

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0082.01 Michael Dohr x4347

HOUSE BILL 22-1222

HOUSE SPONSORSHIP

Tipper,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MARIJUANA RESPONSIBLE VENDOR TRAINING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a licensed medical or retail marijuana business may receive a responsible vendor designation (designation) if all of its employees successfully complete an approved course. If the business is subject to a licensing action, the designation can be considered a mitigating factor in the licensing action. The bill allows an individual to receive a designation and provides the same licensing mitigation protection to that individual in a licensing action. The bill clarifies how a business receives and maintains a designation and allows a person with

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a designation to take that designation with them to a new employer.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 44-10-1202
3 as follows:

4 **44-10-1202. Responsible vendor - designation.** (1) (a) ~~A~~
5 ~~medical marijuana business or a retail marijuana business licensed~~
6 ~~pursuant to this article 10 may receive a responsible vendor designation~~
7 ~~from the program vendor after successfully completing a responsible~~
8 ~~medical or retail marijuana vendor server and seller training program~~
9 ~~approved by the state licensing authority.~~ A PERSON OR AN EMPLOYEE,
10 MANAGER, OR CONTROLLING BENEFICIAL OWNER LICENSED PURSUANT TO
11 THIS ARTICLE 10 MAY RECEIVE A RESPONSIBLE VENDOR DESIGNATION. A
12 PROGRAM VENDOR SHALL PROVIDE A PERSON OR AN EMPLOYEE, MANAGER,
13 OR CONTROLLING BENEFICIAL OWNER LICENSED PURSUANT TO THIS
14 ARTICLE 10 A RESPONSIBLE VENDOR DESIGNATION AFTER THE PERSON,
15 EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER
16 SUCCESSFULLY COMPLETES THE APPROVED TRAINING PROGRAM. A
17 responsible vendor designation is valid for two years from the date of
18 issuance. IN ORDER TO MAINTAIN A RESPONSIBLE VENDOR DESIGNATION,
19 A PERSON OR AN EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL
20 OWNER LICENSED PURSUANT TO THIS ARTICLE 10 SHALL SUCCESSFULLY
21 COMPLETE AN APPROVED TRAINING PROGRAM EVERY TWO YEARS. **IF AN**
22 **EMPLOYEE OR MANAGER WITH A RESPONSIBLE VENDOR DESIGNATION**
23 **LEAVES THE EMPLOYMENT OF A LICENSED MEDICAL MARIJUANA BUSINESS**
24 **OR RETAIL MARIJUANA BUSINESS AND IS EMPLOYED BY ANOTHER LICENSED**
25 **MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS, THE**

1 EMPLOYEE OR MANAGER DOES NOT HAVE TO RECEIVE A NEW RESPONSIBLE
2 VENDOR DESIGNATION UNTIL THE EMPLOYEE'S OR MANAGER'S CURRENT
3 RESPONSIBLE VENDOR DESIGNATION EXPIRES.

4 (b) Successful completion of an approved training program is
5 achieved when the ~~program has been attended by and, as determined by~~
6 ~~the program provider, satisfactorily completed by all employees selling~~
7 ~~and handling medical or retail marijuana, all managers, and all resident~~
8 ~~on-site owners, if any~~ PERSON OR THE EMPLOYEE, MANAGER, OR
9 CONTROLLING BENEFICIAL OWNER LICENSED PURSUANT TO THIS ARTICLE
10 10 SATISFACTORILY COMPLETES THE APPROVED TRAINING PROGRAM.

11 (c) ~~In order to maintain the responsible vendor designation, the~~
12 ~~licensed medical marijuana business or retail marijuana business must~~
13 ~~have each new employee who sells or handles medical or retail marijuana,~~
14 ~~manager, or resident on-site owner attend and satisfactorily complete a~~
15 ~~responsible medical or retail marijuana vendor server and seller training~~
16 ~~program within ninety days after being employed or becoming an owner.~~
17 ~~The licensed medical marijuana business or retail marijuana business~~
18 ~~shall maintain documentation of completion of the program by new~~
19 ~~employees, managers, or owners.~~ IF ALL CONTROLLING BENEFICIAL
20 OWNERS WITH DAY-TO-DAY OPERATIONAL CONTROL OF THE LICENSED
21 PREMISES, ALL MANAGEMENT PERSONNEL WITH RESPONSIBILITY FOR SALES
22 OR THE TRAINING OF EMPLOYEES WHO ENGAGE IN SALES OR OTHER
23 CONSUMER INTERACTIONS, AND ALL EMPLOYEE LICENSEES INVOLVED IN
24 THE HANDLING AND SALE OF REGULATED MARIJUANA OF A MEDICAL
25 MARIJUANA BUSINESS OR A RETAIL MARIJUANA BUSINESS LICENSED
26 PURSUANT TO THIS ARTICLE 10 HAVE A VALID RESPONSIBLE VENDOR
27 DESIGNATION, THE BUSINESS IS CONSIDERED TO A HAVE RESPONSIBLE

1 VENDOR DESIGNATION. WHEN A LICENSED MEDICAL MARIJUANA BUSINESS
2 OR RETAIL MARIJUANA BUSINESS IS CONSIDERED TO HAVE A RESPONSIBLE
3 VENDOR DESIGNATION AND IT HIRES A NEW EMPLOYEE OR MANAGER OR
4 HAS A NEW CONTROLLING BENEFICIAL OWNER THAT MEET THE
5 REQUIREMENTS OF THIS SUBSECTION (1)(c), THE NEW EMPLOYEE,
6 MANAGER, OR CONTROLLING BENEFICIAL OWNER MUST HAVE A VALID
7 RESPONSIBLE VENDOR DESIGNATION OR MUST SUCCESSFULLY COMPLETE
8 AN APPROVED TRAINING PROGRAM WITHIN NINETY DAYS AFTER BEING
9 EMPLOYED OR BECOMING AN OWNER IN ORDER FOR THE MEDICAL
10 MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS TO MAINTAIN ITS
11 RESPONSIBLE VENDOR DESIGNATION. IF A NEW EMPLOYEE, MANAGER, OR
12 CONTROLLING BENEFICIAL OWNER HAS A VALID RESPONSIBLE VENDOR
13 DESIGNATION UPON HIRE OR BECOMING AN OWNER, THE LICENSED
14 MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS SHALL
15 VERIFY THE DESIGNATION WITHIN NINETY DAYS AFTER EMPLOYMENT
16 BEGINS.

17 (2) (a) A licensed medical marijuana business or retail marijuana
18 business that receives IS CONSIDERED TO HAVE a responsible vendor
19 designation ~~from the program vendor~~ shall maintain information on all
20 persons licensed pursuant to this article 10 who are in its employment and
21 who have been trained in an approved training program. The information
22 includes the ~~date, place, time, and duration of training~~ DATE OF THE
23 TRAINING PROGRAM AND THE APPROVED TRAINING PROGRAM PROVIDER
24 and a list of all licensed persons attending each specific training class,
25 which class includes a training examination or assessment that
26 demonstrates proficiency.

27 (b) AN EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL

1 OWNER WITH A VALID RESPONSIBLE VENDOR DESIGNATION SHALL
2 MAINTAIN INFORMATION RELATED TO THE DESIGNATION, INCLUDING THE
3 DATE OF THE TRAINING PROGRAM AND THE APPROVED TRAINING PROGRAM
4 PROVIDER.

5 (3) If a local or state licensing authority initiates an administrative
6 action against a ~~licensee~~ AN EMPLOYEE, MANAGER, OR CONTROLLING
7 BENEFICIAL OWNER who has complied with the requirements of this
8 section and has been designated a responsible vendor OR A LICENSED
9 MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS THAT IS
10 CONSIDERED TO HAVE A RESPONSIBLE VENDOR DESIGNATION, the licensing
11 authority shall consider the designation as a mitigating factor when
12 imposing sanctions or penalties on the ~~licensee~~ EMPLOYEE, MANAGER, OR
13 CONTROLLING BENEFICIAL OWNER OR LICENSED MEDICAL MARIJUANA
14 BUSINESS OR RETAIL MARIJUANA BUSINESS.

15 **SECTION 2.** In Colorado Revised Statutes, 44-10-203, **amend**
16 (2)(dd)(II) as follows:

17 **44-10-203. State licensing authority - rules - definition.**

18 (2) **Mandatory rule-making.** Rules promulgated pursuant to section
19 44-10-202 (1)(c) must include but need not be limited to the following
20 subjects:

21 (dd) Requirements for medical marijuana and medical marijuana
22 products delivery as described in section 44-10-501 (11) and section
23 44-10-505 (5) and retail marijuana and retail marijuana products delivery
24 as described in section 44-10-601 (13) and section 44-10-605 (5),
25 including:

26 (II) Training requirements for personnel of medical marijuana
27 stores, retail marijuana stores, medical marijuana transporters, and retail

1 marijuana transporters that hold a medical marijuana or retail marijuana
2 delivery permit who will deliver medical marijuana or medical marijuana
3 products or retail marijuana or retail marijuana products pursuant to this
4 article 10 and requirements that medical marijuana stores, retail marijuana
5 stores, medical marijuana transporters, and retail marijuana transporters
6 ~~obtain~~ BE CONSIDERED TO HAVE a responsible vendor designation
7 pursuant to section 44-10-1201 prior to conducting a delivery;

8 **SECTION 3.** In Colorado Revised Statutes, 44-10-609, **amend**
9 (3)(b) as follows:

10 **44-10-609. Marijuana hospitality business license.** (3) A
11 marijuana hospitality business shall:

12 (b) Require all employees of the business to ~~successfully complete~~
13 ~~an annual responsible vendor training program authorized pursuant to~~
14 ~~section 44-10-1201~~ HAVE A VALID RESPONSIBLE VENDOR DESIGNATION,
15 AS DESCRIBED IN SECTION 44-10-1201;

16 **SECTION 4.** In Colorado Revised Statutes, 44-10-610, **amend**
17 (3)(e) as follows:

18 **44-10-610. Retail marijuana hospitality and sales business**
19 **license.** (3) A retail marijuana hospitality and sales business licensee
20 shall:

21 (e) Require all employees of the business to ~~successfully complete~~
22 ~~an annual responsible vendor training program authorized pursuant to~~
23 ~~section 44-10-1201~~ HAVE A VALID RESPONSIBLE VENDOR DESIGNATION,
24 AS DESCRIBED IN SECTION 44-10-1201;

25 **SECTION 5. Act subject to petition - effective date.** This act
26 takes effect January 1, 2023; except that, if a referendum petition is filed
27 pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period
2 after final adjournment of the general assembly, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2022 and, in such case, will take
5 effect January 1, 2023, or on the date of the official declaration of the
6 vote thereon by the governor, whichever is later.