



**COLORADO DEPARTMENT OF REVENUE
MARIJUANA ENFORCEMENT DIVISION**

Emergency Rule Adoption - Amended

Amended Rules, 1 CCR 212-3

Rule 1-105 – Engaging in Business

Rule 1-115 – Definitions

Rule 2-225 – Renewal Application Requirements

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

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

Rule 3-205 – Limited Access Areas

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

Rule 3-605 – Transport: All Regulated Marijuana Businesses

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103 and 44-10-203, C.R.S., I, Heidi Humphreys, Deputy Executive Director of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned Colorado Marijuana Rules, which are attached hereto.

Section 24-4-103(6), C.R.S., authorizes the State Licensing Authority to issue an emergency rule if the State Licensing Authority finds that the immediate adoption of the rule is imperatively necessary to comply with state law, or for the preservation of public health, safety, or welfare, and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest. I find: (1) the immediate adoption of these revised rules is necessary to comply with the constitutional and statutory mandates of the Colorado Marijuana Code, sections 44-10-101 *et seq.*, C.R.S.; (2) the immediate adoption of these revised rules is necessary to preserve the public health, safety, and welfare; and (3) compliance with the notice and public hearing requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Statutory Authority

The statutory authority for the attached rules is identified in the statement of basis and purpose preceding each rule. Statutory authority for these rules includes but is not limited to section 44-10-203(1)(f), 44-10-203(1)(j), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(e), 44-10-203(2)(h), 44-10-203(2)(i), C.R.S.

Purpose

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

- On March 11, 2020, the Governor issued [Executive Order D 2020 003](#) “Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado.” [Executive Order D 2020 032](#), signed on April 8, 2020, amended and extended Executive Order D 2020 003.
- 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. [Executive Order D 2020 029](#), signed on April 6, 2020, amended and extended Executive Order D 2020 011.

- On March 25, 2020, the Governor issued [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” providing a thirty day extension for Regulated Marijuana Business licenses expiring between March 25 and April 25, 2020. [Executive Order D 2020 042](#), signed on April 23, 2020, amended and extended Executive Order 2020 015. Executive Order 2020 042 provides a second thirty-day extension for licenses expiring between April 23, 2020 and May 23, 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. For the reasons described above, the State Licensing Authority adopted the aforementioned Emergency Rules, 1 CCR 212-3 on **May 1, 2020**.

Previously Adopted Emergency Rule Amendments

To limit risks of exposure to and mitigate harm related to COVID-19, previously adopted emergency rules established allowances and restrictions on Licensees related to compliance with public health orders and executive orders, employing a person holding a license issued by the Colorado Limited Gaming Commission in a Regulated Marijuana Business, suspending the requirement for Owner Licensees to submit fingerprints with a renewal application, modifications to licensed premises without required prior-approval, permissible sales transactions, required and recommended social distancing measures, and transfers of testing samples. The State Licensing Authority has repealed and readopted each of the rules noted above given the ongoing state of emergency due to the presence of COVID-19.

Effective Date of Emergency Rules and Permanent Rulemaking

The attached Emergency Rules are effective immediately upon adoption.

The prior versions of Rules 1-105, 1-115, 2-225, 2-260, 2-265, 3-205, 3-345, and 3-605, 1 CCR 212-3, adopted in SOS 2020-00164 and SOS 2020-00201, are hereby amended and readopted.

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.

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



Heidi Humphreys (May 14, 2020 14:57 MDT)

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

05/14/2020

Date