



COLORADO

Department of Revenue

Marijuana Enforcement Division

NOTICE OF RULEMAKING HEARING

The State Licensing Authority (“State Licensing Authority”) of the Colorado Department of Revenue, Marijuana Enforcement Division (“Division”), will consider the promulgation of additions and amendments to the State Licensing Authority’s Colorado Marijuana Rules (“Rules”), as authorized by Article XVIII, Section 16 of the Colorado Constitution and the Colorado Marijuana Code, section 44-10-101 *et seq.*, C.R.S. (“Marijuana Code”). For specific information regarding the proposed changes and new rules, please refer to the contents of this Notice and to the [initial proposed rules](#), which are also available on the [Division’s website](#) in addition to details regarding the initial proposed rules, public meetings, and opportunities for public comment.

STATUTORY AUTHORITY FOR RULEMAKING

The State Licensing Authority promulgates these rules pursuant to the authority granted in the Marijuana Code, Article XVIII, Section 16 of the Colorado Constitution, and section 24-4-103, C.R.S., of the state Administrative Procedure Act.

SUBJECT OF RULEMAKING

Pursuant to section 24-4-103(2), C.R.S., the Division held a stakeholder meeting on August 1, 2024 and will hold two additional stakeholder meetings on August 22, 2024 and September 12, 2024. These stakeholder meetings are open to the public representing groups of participants with an interest in the subject of the rulemaking.

The State Licensing Authority and Division is charged with implementing and enforcing the Colorado Marijuana Code as delegated and authorized by the General Assembly. SB 24-076 made changes to several provisions throughout the Marijuana Code, including:

- Genetic material allowances and transfer privileges for Regulated Marijuana Cultivation Facilities;
- Removing requirements to apply for approval prior to modifying the licensed premises;
- Removing certain ID requirements if someone is not on the Licensed Premises (e.g. an owner licensee who lives out of state);
- Revising the existing pregnancy warning requirements to include that warnings must be posted at the point of sale;

- The physical attachment of the tangible educational resource to every sale of concentrate at a medical or retail store;
- Extending all license terms from one year to two years.

Additionally, the subject of this rulemaking will include new and revised rules to implement recommendations from the Science & Policy Forum and to continue the Division's work to revise existing regulations for improved agency and licensee operations. Final adopted rules may include any other new or revised rule to implement the Marijuana Code.

How to Participate:

1. Attend the stakeholder meetings and participate in the discussion:

All members of the public can attend rulemaking meetings and participate in the discussion by signing up to provide comments. Each structured work group meeting will be focused on the noticed subject areas and discussion topics, including but not limited to application fees, license fees, and/or other requests that require a fee to be paid, and will include time limitations on comments to ensure everyone who signs up to provide comment has an opportunity to do so. Feedback gained during the stakeholder meeting will inform the development of proposed fees that will be presented to the State Licensing Authority.

The August 20th stakeholder meeting will be in-person at the Department of Revenue offices at **1707 Cole Blvd., Ste. 300, Red Rocks Conference Room, Lakewood, CO 80401** and accessible virtually using the Zoom information below:

Virtual Meeting Option:

Join Zoom meeting: <https://us02web.zoom.us/j/86115519267>

Call-in option: (719) 359-4580

Meeting ID: 861 1551 9267

Unless otherwise noticed on the Division's rulemaking webpage, in-person stakeholder meetings are held at the Department of Revenue's offices:

In-Person Option:

1707 Cole Blvd., Ste. 300
Red Rocks Conference Room
Lakewood, CO 80401

2. Submit written comments:

Interested stakeholders are also encouraged to submit comments on the draft rules using the Division's [written comment form](#). All comments submitted through this form are logged and reviewed throughout the rulemaking process to inform future meeting agenda items, discussions, questions, and the Division's proposed rules.

The Division may hold additional stakeholder meetings to ensure adequate time for all interested parties to have public discussion and provide public comments regarding proposed fees. All meeting information and any information regarding additional meetings will be published on the Division's website, including meeting agendas, proposed rules,

meeting locations and times, and meeting recordings. Each stakeholder meeting is also noticed on the Division's website and the Division sends notification of the meetings to potential applicants, licensees, and other stakeholders subscribed to receive updates from the Division. Each stakeholder meeting is open to any member of the public and any attendee is given the opportunity to comment on the specific proposed rules, or any other rule that stakeholders are interested in commenting on.

The Division will retain a record of the initial proposed rule as part of the rulemaking record. The initial proposed rules available on the Division's website are intended to provide interested persons with the initial proposed drafts of the permanent fees. The Division anticipates the initial proposed rule will be amended during the stakeholder engagement process, based on written comments and any supporting documentation submitted by the public and based on the Division's internal review. Additional or new rules may also be added.

The Division intends to recommend to the State Licensing Authority for consideration the promulgation of new and amended rules on the subjects outlined below. This list includes implementing legislation passed during the 2024 legislative session in SB 24-076 (Streamlining Marijuana Regulation); stakeholder recommendations from the Science & Policy Work Forum (a stakeholder forum established by the Division in collaboration with the Colorado Department of Public Health and Environment); revising and clarifying prior rules; and addressing any other subject matter necessary to implement, interpret, and effectively administer and enforce the Marijuana Code. **This list is not exhaustive, and the State Licensing Authority may consider any additional rule or amendment to any rule.**

Please take note that in addition to the subject matters addressed in the initial proposed rules, the State Licensing Authority will consider additional rules consistent with any subject matter needed to implement and interpret the Colorado Marijuana Code, and Article XVIII, Sections 14 and 16 of the Colorado Constitution.

The final proposed rules will be published on the Division's website on September 24, 2024. Other relevant information regarding this rulemaking also will be posted on the Division's website.

RULES TO BE CONSIDERED FOR ADOPTION PURSUANT TO THE MARIJUANA CODE

Part 1 - GENERAL APPLICABILITY

1-115 - Definitions

Part 2 - APPLICATIONS AND LICENSES

2-205 - Fees

2-206 - Social Equity Fees

2-220 - Initial Application Requirements for Regulated Marijuana Businesses

2-225 - Renewal Application Requirements for All Licensees

2-230 - Disclosure of Financial Interests in a Regulated Marijuana Business

2-235 - Suitability

2-245 - Change of Controlling Beneficial Owner Application and Notification

2-255 - Change of Location of a Regulated Marijuana Business

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

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

2-275 - Temporary Appointee Registrations for Court Appointees

Part 3 - REGULATED MARIJUANA BUSINESS OPERATIONS

3-205 - Limited Access Area

3-210 - Possession of Licensed Premises

3-215 - Regulated Marijuana Businesses: Shared Licensed Premises and Operational Separation

3-235 - Transfers of Fibrous Waste

3-240 - Collection of Marijuana Consumer Waste

3-310 - General Sanitary Requirements

3-330 - Cultivation of Regulated Marijuana: Specific Health and Safety Requirements

3-335 - Production of Regulated Marijuana Concentrate and Regulated Marijuana Products: Specific Health and Safety Requirements

3-340 - Violation Affecting Public Safety

3-615 - Regulated Marijuana Delivery Permits

3-805 - Regulated Marijuana Businesses: Inventory Tracking System

3-810 - Minimum Tracking Requirements

3-825 - Medical Marijuana Testing Facilities and Retail Marijuana Testing Facilities Specific Tracking Requirements

3-905 - Business Records Required

3-915 - Independent Audit May Be Required

3-1005 - Packaging and Labeling: Minimum Requirements Prior to Transfer to a Regulated Marijuana Business, except to a Regulated Marijuana Testing Facility

3-1015 - Additional Labeling Requirements Prior to Transfer to a Patient or Consumer

3-1025 - Packaging and Labeling: Minimum Requirements for Test Batch Transfers to a Regulated Marijuana Testing Facility

3-1105 - Accelerator Program Participation and Privileges

Part 4 - REGULATED MARIJUANA TESTING PROGRAM

4-100 Series - Repealed

4-200 Series - Testing Program Requirements

4-205 - Regulated Marijuana Testing Program: Mandatory Testing

4-210 - Regulated Marijuana Testing Program: Potency Testing

4-215 - Regulated Marijuana Testing Program: Contaminant Testing

4-220 - Regulated Marijuana Testing Program: R&D Testing

4-225 - Regulated Marijuana Testing Program: Sampling Procedures

4-230 - Regulated Marijuana Testing Program: Reduced Testing Allowance Procedures

4-235 - Regulated Marijuana Testing Program: Potency Test Fail Procedures

4-240 - Regulated Marijuana Testing Program: Contaminated Product and Failed Test Results and Procedures

4-245 - Regulated Marijuana Testing Program: Exemptions

Part 5 - MEDICAL MARIJUANA BUSINESS LICENSE TYPES

5-105 - Medical Marijuana Store: License Privileges

5-110 - Registration of a Primary Medical Marijuana Store

5-115 - Medical Marijuana Sales: General Limitations and Prohibited Acts

5-120 - Point of Sale: Restricted Access Area

5-125 - Patient Sale Requirements

5-205 - Medical Marijuana Cultivation Facility: License Privileges

5-225 - Medical Marijuana Cultivation Facility: Production Management

5-230 - Medical Marijuana Cultivation Facility: Sampling Unit Protocols

5-240 - Medical Marijuana Cultivation Facility: Contingency Plan for Outdoor Cultivation

5-305 - Medical Marijuana Products Manufacturer: License Privileges

5-315 - Medical Marijuana Products Manufacturer: Medical Marijuana Concentration Production

5-320 - Medical Marijuana Products Manufacturer: Sampling Unit Protocols

5-405 - Medical Marijuana Testing Facilities: License Privileges

5-410 - Medical Marijuana Testing Facilities: General Limitations or Prohibited Acts

5-415 - Medical Marijuana Testing Facilities: Certification Requirements

5-420 - Medical Marijuana Testing Facilities: Personnel

5-425 - Medical Marijuana Testing Facilities: Standard Operating Procedure Manual

5-430 - Medical Marijuana Testing Facilities: Analytical Processes

5-435 - Medical Marijuana Testing Facilities: Proficiency Testing

5-440 - Medical Marijuana Testing Facilities: Quality Assurance and Quality Control

5-445 - Medical Marijuana Testing Facilities: Chain of Custody

5-450 - Medical Marijuana Testing Facilities: Records Retention

5-505 - Medical Marijuana Transporter: License Privileges

5-720 - Marijuana Research and Development Facility: Authorized Research Activities

Part 6 - RETAIL MARIJUANA BUSINESS LICENSE TYPES

6-105 - Retail Marijuana Store: License Privileges

6-110 - Retail Marijuana Sales: General Limitations and Prohibited Acts

6-115 - Point of Sale: Restricted Access Area

6-205 - Retail Marijuana Cultivation Facility: License Privileges

6-210 - Retail Marijuana Cultivation Facility: General Limitations and Prohibited Acts

6-220 - Retail Marijuana Cultivation Facility: Production Management

6-225 - Retail Marijuana Cultivation Facility: Sampling Unit Protocols

6-235 - Retail Marijuana Cultivation Facility: Contingency Plan for Outdoor Cultivation

6-305 - Retail Marijuana Products Manufacturer: License Privileges

- 6-315 - Retail Marijuana Products Manufacturer: Retail Marijuana Concentrate Production
- 6-320 - Retail Marijuana Products Manufacturer: Sampling Unit Protocols
- 6-405 - Retail Marijuana Testing Facilities: License Privileges
- 6-410 - Retail Marijuana Testing Facilities: General Limitations or Prohibited Acts
- 6-415 - Retail Marijuana Testing Facilities: Certification Requirements
- 6-420 - Retail Marijuana Testing Facilities: Personnel
- 6-425 - Retail Marijuana Testing Facilities: Standard Operating Procedure Manual
- 6-430 - Retail Marijuana Testing Facilities: Analytical Processes
- 6-435 - Retail Marijuana Testing Facilities: Proficiency Testing
- 6-440 - Retail Marijuana Testing Facilities: Quality Assurance and Quality Control
- 6-445 - Retail Marijuana Testing Facilities: Chain of Custody
- 6-450 - Retail Marijuana Testing Facilities: Records Retention
- 6-505 - Retail Marijuana Transporter: License Privileges
- 6-705 - Accelerator Cultivator: License Privileges
- 6-735 - Accelerator Cultivator: Contingency Plan for Outdoor Cultivation
- 6-805 - Accelerator Manufacturer: License Privileges
- 6-815 - Accelerator Manufacturer: Retail Marijuana Concentrate Production
- 6-820 - Accelerator Manufacturer: Sampling Unit Protocols
- 6-910 - Licensed Hospitality Businesses: Additional Health and Safety Regulations
- 6-920 - Retail Marijuana Hospitality and Sales Businesses Point of Sale: Restricted Access Area
- 6-925 - Retail Marijuana Hospitality and Sales Businesses: Additional License Privileges and Restrictions
- 6-930 - Retail Marijuana Hospitality and Sales Businesses: General Limitations and Prohibited Acts
- 6-940 - Marijuana Hospitality Business: Requirements for Mobile Premises
- 6-1105 - Accelerator Store: License Privileges
- 6-1110 - Accelerator Store: General Limitations or Prohibited Acts
- 6-1115 - Point of Sale: Restricted Access Area

Part 7 - REGULATED MARIJUANA TRANSFERS TO UNLICENSED PESTICIDE MANUFACTURERS

7-115 - Pesticide Manufacturers

Part 8 - ENFORCEMENT AND DISCIPLINE

8-110 - Requirement for Inspections and Investigations, Searches, Administrative Holds, Embargos, Voluntary Surrenders

8-120 - Written Warnings and Assurances of Voluntary Compliance

8-235 - Penalties

STATEMENTS OF BASIS AND PURPOSE

NEW and AMENDED

For the Marijuana Rules at 1 CCR 212-3, including but not limited to the following:

2-260, 4-205, 4-210, 4-215, 4-220, 4-225, 4-230, 4-235, 4-240, 4-245, and 5-460

Any other rules necessary to update based on changes to the Marijuana Code may be adopted.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of this rulemaking proceeding and permanent rulemaking hearing, to be held on **October 1, 2024**, will include the written and recorded materials from the stakeholder meetings and any written comments or oral testimony submitted or presented.
2. Written Comments. The Division and State Licensing Authority encourage interested parties to submit written comments on the proposed rules, including alternate proposals with sufficient time to allow the Division and State Licensing Authority to review comments prior to the rulemaking hearing. However, written comments will be accepted after that date. **The deadline to submit written comments is 5:00 P.M. on October 1, 2024.**

The State Licensing Authority will accept all comments, but strongly encourages written comments to be submitted on the [Marijuana Enforcement Division Suggested Revision to Rules Form](#). The State Licensing Authority strongly encourages that all rule comments be submitted electronically, however, completed written comments may also be submitted to:

Marijuana Enforcement Division
Re: Rules
1697 Cole Boulevard, Ste. 200
Lakewood, CO 80401

3. Oral Comments. The State Licensing Authority may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing. Oral presentations will likely be limited to three minutes or less per person.

HEARING SCHEDULE

Date: **Tuesday, October 1, 2024**

Time: **9:00 a.m.**

* Please note the rulemaking hearing may conclude prior to 5:00 p.m.

Place: **Virtual Zoom Meeting**

Join Zoom meeting: <https://us02web.zoom.us/j/86115519267>

Call-in option: (719) 359-4580

Meeting ID: 861 1551 9267

In-Person Option

1707 Cole Blvd, Ste. 300

Golden, CO 80401

3rd Floor Red Rocks Conference Room


Additional information regarding the rule hearing will be published on the Division's website. The hearing may be continued at such place and time as the State Licensing Authority may announce. The State Licensing Authority will deliberate upon the rulemaking record, including oral testimony and written comments, presented as well as applicable law. The State Licensing Authority will adopt such rules as in her judgment are justified by the rulemaking record and applicable law.

If you are an individual with a disability who needs reasonable accommodation in order to participate in this rulemaking hearing, please contact Dyann Smart at Dyann.Smart@state.co.us or (303) 866-2625.

Dated this 15 day of August, 2024.

THE COLORADO DEPARTMENT OF REVENUE,
EXECUTIVE DIRECTOR/STATE LICENSING
AUTHORITY, MARIJUANA ENFORCEMENT DIVISION

Meghan Tanis

 Digitally signed by Meghan Tanis
Date: 2024.08.15 09:39:36 -06'00'

Heidi Humphreys, CEO/Executive Director
State Licensing Authority
Colorado Department of Revenue