

44-10-609. Marijuana hospitality business license - rules - definition

[Editor's note: This section is effective January 1, 2020.] (1) (a) The state licensing authority may issue a marijuana hospitality business license authorizing the licensee to operate a licensed premises in which marijuana may be consumed pursuant to this article 10, rules promulgated pursuant to this article 10, and the provisions of the ordinance or resolution of the local jurisdiction in which the licensee operates.

(b) Subject to provisions of this article 10 and the ordinance or resolution of the local jurisdiction in which the licensee operates, a retail food business as defined in section 25-4-1602 (14) that does not hold a license or permit issued pursuant to article 3, 4, or 5 of this title 44 may apply for a license to operate a marijuana hospitality business in an isolated portion of the premises of the retail food business. A retail food business operating a marijuana hospitality business pursuant to this subsection (1)(b) is subject to the terms and conditions of article 4 of title 25 and the rules promulgated pursuant to that article, including but not limited to licensure requirements and inspection and enforcement authority of the Colorado department of public health and environment. This subsection (1)(b) does not authorize the marijuana hospitality business to engage in the manufacture of medical marijuana-infused products or retail marijuana products or to add marijuana to foods produced or provided at the retail food business.

(c) If a municipality, county, city, or city and county has in effect as of January 1, 2020, an ordinance or resolution related to consumption of marijuana, nothing in this section restricts the enforcement of that ordinance or resolution, and the local jurisdiction may, by ordinance or resolution, require a business operating as a place for on-site marijuana consumption to be licensed pursuant to this section.

(d) The state licensing authority shall maintain a list of all marijuana hospitality businesses in the state and shall make the list available on its website.

(2) A marijuana hospitality business shall not:

(a) Engage in or permit the sale or exchange for remuneration of retail or medical marijuana, retail marijuana products, or medical marijuana-infused products in the licensed premises;

(b) Allow on-duty employees of the business to consume any marijuana in the licensed premises of the business;

(c) Distribute or allow distribution of free samples of marijuana in the licensed premises of the business;

(d) Allow the consumption of alcohol on the licensed premises;

(e) Allow the smoking of tobacco or tobacco products in the licensed premises of the business;

(f) Allow the use of any device using any liquid petroleum gas, a butane torch, a butane lighter, or matches in the licensed premises if prohibited by local ordinance or resolution;

(g) Allow any activity that would require an additional license under this article 10 in the licensed premises of the business, including but not limited to sales, manufacturing, or cultivation;

(h) Knowingly permit any activity or acts of disorderly conduct as described in section 18-9-106;

(i) Permit the use or consumption of marijuana by a patron who displays any visible signs of intoxication;

(j) Permit rowdiness, undue noise, or other disturbances or activity offensive to the average citizen or to the residents of the neighborhood in which the licensed premises is located; or

(k) Admit into the licensed premises of the business any person who is under twenty-one years of age.

(3) A marijuana hospitality business shall:

(a) Operate the business in a decent, orderly, and respectable manner;

(b) Require all employees of the business to successfully complete an annual responsible vendor training program authorized pursuant to section 44-10-1201;

(c) Ensure that the display and consumption of any marijuana is not visible from outside of the licensed premises of the business;

(d) Educate consumers of marijuana by providing informational materials regarding the safe consumption of marijuana. The materials must be based on the requirements established by the marijuana educational oversight committee, established pursuant to section 24-20-112 (4), and on the relevant research from the panel of health care professionals appointed pursuant to section 25-

1.5-110. Nothing in this subsection (3)(d) prohibits a local jurisdiction from adopting additional requirements for education on safe consumption.

(e) Maintain a record of all educational materials required by subsection (3)(d) of this section in the licensed premises for inspection by state and local licensing authorities and law enforcement; and

(f) If an emergency requires law enforcement, firefighters, emergency medical service providers, or other public safety personnel to enter a marijuana hospitality business, ensure that all employees and patrons of the business cease all consumption and other activities until such personnel have completed their investigation or services and have left the licensed premises.

(4) A marijuana hospitality business and its employees may remove an individual from the business for any reason, including a patron who displays any visible signs of intoxication.

44-10-610. Retail marijuana hospitality and sales business license - rules - definition

[Editor's note: This section is effective January 1, 2020.] (1) (a) The state licensing authority may issue a retail marijuana hospitality and sales business license authorizing the licensee to operate a licensed premises in which marijuana may be sold and consumed pursuant to this article 10, rules promulgated pursuant to this article 10, and the provisions of the ordinance or resolution of the local jurisdiction in which the licensee operates.

(b) Subject to provisions of this article 10 and the ordinance or resolution of the local jurisdiction in which the licensee operates, a retail food business as defined in section 25-4-1602 (14) that does not hold a license or permit issued pursuant to article 3, 4, or 5 of this title 44 may apply for a license to operate a retail marijuana hospitality and sales business in an isolated portion of the premises of the retail food business. A retail food business operating a retail marijuana hospitality and sales business pursuant to this subsection (1)(b) is subject to the terms and conditions of article 4 of title 25 and the rules promulgated pursuant to that article, including but not limited to licensure requirements and inspection and enforcement authority of the Colorado department of public health and environment. This subsection (1)(b) does not authorize the retail marijuana hospitality and sales business to engage in the manufacture of medical marijuana-infused products or retail marijuana products or to add marijuana to foods produced or provided at the retail food business.

(c) The state licensing authority shall maintain a list of all retail marijuana hospitality and sales businesses in the state and shall make the list available on its website.

(2) A retail marijuana hospitality and sales business licensee shall not:

(a) Engage in multiple sales transactions to the same patron during the same business day when the business's employee knows or reasonably should have known that the sales transaction would result in the patron possessing more than the sales limit established by the state licensing authority;

(b) Allow on-duty employees of the business to consume any marijuana in the licensed premises;

(c) Distribute or allow distribution of free samples of marijuana in the licensed premises of the business;

(d) Sell any retail marijuana or retail marijuana products that contain nicotine or, if the sale of alcohol would require a license or permit pursuant to article 3, 4, or 5 of this title 44, alcohol;

(e) Allow the consumption of alcohol on the licensed premises;

(f) Allow the smoking of tobacco or tobacco products in the licensed premises of the business;

(g) Allow the use of any device using any liquid petroleum gas, a butane torch, a butane lighter, or matches in the licensed premises if prohibited by local ordinance or resolution;

(h) Allow any activity that would require an additional license under this article 10 in the licensed premises of the business, including but not limited to manufacturing or cultivation activity;

(i) Knowingly permit any activity or acts of disorderly conduct as described in section 18-9-106;

(j) Sell, serve, or permit the sale or serving of retail marijuana or retail marijuana products to any patron who shows signs of visible intoxication;

(k) Permit rowdiness, undue noise, or other disturbances or activity offensive to the average citizen or to the residents of the neighborhood in which the licensed premises is located; or

(l) Admit into the licensed premises of a retail marijuana hospitality and sales business any person who is under twenty-one years of age.

(3) A retail marijuana hospitality and sales business licensee shall:

- (a)** Track all of its retail marijuana and retail marijuana products from the point that they are transferred from a retail marijuana store, retail marijuana products manufacturer, or retail marijuana cultivation facility to the point of sale to its patrons;
 - (b)** Limit a patron to one transaction of no more than the sales limit set by the state licensing authority by rule pursuant to section 44-10-203 (2)(ff)(II);
 - (c)** Before allowing a patron to leave the licensed premises with any retail marijuana or retail marijuana products, package and label the retail marijuana or retail marijuana products in accordance with procedures developed by the business that comply with the requirements of section 44-10-203 (2)(f) and (3)(b);
 - (d)** Operate the business in a decent, orderly, and respectable manner;
 - (e)** Require all employees of the business to successfully complete an annual responsible vendor training program authorized pursuant to section 44-10-1201;
 - (f)** Ensure that the display and consumption of any retail marijuana or retail marijuana product is not visible from outside of the business;
 - (g)** Educate consumers of marijuana by providing informational materials regarding the safe consumption of marijuana. The materials must be based on the requirements established by the marijuana educational oversight committee, established pursuant to section 24-20-112 (4), and on the relevant research from the panel of health care professionals appointed pursuant to section 25-1.5-110. Nothing in this subsection (3)(g) prohibits a local jurisdiction from adopting additional requirements for education on safe consumption.
 - (h)** Maintaining a record of all educational materials required by subsection (3)(g) of this section in the licensed premises for inspection by state and local licensing authorities and law enforcement; and
 - (i)** If an emergency requires law enforcement, firefighters, emergency medical service providers, or other public safety personnel to enter a retail marijuana hospitality and sales business, ensure that all employees and patrons of the business cease all sales, consumption, and other activities until such personnel have completed their investigation or services and have left the licensed premises.
- (4)** A retail marijuana hospitality and sales business and its employees may remove an individual from the business for any reason, including a patron who displays any visible signs of intoxication.
- (5)** A retail marijuana hospitality and sales business may purchase retail marijuana or retail marijuana products from any retail marijuana store, retail marijuana cultivation facility, or retail marijuana products manufacturer.