



COLORADO DEPARTMENT OF REVENUE MARIJUANA ENFORCEMENT DIVISION

Emergency Rule Adoption

Amended Rules, 1 CCR 212-3

Rule 2-225 – Renewal Application Requirements

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), 44-10203(1)(j), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(e), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-203(2)(w), C.R.S.

Purpose for Emergency Rules Related to License Renewal

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 018, signed on March 26, 2020, [Executive Order D 2020 032](#), signed on April 8, 2020, [Executive Order D 2020 058](#), signed on May 7, 2020, [Executive Order D 2020 076](#), signed on May 22, 2020, and [Executive Order D 2020 109](#), signed June 20, 2020 amended and extended Executive Order D 2020 003.
- ✦ 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, providing a second thirty-day extension for licenses expiring between April 23, 2020 and May 23, 2020. On May 22, 2020, the Governor issued [Executive Order D 2020 075](#) which amended and extended Executive Order D 2020 015 and Executive Order D 2020 042, providing a third thirty-day extension. On June 20, 2020, the Governor issued [Executive Order D 2020 111](#), which amended and Extended Executive Order D 2020 015, Executive Order D 2020 042, and Executive Order D 2020 075, providing a fourth thirty-day extension.

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 by allowing a thirty extension for the renewal of licenses. These rule amendments further allow Licensees the ability to avoid congregation of patients and consumers in high volumes, in manners inconsistent with “social distancing,” and ultimately to protect the public, health, safety, and welfare. For the reasons described above, the State Licensing Authority adopted the aforementioned Emergency Rules, 1 CCR 212-3, on June 26, 2020.

While these rules provide another thirty-day extension for Regulated Marijuana Business Licensees and Owner Licensees to submit their renewals, all Licensees subject to these extensions are encouraged to file their renewals as soon as possible to ensure timely submission and to minimize application processing delays. Licensees are advised the State Licensing Authority does not anticipate any further thirty-day extension of the license renewal deadline. Accordingly, Licensees are strongly encouraged to renew their regulated marijuana business licenses now. Please visit the [Marijuana Enforcement Division’s website](#) for guidance regarding renewal application submission options.

Further, please be advised that **although the deadline to file a renewal application may have been extended by Emergency Rules, the renewed license will still expire one year from the original expiration date, not one year from the renewal date.** Any regulated marijuana business license that is not timely renewed will expire and must immediately discontinue operations.

Effective Date of Emergency Rules and Permanent Rulemaking

The attached Emergency Rules are effective immediately upon adoption.

Unless otherwise noted in the Emergency Rule provision, the attached Emergency Rules remain in effect pursuant to section 24-4-103(6), C.R.S., of the state Administrative Procedure Act, for 120 days from the date of adoption, or until repealed by the State Licensing Authority upon filing of a notice of such with the Secretary of State.

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 (Jun 26, 2020 18:19 MDT)

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

June 26, 2020

Date


200625 Emergency Adoption Order_For SLA Approval

Final Audit Report

2020-06-27

Created:	2020-06-25
By:	Dominique Mendiola (dmdaniell12@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZEC8Yh8NZ2qmAA0uOkPsjs0Yfza_zAFV

"200625 Emergency Adoption Order_For SLA Approval" History

-  Document created by Dominique Mendiola (dmdaniell12@gmail.com)
2020-06-25 - 11:01:33 PM GMT- IP address: 184.96.156.205
-  Document emailed to Heidi Humphreys (heidi.humphreys@state.co.us) for signature
2020-06-25 - 11:03:15 PM GMT
-  Email viewed by Heidi Humphreys (heidi.humphreys@state.co.us)
2020-06-27 - 0:16:34 AM GMT- IP address: 66.102.6.226
-  Document e-signed by Heidi Humphreys (heidi.humphreys@state.co.us)
Signature Date: 2020-06-27 - 0:19:17 AM GMT - Time Source: server- IP address: 165.127.113.65- Signature captured from device with phone number XXXXXXX8108
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2020-06-27 - 0:19:17 AM GMT