

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0250.01 Yelana Love x2295

HOUSE BILL 22-1037

HOUSE SPONSORSHIP

Hooton and Van Winkle, Boesenecker, Esgar, Gonzales-Gutierrez, Gray, Jodeh, Lindsay, Titone, Valdez A.

SENATE SPONSORSHIP

Holbert and Jaquez Lewis,

House Committees

Transportation & Local Government

Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A PERSON TO OPERATE A DUAL**
102 **MARIJUANA BUSINESS AT THE SAME LOCATION.**

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>.)

The bill allows a person to operate a licensed medical marijuana business and a licensed retail marijuana business at the same location if permitted by the local licensing authority and the local jurisdiction where the businesses are located and subject to requirements regarding separation of operations.

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.

SENATE
2nd Reading Unamended
March 18, 2022

HOUSE
3rd Reading Unamended
February 22, 2022

HOUSE
2nd Reading Unamended
February 18, 2022

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-10-313, **add** (14)
3 as follows:

4 **44-10-313. Licensing in general - rules.** (14) (a) ON OR AFTER
5 JANUARY 1, 2023, A PERSON MAY OPERATE A LICENSED MEDICAL
6 MARIJUANA BUSINESS AND A LICENSED RETAIL MARIJUANA BUSINESS AT
7 THE SAME LOCATION PURSUANT TO THIS SUBSECTION (14) AND RULES
8 PROMULGATED BY THE STATE LICENSING AUTHORITY IF THE LOCAL
9 LICENSING AUTHORITY AND LOCAL JURISDICTION WHERE THE BUSINESSES
10 ARE LOCATED ALLOW LICENSED MEDICAL MARIJUANA AND LICENSED
11 RETAIL MARIJUANA BUSINESSES TO BE OPERATED AT THE SAME LOCATION.

12 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (14)(b)(II) OF THIS
13 SECTION, IF A LICENSED MEDICAL MARIJUANA STORE AND A LICENSED
14 RETAIL MARIJUANA STORE OPERATE AT THE SAME LOCATION, EACH STORE
15 SHALL MAINTAIN SEPARATE LICENSED PREMISES AND SEPARATE BUSINESS
16 OPERATIONS, INCLUDING SEPARATE ENTRANCES AND EXITS, INVENTORY,
17 POINT OF SALE OPERATIONS, AND RECORD KEEPING.

18 (II) THE STATE LICENSING AUTHORITY SHALL ADOPT RULES
19 CONCERNING WHETHER ASPECTS OF THE LICENSED PREMISES AND
20 BUSINESS OPERATIONS MAY BE COMBINED WHEN A LICENSED MEDICAL
21 MARIJUANA STORE THAT OPERATES AT THE SAME LOCATION AS A LICENSED
22 RETAIL MARIJUANA STORE SELLS MEDICAL MARIJUANA ONLY TO PERSONS
23 TWENTY-ONE YEARS OF AGE OR OLDER. THE RULES MUST ADDRESS
24 WHETHER TO ALLOW SINGLE ENTRANCES AND EXITS AND VIRTUAL
25 SEPARATION OF INVENTORY.

26 (c) A LICENSED MEDICAL MARIJUANA CULTIVATION FACILITY AND

1 A LICENSED RETAIL MARIJUANA CULTIVATION FACILITY LOCATED AT THE
2 SAME LOCATION MUST MAINTAIN EITHER PHYSICAL OR VIRTUAL
3 SEPARATION OF THE TWO FACILITIES AND THE PLANTS AND INVENTORY OF
4 THE TWO FACILITIES.

5 **SECTION 2.** In Colorado Revised Statutes, 44-10-203, **add**
6 (2)(jj) as follows:

7 **44-10-203. State licensing authority - rules. (2) Mandatory**
8 **rule-making.** Rules promulgated pursuant to section 44-10-202 (1)(c)
9 must include but need not be limited to the following subjects:

10 (jj) ALLOWING A PERSON TO OPERATE A LICENSED MEDICAL
11 MARIJUANA BUSINESS AND A LICENSED RETAIL MARIJUANA BUSINESS AT
12 THE SAME LOCATION PURSUANT TO SECTION 44-10-313 (14).

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2022 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.