



NOTICE OF RULEMAKING HEARING

The State Licensing Authority of the Colorado Department of Revenue, Marijuana Enforcement Division (“Division”), will consider the promulgation of additions and amendments to the Division’s Rules, as authorized by Article XVIII, Section 16 of the Colorado Constitution and the Colorado Marijuana Code, sections 44-10-101 *et seq.*, C.R.S. (“Marijuana Code”). For specific information and language concerning the proposed changes and new rules, please refer to the contents of this Notice and the initial proposed rules which were considered by the stakeholder groups discussed below, and which are, or will be, available on the [Division’s website](#).

STATUTORY AUTHORITY FOR RULEMAKING

The State Licensing Authority promulgates these rules pursuant to the authority granted in the Colorado Marijuana Code, 44-10-101, C.R.S., *et seq.*, Article XVIII, Section 16 of the Colorado Constitution, and section 24-4-103, C.R.S. of the Administrative Procedure Act.

SUBJECT OF RULEMAKING

Pursuant to section 24-4-103(2), C.R.S., the State Licensing Authority initiated two (2) public meetings of representative groups of participants with an interest in the subject of the rulemaking (“stakeholder meetings”), which were held on **September 13, 2019** and **February 14, 2020**. More information related to these meetings can be found on the [Division’s website](#). Each stakeholder meeting was noticed on the Division’s website, and the Division sent notification of each meeting to licensees and other stakeholders subscribed to receive updates from the Division. The written and recorded materials from the stakeholder meetings are available on the Division’s website and will be included in the rulemaking record. Initial proposed rules were prepared in conjunction with the stakeholder meetings and are, or will be, available on the [Division’s website](#).

The Division will retain a record of the initial proposed rules 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 rules. The State Licensing Authority anticipates the initial proposed rules will be amended during the stakeholder engagement process, written comments from the public, internal review and that additional new rules may be drafted.

The State Licensing Authority will consider the promulgation of new and amended rules on the subjects outlined below. This list is under consideration to implement legislation passed in the 2019 legislative session and to address any other subject matter necessary to implement, interpret, and effectively administer and enforce the Colorado 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 rulemaking hearing will include, but will not be limited to, modifications required due to statutory changes adopted during the 2019 legislative session.

The full set of proposed rules will be posted on the Division's website on or before **Monday, March 23, 2020**. 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

The Marijuana Rules at 1 CCR 212-3, will include new and amended rules to implement statutory changes resulting from 2019 legislation, including Senate Bill 19-224 (SB 224), and to clarify prior adopted rules. These rules will include, but may not be limited to, the following subjects:

Rule 1-115 - Definitions (SB 224)

Accelerator Endorsements (SB 224)

Retail Marijuana Accelerator-Cultivator Licenses (SB 224)

Retail Marijuana Accelerator-Manufacturer Licenses (SB 224)

Rule 2-205 – Fees (Reinstatement of Regulated Marijuana Business License - Emergency Rules adopted February 7, 2020)

Rule 2-225 – Renewal Application Requirements for All Licensees (Reinstatement of Expired Marijuana Business License - Emergency Rules adopted February 7, 2020)

Rule 2-235 - Suitability (HB19-1090 - Amended rules will clarify the time period during which a finding of suitability is considered valid)

Any other rules necessary to implement the Marijuana Code may be adopted.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on **Monday, March 30, 2020** 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 State Licensing Authority encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by Monday, **March 16, 2020**, so the State Licensing Authority can review comments prior to the rulemaking hearing. Written comments will also be accepted after that date. The deadline to submit written comments is **5:00 P.M. on Monday, March 30, 2020**.

Written comments may be emailed to dor_medrulecomments@state.co.us or submitted in hard copy to:

Marijuana Enforcement Division
Re: Rules
1707 Cole Boulevard, Ste. 300
Lakewood, CO 8040

3. Oral Comments. The State Licensing Authority will afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing on March 30, 2020. Oral presentations will likely be limited to two minutes per person. Organized groups of individuals are encouraged to identify one spokesperson to speak on behalf of the organization or group. The State Licensing Authority encourages interested parties to avoid duplicating previously-submitted material and testimony.

HEARING SCHEDULE

Date: Monday, March 30, 2020
Time: 1:00 p.m. – 4:00 p.m. (proceedings may conclude prior to 4 p.m.)
Place: Marijuana Enforcement Division
1707 Cole Blvd., Ste. 300
Lakewood, CO 80401

The location of the rulemaking hearing will also be posted on the Division's website and the Secretary of State'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 submissions 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 a reasonable accommodation in order to participate in this rulemaking hearing, please contact Danielle Henry at Danielle.Henry@state.co.us or at (303) 866-2779 no later than **Monday, March 16, 2020**.

Dated this 28th day of February, 2020.

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


[Heidi Humphreys \(Feb 28, 2020\)](#)

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