



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 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 regarding the proposed changes and new rules, please refer to the contents of this Notice, and to the initial proposed rules which are expected to be considered by the stakeholder groups discussed below and which 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 Division scheduled three public meetings of representative groups of participants with an interest in the subject of the rulemaking (“stakeholder meetings”), which began **November 6, 2020** and continue through **February 12, 2021**. Additional information related to these meetings can be found on the [Division’s website](#). Each stakeholder meeting is noticed on the Division’s website and the Division sent prior 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 also be included in the rulemaking record. Initial proposed rules 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 parties with the initial proposed drafts of the permanent rules. The Division anticipates the initial proposed rules will be amended during the stakeholder engagement process, based on written comments submitted by the public, and internal review. Additional or new rules may also be added.

The Division intends to recommend to the State Licensing Authority for his consideration the promulgation of new and amended rules on the subjects outlined below. This list includes recommendations from the Division’s 2020 rulemaking session and from the Science and Policy Work Group facilitated jointly by the Division and the Colorado Department of Public Health and Environment (CDPHE). 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 may 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 full set of proposed rules and other relevant information regarding this rulemaking 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 recommendations from the Science and Policy Workgroup and the Division's 2020 rulemaking session. These rules will address the following subjects:

Part 1 – General Applicability

Rule 1-115 – Definitions

Part 4 – Regulated Marijuana Testing Program

Rule 4-135 – Regulated Marijuana Testing Program: Contaminated Product and Failed Test Results and Procedures

Part 5 – Medical Marijuana Business License Types

Rule 5-205 – Medical Marijuana Cultivation Facility: License Privileges

Part 6 – Retail Marijuana Business License Types

Rule 6-205 – Retail Marijuana Cultivation Facility: License Privileges

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

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Next Public Work Group Meeting: The next public meeting for which the Division is soliciting stakeholder engagement and feedback on proposed rules is scheduled **Friday, February 12, 2021**.

Zoom Meeting Details

Link to Join Meeting: [MED Winter Rulemaking Work Group Meeting](#)

Meeting ID: 896 3052 8550

Passcode: MEDWG21

Call-in Option: +1 253 215 8782

Meeting ID: 896 3052 8550

Passcode: 8804547

Find your local number: <https://us02web.zoom.us/j/kK2F12Pbz>

2. Official Rulemaking Record. The official record for purposes of the rulemaking hearing scheduled Friday, **February 26, 2021** will include the written and recorded materials from all stakeholder meetings and any written comments or oral testimony submitted or presented.
3. Written Comments. The State Licensing Authority encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by Monday, **February 15, 2021** in order to provide the State Licensing Authority an opportunity to 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 February 26, 2021**.

The State Licensing Authority will accept all written comments but encourages the submission of written comments via the [Marijuana Enforcement Division's Suggested Revision to Rules Form](#). Further, written comments may be emailed to dor_medrulecomments@state.co.us.

Interested parties may also submit written comments via regular mail to:

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

4. Oral Comments. In his discretion, the State Licensing Authority may also afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing.

The State Licensing Authority strongly encourages written comments

PERMANENT RULEMAKING HEARING SCHEDULE

Date: Friday, February 26, 2021
Time: 1:00 p.m. – 3:00 p.m. (proceedings may conclude prior to 3:00 p.m.)
Place: Virtual – Zoom Meeting

Zoom Meeting Details

Link to Join Meeting: [MED Winter Rulemaking Hearing](#)

Meeting ID: 884 7520 2758

Passcode: MEDHearing

Call-in Option: +1 346 248 7799

Meeting ID: 884 7520 2758

Passcode: 4792435758

Find your local number: <https://us02web.zoom.us/j/88475202758>

Instructions stating how to join the online rulemaking hearing will also be posted on the Department of Revenue'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 shall 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 his 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 no later than Friday, **February 19, 2021** at Danielle.Henry@state.co.us.

THE COLORADO DEPARTMENT OF REVENUE
STATE LICENSING AUTHORITY
MARIJUANA ENFORCEMENT DIVISION

Mark Ferrandino, Executive Director
State Licensing Authority
Colorado Department of Revenue

Date