020](#), the [original](#) effective date of this Rule 2-265(H)(1)(d)(i), or [until-when](#) Executive Order 2020 003 is rescinded, withdrawn, or expires, if such rescission, withdrawal, or expiration occurs earlier.
    - e. An Owner Licensee who exercises day-to-day operational control on the Licensed Premises of a Regulated Marijuana Business must possess an Identification Badge and must establish and maintain Colorado residency. A Controlling Beneficial Owner will not be deemed to exercise day-to-day operational control by reason of holding a title defined as an Executive Officer.
  2. Owner License Exercising Privileges of an Employee License. A natural person who is a Colorado resident and holds an Owner License and Identification Badge may exercise the privileges of an Employee License in any Regulated Marijuana Business.
  3. Business License Required. A natural person cannot hold an Owner License without holding a Regulated Marijuana Business license, or without at least submitting an application for a Regulated Marijuana Business license.
- I. Employee License Qualifications and Privileges.
    1. Employee License Qualifications and Requirements. An Employee License Applicant must meet the following criteria before receiving an Employee License:
      - a. The Applicant is not prohibited from licensure pursuant to section 44-10-307, C.R.S.;

- b. The Applicant has not been a State Licensing Authority employee with regulatory oversight responsibilities for Persons licensed by the State Licensing Authority in the six months immediately preceding the date of the Applicant's application.
  - c. The Division has not received notice that the Applicant has failed to comply with a court or administrative order for current child support, child support debt, retroactive child support, or child support arrearages. If the Division receives notice of the Applicant's noncompliance pursuant to sections 24-35-116 and 26-13-126, C.R.S., the application may be denied or delayed until the Applicant has established compliance with the order to the satisfaction of the state child support enforcement agency.
  - d. Employee Licensees working in a Regulated Marijuana Business must be Colorado Residents at the time of initial license application and must maintain residency during the period of licensure, unless they are applying for a workforce training or development residency exempt license.
2. Medical and Retail Employee Licenses. A natural person who holds a current, valid Employee License and Identification Badge issued pursuant to the Marijuana Code [or a natural person who holds a support or key license issued by the Colorado Limited Gaming Commission who has complied with this Rule 2-265\(E.5\)](#) may work in any Regulated Marijuana Business.
3. Workforce Training or Development Residency Exempt License. An Applicant who wishes to obtain a workforce development or training exemption to the license residency requirement may apply for an Employee License and must:
- a. Submit a complete application on Division approved forms;
  - b. Establish she or he meets the licensing criteria of this Rule 2-265(H)(1)(a)-(c);
  - c. Provide evidence of proof of lawful presence; and
  - d. Provide a complete Workforce Training or Development Affirmation form executed under penalty of perjury.
- J. Owner Licensees and Employee Licensees Required to Maintain Licensing Qualification. An Owner Licensee or Employee Licensee's failure to maintain qualifications for licensure may constitute grounds for discipline, including but not limited to, suspension, revocation, or fine.
- K. Factors Considered when Determining Residency and Citizenship. This Rule applies to natural persons who are required to have and maintain Colorado residency. In determining whether a natural person is a Colorado resident, the State Licensing Authority will consider the following factors:
- 1. Primary Home Defined. The location of an Applicant's principal or primary home or place of abode ("primary home") may establish Colorado residency. An Applicant's primary home is that home or place in which a person's habitation is fixed and to which the person, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of such absence. A primary home is a permanent building or part of a building and may include, by way of example, a house, condominium, apartment, room in a house, or manufactured housing. No rental property, vacant lot, vacant house or cabin, or other premises used solely for business purposes will be considered a primary home.

2. Reliable Indicators That an Applicant's Primary Home is in Colorado. The State Licensing Authority considers the following types of evidence to be generally reliable indicators that a person's primary home is in Colorado.
    - a. Evidence of business pursuits, place of employment, income sources, residence for income or other tax purposes, residence of spouse and any minor children, leaseholds, situs of personal and real property, existence of any other residences outside Colorado and the amount of time spent at each such residence, and any motor vehicle or vessel registration;
    - b. Duly authenticated copies of the following documents may be taken into account: A current driver's license with address, recent property tax receipts, copies of recent income tax returns where a Colorado mailing address is listed as the primary address, current voter registration cards, current motor vehicle or vessel registrations, and other public records evidencing place of abode or employment; and
    - c. Other types of reliable evidence.
  3. Totality of Evidence. The State Licensing Authority will review the totality of the evidence, and any single evidence regarding the location of a person's primary home is not necessarily determinative.
  4. Other Considerations for Residency. The State Licensing Authority may consider the following circumstances:
    - a. Members of the armed services of the United States or any nation allied with the United States who are on active duty in this state under permanent orders and their spouses;
    - b. Personnel in the diplomatic service of any nation recognized by the United States who are assigned to duty in Colorado and their spouses; and
    - c. Full-time students who are enrolled in any accredited trade school, college, or university in Colorado. The temporary absence of such student from Colorado, while the student is still enrolled at any such trade school, college, or university, will not be deemed to terminate their Colorado residency. A student will be deemed "full-time" if considered full-time pursuant to the rules or policy of the educational institution he or she is attending.
- L. Evaluating a Natural Person's Good Moral Character Based on Criminal History.
1. In evaluating whether a Person is prohibited from holding a license pursuant to sections subsections 44-10-307(1)(b) or (c), C.R.S., based on a determination that the person's criminal history indicates she or he is not of Good Moral Character, the Division will not consider the following:
    - a. The mere fact a person's criminal history contains an arrest(s) or charge(s) of a criminal offense that is not actively pending;
    - b. A conviction of a criminal offense in which the Applicant/Licensee received a pardon;
    - c. A conviction of a criminal offense which resulted in the sealing or expungement of the record; or

- d. A conviction of a criminal offense in which a court issued an order of collateral relief specific to the application for state licensure.
2. In evaluating whether a Person is prohibited from holding a license pursuant to subsections 44-10-307(1)(b) or (c), C.R.S., based on a determination that the person's criminal history indicates he or she is not of Good Moral Character, the Division may consider the following history:
    - a. Any felony conviction(s);
    - b. Any conviction(s) of crimes involving moral turpitude;
    - c. Pertinent circumstances connected with the conviction(s); and
    - d. Conduct underlying arrest(s) or charge(s) or a criminal offense for which the criminal case is not actively pending.
  3. When considering criminal history in subparagraph (K)(2) above, the Division will consider:
    - a. Whether there is a direct relationship between the conviction(s) and the duties and responsibilities of holding a state license issued pursuant to the Marijuana Code;
    - b. Any information provided to the Division regarding the person's rehabilitation, which may include but is not limited to the following non-exhaustive considerations:
      - i. Character references;
      - ii. Educational, vocational, and community achievements, especially those achievements occurring during the time between the person's most recent criminal conviction and the application for a state license;
      - iii. Successful participation in an alcohol and drug treatment program;
      - iv. That the person truthfully and fully reported the criminal conduct to the Division;
      - v. The person's employment history after conviction or release, including but not limited to whether the person was vetted and approved to hold a state or out-of-state license for the purposes of employment in a regulated industry;
      - vi. The person's successful compliance with any conditions of parole or probation imposed after conviction or release; or
      - vii. Any other facts or circumstances tending to show the Applicant has been rehabilitated and is ready to accept the responsibilities of a law-abiding and productive member of society.

### **Part 3 – Regulated Marijuana Business Operations**

#### **3-200 Series – Licensed Premises**

**Basis and Purpose – 3-205**

The statutory authority for this rule includes but is not limited to sections 44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(j), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S. The purpose of this rule is to establish Limited Access Areas for Licensed Premises under the control of the Licensee to only individuals licensed by the State Licensing Authority. In addition, this rule clarifies that businesses and individuals cannot use the visitor system as a means to employ an individual who does not possess a valid and current Employee License. This Rule was previously Rules M and R 301, 1 CCR 212-1 and 1 CCR 212-2.

**3-205 – Limited Access Areas**

- A. Proper Display of Identification Badge. All Persons in a Limited Access Area as provided for in section 44-10-103(26) C.R.S., shall be required to hold and properly display a current Identification Badge issued by the Division at all times. Proper display of the Identification Badge shall consist of wearing the badge in a plainly visible manner, at or above the waist, and with the photo of the Licensee visible. The Licensee shall not alter, obscure, damage, or deface the badge in any manner.
1. [A person who holds a Limited Gaming support or key license who is working in a Regulated Marijuana Business pursuant to Rule 2-265\(E.5\) is required to hold and properly display a current Limited Gaming Identification Badge at all times according to this Rule 3-205\(A\).](#)
- B. Visitors in Limited Access Areas.
1. Prior to entering a Limited Access Area, all visitors, including outside vendors, contractors or others, must obtain a visitor identification badge from management personnel of the Licensee that shall remain visible while in the Limited Access Area.
  2. Visitors shall be escorted by the Regulated Marijuana Business's licensed personnel at all times. No more than five visitors may be escorted by a single employee. Except that trade craftspeople not normally engaged in the business of cultivating, processing, or selling Regulated Marijuana need not be accompanied on a full-time basis, but only reasonably monitored.
  3. A Regulated Marijuana Business and all Licensees employed by the Regulated Marijuana Business shall report to the Division any discovered plan or other action of any Person to (1) commit theft, burglary, underage sales, diversion of marijuana or marijuana product, or other crime related to the operation of the subject Regulated Marijuana Business; or (2) compromise the integrity of the Inventory Tracking System. A report shall be made as soon as possible after the discovery of the action, but not later than 14 days. Nothing in this paragraph (B) alters or eliminates any obligation a Regulated Marijuana Business or Licensee may have to report criminal activity to a local law enforcement agency.
  4. The Licensee shall maintain a log of all visitor activity, for any purpose, within the Limited Access Area and shall make such logs available for inspection by the Division and relevant Local Licensing Authority or Local Jurisdiction.
  5. All visitors admitted into a Limited Access Area must provide acceptable proof of age and must be at least 21 years of age. See Rule 3-405 – Acceptable Forms of Identification.

6. The Licensee shall check the identification for all visitors to verify that the name on the identification matches the name in the visitor log. See Rule 3-405 – Acceptable Forms of Identification.
  7. A Licensee may not receive consideration or compensation for permitting a visitor to enter a Limited Access Area.
  8. Use of a visitor badge to circumvent the Employee License requirements of Rule 2-265 is prohibited and may constitute a license violation affecting public safety.
- C. Required Signage. All areas of ingress and egress to Limited Access Areas on the Licensed Premises shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, “Do Not Enter - Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors.” A Licensee may comply with this paragraph (C) when that sign is conspicuously placed immediately within an exterior entrance that is locked against public entry and only accessible to limited, licensed personnel and escorted visitors.
- D. Diagram for Licensed Premises. All Limited Access Areas shall be clearly identified to the Division and relevant Local Licensing Authority or Local Jurisdiction and described in a diagram of the Licensed Premises reflecting walls, partitions, counters and all areas of ingress and egress. The diagram shall also reflect all Propagation, cultivation, manufacturing, testing, consumption, and Restricted Access Areas. See Rule 3-905 – Business Records Required.
- E. Modification of Limited Access Area. A Licensee’s proposed modification of designated Limited Access Areas must be approved by the Division, the Local Licensing Authority, and, if required, the relevant Local Jurisdiction prior to any modifications being made. See Rule 2-260 – Changing, Altering, or Modifying Licensed Premises.
- F. Law Enforcement Personnel Authorized. Notwithstanding the requirements of subsection A of this Rule, nothing shall prohibit investigators and employees of the Division, authorities from relevant Local Jurisdiction or state or local law enforcement, for a purpose authorized by the Marijuana Code or for any other state or local law enforcement purpose, from entering a Limited Access Area upon presentation of official credentials identifying them as such.

### 3-300 Series – Health and Safety Regulations

#### Basis and Purpose – 3-345

The statutory basis for this rule includes but is not limited to sections 44-10-202(1), 44-10-203(1)(f), 44-10-203(1)(j), 44-10-203(2)(e), 44-10-203(2)(h), 44-10-203(2)(i), and 44-10-203(2)(v), C.R.S. On March 11, 2020, Governor Polis issued Executive Order 2020 003 “Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado,” related to the presence of COVID-19 in Colorado. This emergency rule provides Medical Marijuana Stores and Retail Marijuana Stores the ability to accept orders over the phone, or online, and to provide pick-up outside the Licensed Premises to patients and consumers. This emergency rule establishes safeguards that ensure Licensees can take necessary steps to accomplish “social distancing” pursuant to state and national guidelines. This emergency rule also provides that it will be effective for 120 days, or until Executive Order 2020 003 is rescinded, withdrawn, or expires, [if such rescission, withdrawal, or expiration occurs earlier.](#)

#### **Rule 3-345 – Emergency Allowances, Restrictions, and Requirements in Response to COVID-19 for Online and Phone Ordering and Curbside Pick-Up**

##### A. Social Distancing Measures.

1. All Regulated Marijuana Businesses. All Regulated Marijuana Businesses must comply with guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment and any applicable local health department, and must comply with social distancing requirements, including but not limited to requirements for individuals to maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.
2. Additional Requirements for Medical Marijuana Stores and Retail Marijuana Stores.
  - a. Medical Marijuana Stores and Retail Marijuana Stores must ensure social distancing between patients, consumers, and employees. Such social distancing measures may include, but are not limited to the following:
    - i. Limit the number of people on the Licensed Premises at any one-time (including employees) such that all people are at least six-feet apart at all times;
    - ii. Limit the amount of time a patient or consumer can remain on the Licensed Premises;
    - iii. Utilize additional portions of the Licensed Premises, such as the lobby, to provide additional space to facilitate social distancing between individual employees and between employees and patients or consumers;
    - iv. Make temporary modifications to the Licensed Premises pursuant to Rule 2-260(A)(1), to provide additional space or create barriers to facilitate social distancing between individual employees and between employees and patients or consumers;
    - v. Use online or web-based applications for virtual lines (waitlists);
    - vi. Require or encourage advanced appointment scheduling for patients and consumers to pick-up orders;
    - vii. Instruct patients and consumers to arrive only after receiving notification that their order is ready for pick-up; and
    - viii. Require or encourage patients and consumers to complete orders and payments over the telephone or online prior to arrival for pick-up.
  - b. Medical Marijuana Stores and Retail Marijuana Stores must limit the formation of lines outside the Licensed Premises to the greatest extent possible. If preventing the formation of lines entirely is not feasible, the Licensee shall:
    - i. Assign staff to monitor and manage queuing;
    - ii. Limit the total number of patients or consumers allowed to congregate outside of the Licensed Premises, to the greatest extent possible;
    - iii. Ensure patients and consumers are at least six-feet apart at all times; and



- iv. Ensure patients and consumers are not blocking pedestrian traffic or the entry or exit to or from any neighboring business.

AB. Applicability Transactions Outside the Restricted Access Area.

- 1. Licensed Premises. For purposes of this Rule 3-345(B), and to ensure Licensees can effectual social distancing pursuant to state and local requirements, the Licensed Premises includes the property immediately adjacent to the Licensed Premises and under control of the Licensee. The Licensed Premises does not include any public property such as public streets, public sidewalks, or public parking lots.

42. Medical Marijuana Stores.

a. Accepting Orders.

- i. A Medical Marijuana Store that complies with this Rule 3-345 may accept orders for ~~Regulated-Medical~~ Marijuana or Industrial Hemp Products over the internet or phone, and may provide patients the opportunity to pick-up orders outside the Restricted Access Area so long as the pick-up occurs on the Licensed Premises.
- ii. Other than internet and phone orders permitted by this Rule 3-345, a Medical Marijuana Store shall not accept orders outside the Restricted Access Area of the Licensed Premises.

ab. Accepting Payment.

- i. A Medical Marijuana Store ~~that complies with this Rule 3-345 that accepts orders for Regulated Marijuana or Industrial Hemp Products over the internet~~ may accept payment and complete ~~the sales transactions for Medical Marijuana or Industrial Hemp Products~~ over the ~~phone or~~ internet.
- ii. A Medical Marijuana Store may not accept cash payments for the sale of Medical Marijuana outside of the Restricted Access Area of the Licensed Premises.

23. Retail Marijuana Stores.

a. Accepting Orders.

- i. A Retail Marijuana Store that complies with this Rule 3-345 may accept orders for ~~Regulated-Retail~~ Marijuana or Industrial Hemp Products over the internet or phone, and may provide consumers the opportunity to pick-up orders outside the Restricted Access Area so long as the pick-up occurs on the Licensed Premises.
- ii. Other than internet and phone orders permitted by this Rule 3-345, a Retail Marijuana Store shall not accept orders outside the Restricted Access Area of the Licensed Premises.

- ab. Accepting Payment. ~~Unless otherwise authorized by an executive order of the Governor, a Retail Marijuana Store shall not accept payment or complete the sale transaction over the internet. The sales transaction must be completed when the consumer is physically present in the Restricted Access Area.~~

i. Pursuant to Executive Order D 2020-011, "Ordering the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19", a Retail Marijuana Store that complies with this Rule 3-345 may accept payment and complete sales transactions for Retail Marijuana or Industrial Hemp Products over the phone or internet.

ii. A Retail Marijuana Store may not accept cash payments for the sale of Retail Marijuana outside of the Restricted Access Area of the Licensed Premises.

~~3. Licensed Premises. For purposes of this Rule 3-345 and to ensure Licensees can effectuate "social distancing" measures pursuant to state and national guidelines, the Licensed Premises includes the property immediately adjacent to the Licensed Premises and under the control of the Licensee.~~

~~4. Transfers within the Licensed Premises. Nothing in this Rule 3-345 prohibits a Medical Marijuana Store or Retail Marijuana Store from Transferring, including accepting an order and payment for, Regulated Marijuana to a patient or consumer within the Restricted Access Area.~~

BC. Order Requirements. A Medical Marijuana Store or Retail Marijuana Store may accept orders of Regulated Marijuana from patients who are at least 21 years of age, from parents or guardians of a patient under 21 years of age, or consumers who are at least 21 years of age.

1. Orders Over the Phone and Internet. Prior to a Medical Marijuana Store or Retail Marijuana Store initiating an order for Regulated Marijuana over the phone or internet, the Licensee taking the order shall confirm the following information:
  - a. The name and date of birth of the patient or consumer placing the order;
  - b. The desired time of pick-up; and
  - c. For Medical Marijuana Stores, the following additional information:
    - i. The registration number reflected on the patient's registry identification card; and
    - ii. If the patient is under 18 years of age, the parent or guardian designated as the patient's primary caregiver, and if applicable, the registration number of the primary caregiver.
2. The Licensee must ensure that all electronic transactions taken on-line or over the phone are entered into the Point of Sale System and Inventory Tracking System pursuant to the requirements of these Rules.

CD. Identification Requirements.

1. For a Medical Marijuana Store that allows patients to pick-up orders pursuant to this Rule 3-345(A) the Licensee ~~ed~~ must physically view and inspect the patient or caregiver's registry card, including any valid and verified digital registry card, and proof of identification to confirm the information contained on the documents and also to judge the authenticity of the documents presented prior to Transferring possession of Regulated Marijuana.

2. For a Retail Marijuana Store that allows customers to pick-up orders pursuant to [this Rule 3-345\(A\)](#), the Licensee must physically view and inspect the [customer's consumer's](#) identification and ensure that the [customer-consumer's](#) is 21 years of age or older prior to [T](#)ransferring possession of Regulated Marijuana.

**DE.** Additional Requirements.

1. Video Surveillance Requirements. For every Transfer of Regulated Marijuana pursuant to this Rule 3-345, the Medical Marijuana Store or Retail Marijuana Store's video surveillance must enable the recording of the patient, caregiver, or consumer (and the patients', caregivers' or consumer's vehicle in the event of curbside Transfer to a vehicle), and must enable the recording of the Licensee verifying the patient's, caregiver's, or consumer's identification and completion of the transaction through the Transfer of Regulated Marijuana. For all Transfers completed inside the Restricted Access Area, Licensees shall also ensure compliance with video surveillance requirements in Rule 3-225.
2. Packaging and Labeling Requirements. A Medical Marijuana Store or Retail Marijuana Store accepting orders pursuant to this Rule 3-345 shall ensure that all Regulated Marijuana is packaged and labeled in accordance with Rules 3-1010 and Rule 3-1015 prior to leaving the Restricted Access Area of the Licensed Premises.
3. Local Restrictions. Transfers of Regulated Marijuana pursuant to this Rule 3-345 remain subject to requirements and restrictions imposed by the relevant Local Licensing Authority or Local Jurisdiction.

**EF.** Effect of this Emergency Rule. This Emergency Rule 3-345 shall be effective upon adoption and remain effective for 120 days or until Executive Order 2020 003 "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado," signed on March 11, 2020, is rescinded, withdrawn, or expires, [if such rescission, withdrawal, or expiration occurs earlier.](#)

**EG.** Violation Affecting Public Safety. [It is a violation affecting public safety if a Regulated Marijuana Business violates the provisions of this Rule 3-345 or fails to comply with state or local social distancing requirements. Violations of this Rule 3-345 may result in the fine, suspension, summary suspension, and/or revocation of a Licensee's Owner License and Regulated Marijuana Business License pursuant to section 44-10-901, C.R.S. and the 8-200 Series Rules.](#)

### **3-600 Series – Transport and Storage**

#### **Basis and Purpose – 3-605**

The statutory authority for this rule includes but is not limited to sections 44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(j), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-203(3)(c), 44-10-313(5)(b), 44-10-505, and 44-10-605 C.R.S. The purpose of the rule is to provide clarity as to the requirements associated with the transport and delivery of Regulated Marijuana between Licensed Premises. It also prescribes the manner in which licensed entities will track inventory in the transport process to prevent diversionary practices. This Rule 3-605 was previously Rules M and R 801, 1 CCR 212-1 and 1 CCR 212-2.

#### **3-605 – Transport: All Regulated Marijuana Businesses**

- A. Persons Authorized to Transport. Except as provided in the these 3-600 Series Rules, any individual who transports Regulated Marijuana, Regulated Marijuana Vegetative plants, Regulated Marijuana Immature plants, Regulated Marijuana, or Regulated Marijuana Product on behalf of a Regulated Marijuana Business must hold a valid Owner License or Employee License and must be an employee of the Regulated Marijuana Business. An individual who does not

possess a current and valid Owner's License or Employee License from the State Licensing Authority may not transport Regulated Marijuana, Regulated Marijuana Vegetative plants, Regulated Marijuana Immature plants, Regulated Marijuana Concentrate, or Regulated Marijuana Product between Licensed Premises.

B. Transport Between Licensed Premises.

1. Regulated Marijuana. Regulated Marijuana shall only be transported by Licensees between Licensed Premises; between Licensed Premises and a permitted off-premises storage facility; between Licensed Premises and a Medical Research Facility; and between Licensed Premises and a Pesticide Manufacturer. Licensees transporting Regulated Marijuana are responsible for ensuring that all Regulated Marijuana are secured at all times during transport.

a. Emergency Accommodation for Transfers for Testing.

i. For purposes of Transferring Samples of Regulated Marijuana to a Medical Marijuana Testing Facility or Retail Marijuana Testing Facility for required testing while also complying with guidelines pursuant to Executive Order 2020 003, "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado," a Licensee may utilize property immediately adjacent to the Licensed Premises, subject to the following requirements:

A. The property immediately adjacent to the Licensed Premises that is being utilized for the Transfer of Samples pursuant to this Rule is under the control of the Licensee; and

B. Any Transfer pursuant to this Rule 3-605(B)(1)(a) must be in accordance with the requirements of Rule 5-445 and Rule 6-445, Chain of Custody.

ii. Expiration. This subparagraph (B)(1)(a) expires 120 days from March 20, 2020, the original effective date of this Rule 3-605(B)(1)(a), or until when Executive Order 2020 003 "Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado," signed on March 11, 2020, is rescinded, withdrawn, or expires, if such rescission, withdrawal, or expiration occurs earlier.

2. Regulated Marijuana Vegetative Plants and Regulated Marijuana Immature Plants.

a. Regulated Marijuana Vegetative plants may only be transported between Licensed Premises and such transport shall only be permitted due to an approved change of location pursuant to Rule 2-255.

b. Regulated Marijuana Immature plants shall only be transported between Licensed Premises; between Licensed Premises and a Medical Research Facility; and between Licensed Premises and a Pesticide Manufacturer.

c. Licensees transporting Regulated Marijuana Vegetative plants and Regulated Marijuana Immature plants are responsible for ensuring that all Regulated Marijuana Vegetative plants and Regulated Marijuana Immature plants are secure at all times during transport. Transportation of Regulated Marijuana Vegetative plants and Regulated Marijuana Immature plants to a permitted off-

premises storage facility shall not be allowed. Transport of Regulated Marijuana plants other than Vegetative Plants and Immature plants shall not be allowed.

- C. Inventory Tracking System-Generated Transport Manifest Required. A Licensee may only transport Regulated Marijuana if he or she has a copy of an Inventory Tracking System-generated transport manifest that contains all the information required by this Rule and shall be in the format prepared by the State Licensing Authority.
1. A Licensee may elect to 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.
  2. Regulated Marijuana. A Licensee may transport Regulated Marijuana from an originating location to multiple destination locations so long as the transport manifest correctly reflects the specific inventory destined for specific Regulated Marijuana Businesses, Medical Research Facilities, and/or Pesticide Manufacturers.
  3. Regulated Marijuana Vegetative Plants. A Licensee shall transport Regulated Marijuana Vegetative plants only from the originating Licensed Premises to the destination Licensed Premises due to a change of location that has been approved by the Division pursuant to Rule 2-255.
  4. Manifest for Transfers to Medical Research Facilities and Pesticide Manufacturers. A Licensee may not transport or permit the transportation of Regulated Marijuana to a Medical Research Facility or Pesticide Manufacturer unless an Inventory Tracking System-generated transport manifest has been generated.
- D. Motor Vehicle Required. Transport of Regulated Marijuana shall be conducted by a motor vehicle that is properly registered in the state of Colorado pursuant to motor vehicle laws, but need not be registered in the name of the Licensee. Except that when a rental truck is required for transporting Regulated Marijuana Vegetative plants or Regulated Marijuana Immature plants, Colorado motor vehicle registration is not required.
- E. Documents Required During Transport. Transport of Regulated Marijuana shall be accompanied by a copy of the originating Regulated Marijuana Business's business license, the driver's valid Owner's License or Employee License, the driver's valid motor vehicle operator's license, and all required vehicle registration and insurance information.
- F. Use of Colorado Roadways. State law does not prohibit the transport of Regulated Marijuana on any public road within the state of Colorado as authorized in this Rule. However, nothing herein authorizes a Licensee to violate specific local ordinances or resolutions enacted by any city, town, city and county, or county related to the transport of Regulated Marijuana.
- G. Preparation of Regulated Marijuana for Transport.
1. Final Weighing and Packaging. A Regulated Marijuana Business shall comply with the specific rules associated with the final weighing and packaging of Regulated Marijuana before such items are prepared for transport pursuant to this Rule. The scale used to weigh product to be transported shall be tested and approved in accordance with measurement standards established in 35-14-127, C.R.S.
  2. Preparation in Limited Access Area. Regulated Marijuana shall be prepared for transport in a Limited Access Area, including the packaging and labeling of Containers or Shipping Containers.

3. Shipping Containers. Licensees may Transfer multiple Containers of Regulated Marijuana in a Shipping Container. The contents of Shipping Containers shall be easily accessible and may be inspected by the State Licensing Authority, Local Licensing Authorities, Local Jurisdictions, and state and local law enforcement agency for a purpose authorized by the Marijuana Code or for any other state or local law enforcement purpose.
  - a. Licensees shall ensure that either the multiple Containers placed within a Shipping Container each have an RFID tag, or the Shipping Container itself must have an RFID tag. If the Licensee elects to place the RFID tag on the Shipping Container, the Shipping Container shall contain only one Harvest Batch, or Production Batch of Regulated Marijuana. If a Shipping Container consists of more than one Harvest Batch or Production Batch, then each group of multiple Containers shall be affixed with an RFID tag
  - b. Regulated Marijuana Vegetative Plants and Regulated Marijuana Immature Plants. Each Regulated Marijuana Vegetative plant that is transported pursuant to this Rule must have a RFID tag affixed to it prior to transport. Each receptacle containing Regulated Marijuana Immature plants transported pursuant to this Rule must have an RFID tag affixed prior to transport.

H. Creation of Records and Inventory Tracking.

1. Use of Inventory Tracking System – Generated Transport Manifest.
  - a. Regulated Marijuana. Licensees who transport or permit the transportation of Regulated Marijuana shall create an Inventory Tracking System-generated transport manifest to reflect inventory that leaves the Licensed Premises destined for another Licensed Premises, Medical Research Facilities, or Pesticide Manufacturers. The transport manifest may either reflect multiple destination locations within a single trip or separate transport manifests may reflect each single destination location. In either case, no inventory shall be transported without an Inventory Tracking System-generated transport manifest.
  - b. Use of a Medical Marijuana Transporter or Retail Marijuana Transporter. In addition to subparagraph (H)(1)(a), Licensees shall also follow the requirements of this subparagraph (H)(1)(b) when a Licensee utilizes the services of a Medical Marijuana Transporter or Retail Marijuana Transporter.
    - i. When a Medical Marijuana Business utilizes a Medical Marijuana Transporter for transporting its Medical Marijuana, the originating Licensee shall input the requisite information on the Inventory Tracking System-generated transport manifest for the final destination Licensee, Medical Research Facility, or Pesticide Manufacturer who will be receiving the Medical Marijuana.
    - ii. When a Retail Marijuana Business utilizes a Retail Marijuana Transporter for transporting its Retail Marijuana the originating Licensee shall input the requisite information on the Inventory Tracking System-generated transport manifest for the final destination Licensee, Medical Research Facility, or Pesticide Manufacturer who will be receiving the Retail Marijuana.
    - iii. A Medical Marijuana Transporter or Retail Marijuana Transporter is prohibited from being listed as the final destination Licensee.

- iv. A Medical Marijuana Transporter or Retail Marijuana Transporter shall not alter the information of the final destination Licensee, Medical Research Facility, or Pesticide Manufacturer after the information has been entered on the Inventory Tracking System-generated transport manifest by the Licensee.
  - v. If the Medical Marijuana Transporter or Retail Marijuana Transporter is not delivering the originating Licensee's Regulated Marijuana directly to the final destination Licensee, Medical Research Facility, or Pesticide Manufacturer, the Medical Marijuana Transporter or Retail Marijuana Transporter shall communicate to the originating Licensee which of the Medical Marijuana Transporter's or Retail Marijuana Transporter's Licensed Premises or off-premises storage facilities will receive and temporarily store the Regulated Marijuana. The originating Licensee shall input the Medical Marijuana Transporter's or Retail Marijuana Transporter's location address and license number on the Inventory Tracking System-generated transport manifest.
- c. Medical Marijuana Vegetative Plants and Retail Marijuana Vegetative Plants.
- i. Licensees who transport Medical Marijuana Vegetative or Retail Marijuana Vegetative plants shall create an Inventory Tracking System-generated transport manifest to reflect inventory that leaves the originating Licensed Premises to be transported to the destination Licensed Premises due to a change of location approved by the Division pursuant to Rule 2-255, or a one-time transfer pursuant to Rule 3-805.
  - ii. Retail Marijuana Transporters are permitted to transport Retail Marijuana Vegetative plants on behalf of other Licensees due to a change of location approved by the Division pursuant to Rule 2-255, or a one-time transfer pursuant to Rule 3-805. The Retail Marijuana Transporter shall transport the Retail Marijuana Vegetative Plants directly from the originating Licensed Premises to the final destination Licensed Premises.
  - iii. Medical Marijuana Transporters are permitted to transport Medical Marijuana Vegetative plants on behalf of other Licensees due to a change of location approved by the Division pursuant to Rule 2-255, or a one-time transfer pursuant to Rule 3-805. The Medical Marijuana Transporter shall transport the Medical Marijuana Vegetative plants directly from the originating Licensed Premises to the final destination Licensed Premises.
2. Copy of Transport Manifest to Recipient. A Licensee shall provide a copy of the transport manifest to each Regulated Marijuana Business, Medical Research Facility, or Pesticide Manufacturer receiving the inventory described in the transport manifest. In order to maintain transaction confidentiality, the originating Licensee may prepare a separate Inventory Tracking System-generated transport manifest for each recipient Regulated Marijuana Business, Medical Research Facility, or Pesticide Manufacturer.
3. The Inventory Tracking System-generated transport manifest shall include the following:
- a. Departure date and approximate time of departure;
  - b. Name, location address, and license number of the originating Regulated Marijuana Business;

- c. Name, location address, and license number of the destination Regulated Marijuana Business(es), name and location address of the Medical Research Facility, or name and location address of the destination Pesticide Manufacturer;
  - d. Name, location address, and license number of the Medical Marijuana Transporter or Retail Marijuana Transporter if applicable pursuant to Rule 3-605(H)(1)(b)(iv).
  - e. Product name and quantities (by weight and unit) of each product to be delivered to each specific destination location(s);
  - f. Arrival date and estimated time of arrival;
  - g. Transport vehicle make and model and license plate number; and
  - h. Name, Employee or Owner License number, and signature of the Licensee accompanying the transport.
- I. Inventory Tracking. In addition to all the other tracking requirements set forth in these rules, a Regulated Marijuana Business shall be responsible for all the procedures associated with the tracking of inventory that is transported between Licensed Premises. See Rule 3-905 – Business Records Required.
- 1. Responsibilities of Originating Licensee.
    - a. Regulated Marijuana. Prior to departure, the originating Regulated Marijuana Business shall adjust its records to reflect the removal of Regulated Marijuana. The scale used to weigh product to be transported shall be tested and approved in accordance with measurement standards established in 35-14-127, C.R.S. Entries to the records shall note the Inventory Tracking System-generated transport manifest and shall be easily reconciled, by product name and quantity, with the applicable transport manifest.
    - b. Regulated Marijuana Vegetative Plants and Regulated Marijuana Immature Plants. Prior to departure, the originating Medical Marijuana Cultivation Facility or Retail Marijuana Cultivation Facility shall adjust its records to reflect the removal of Medical Marijuana Vegetative plants and Medical Marijuana Immature plants, or Retail Marijuana Vegetative plants and Retail Marijuana Immature plants. Entries to the records shall note the Inventory Tracking System-generated transport manifest and shall be easily reconciled, by product name and quantity, with the applicable transport manifest.
  - 2. Responsibilities of Recipient Licensee.
    - a. Regulated Marijuana. Upon receipt, the receiving Licensee shall ensure that the Regulated Marijuana received are as described in the transport manifest and shall immediately adjust its records to reflect the receipt of inventory. The scale used to weigh product being received shall be tested and approved in accordance with measurement standards established in 35-14-127, C.R.S. Entries to the inventory records shall note the Inventory Tracking System-generated transport manifest and shall be easily reconciled, by product name and quantity, with the applicable transport manifest. Medical Marijuana Transporters and Retail Marijuana Transporters shall comply with all requirements of this subparagraph (I)(2)(a) except that they are not required to weigh Regulated Marijuana.



- i. When a Regulated Marijuana Business transfers Regulated Marijuana to a Medical Research Facility or Pesticide Manufacturer, the originating Licensee is responsible for confirming receipt of the Regulated Marijuana in the Inventory Tracking System.
  - b. Regulated Marijuana Vegetative Plants and Regulated Marijuana Immature Plants. Upon receipt, the recipient Licensee shall ensure that the Regulated Marijuana Vegetative plants received are as described in the transport manifest, accounting for all RFID tags and each associated plant, and shall immediately adjust its records to reflect the receipt of inventory. Upon Receipt, the recipient Licensee shall ensure that the Regulated Marijuana Immature plants received are as described in the transport manifest, accounting for all RFID tags and each receptacle containing Regulated Marijuana Immature plants, and shall immediately adjust its records to reflect the receipt of inventory.
    - i. When a Regulated Marijuana Business transfers Regulated Marijuana Immature plants to a Medical Research Facility or Pesticide Manufacturer, the originating Licensee is responsible for confirming receipt of the Retail Marijuana Immature plants in the Inventory Tracking System.
- 3. Discrepancies.
  - a. Licensees. A recipient Licensee shall separately document any differences between the quantity specified in the transport manifest and the quantities received. Such documentation shall be made in the Inventory Tracking System and in any relevant business records.
  - b. Medical Research Facilities and Pesticide Manufacturers. In the event of a discrepancy between the quantity specified in a transport manifest and the quantity received by a Medical Research Facility or Pesticide Manufacturer, the originating Licensee shall document the discrepancy in the Inventory Tracking System and in any relevant business records, and account for the discrepancy.
- J. Adequate Care of Perishable Regulated Marijuana Product. A Regulated Marijuana Business must provide adequate refrigeration for perishable Regulated Marijuana Product during transport.
- K. Failed Testing. In the event Regulated Marijuana has failed required testing, has been contaminated, or otherwise presents a risk of cross-contamination to other Regulated Marijuana, such Regulated Marijuana may only be transported if it is physically segregated and contained in a sealed package that prevents cross-contamination.