

CHAPTER 111

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 22-1222

BY REPRESENTATIVE(S) Tipper, Bird, Gray, Jodeh, Lindsay, Mullica, Ricks, Snyder, Titone;
also SENATOR(S) Holbert and Rodriguez, Gonzales, Moreno.

AN ACT**CONCERNING MARIJUANA RESPONSIBLE VENDOR TRAINING.**

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

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

44-10-1202. Responsible vendor - designation. (1) (a) ~~A medical marijuana business or a retail marijuana business licensed pursuant to this article 10 may receive a responsible vendor designation from the program vendor after successfully completing a responsible medical or retail marijuana vendor server and seller training program approved by the state licensing authority.~~ A PERSON OR AN EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER LICENSED PURSUANT TO THIS ARTICLE 10 MAY RECEIVE A RESPONSIBLE VENDOR DESIGNATION. A PROGRAM VENDOR SHALL PROVIDE A PERSON OR AN EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER LICENSED PURSUANT TO THIS ARTICLE 10 A RESPONSIBLE VENDOR DESIGNATION AFTER THE PERSON, EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER SUCCESSFULLY COMPLETES THE APPROVED TRAINING PROGRAM. A responsible vendor designation is valid for two years from the date of issuance. IN ORDER TO MAINTAIN A RESPONSIBLE VENDOR DESIGNATION, A PERSON OR AN EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER LICENSED PURSUANT TO THIS ARTICLE 10 SHALL SUCCESSFULLY COMPLETE AN APPROVED TRAINING PROGRAM EVERY TWO YEARS. IF AN EMPLOYEE OR MANAGER WITH A RESPONSIBLE VENDOR DESIGNATION LEAVES THE EMPLOYMENT OF A LICENSED MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS AND IS EMPLOYED BY ANOTHER LICENSED MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS, THE EMPLOYEE OR MANAGER DOES NOT HAVE TO RECEIVE A NEW RESPONSIBLE VENDOR DESIGNATION UNTIL THE EMPLOYEE'S OR MANAGER'S CURRENT RESPONSIBLE VENDOR DESIGNATION EXPIRES.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

~~(c) In order to maintain the responsible vendor designation, the licensed medical marijuana business or retail marijuana business must have each new employee who sells or handles medical or retail marijuana, manager, or resident on-site owner attend and satisfactorily complete a responsible medical or retail marijuana vendor server and seller training program within ninety days after being employed or becoming an owner. The licensed medical marijuana business or retail marijuana business shall maintain documentation of completion of the program by new employees, managers, or owners. IF ALL CONTROLLING BENEFICIAL OWNERS WITH DAY-TO-DAY OPERATIONAL CONTROL OF THE LICENSED PREMISES, ALL MANAGEMENT PERSONNEL WITH RESPONSIBILITY FOR SALES OR THE TRAINING OF EMPLOYEES WHO ENGAGE IN SALES OR OTHER CONSUMER INTERACTIONS, AND ALL EMPLOYEE LICENSEES INVOLVED IN THE HANDLING AND SALE OF REGULATED MARIJUANA OF A MEDICAL MARIJUANA BUSINESS OR A RETAIL MARIJUANA BUSINESS LICENSED PURSUANT TO THIS ARTICLE 10 HAVE A VALID RESPONSIBLE VENDOR DESIGNATION, THE BUSINESS IS CONSIDERED TO A HAVE RESPONSIBLE VENDOR DESIGNATION. WHEN A LICENSED MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS IS CONSIDERED TO HAVE A RESPONSIBLE VENDOR DESIGNATION AND IT HIRES A NEW EMPLOYEE OR MANAGER OR HAS A NEW CONTROLLING BENEFICIAL OWNER THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION (1)(c), THE NEW EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER MUST HAVE A VALID RESPONSIBLE VENDOR DESIGNATION OR MUST SUCCESSFULLY COMPLETE AN APPROVED TRAINING PROGRAM WITHIN NINETY DAYS AFTER BEING EMPLOYED OR BECOMING AN OWNER IN ORDER FOR THE MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS TO MAINTAIN ITS RESPONSIBLE VENDOR DESIGNATION. IF A NEW EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER HAS A VALID RESPONSIBLE VENDOR DESIGNATION UPON HIRE OR BECOMING AN OWNER, THE LICENSED MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA BUSINESS SHALL VERIFY THE DESIGNATION WITHIN NINETY DAYS AFTER EMPLOYMENT BEGINS.~~

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

(b) AN EMPLOYEE, MANAGER, OR CONTROLLING BENEFICIAL OWNER WITH A VALID RESPONSIBLE VENDOR DESIGNATION SHALL MAINTAIN INFORMATION RELATED TO

THE DESIGNATION, INCLUDING THE DATE OF THE TRAINING PROGRAM AND THE APPROVED TRAINING PROGRAM PROVIDER.

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

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

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

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

(II) Training requirements for personnel of medical marijuana stores, retail marijuana stores, medical marijuana transporters, and retail marijuana transporters that hold a medical marijuana or retail marijuana delivery permit who will deliver medical marijuana or medical marijuana products or retail marijuana or retail marijuana products pursuant to this article 10 and requirements that medical marijuana stores, retail marijuana stores, medical marijuana transporters, and retail marijuana transporters ~~obtain~~ BE CONSIDERED TO HAVE a responsible vendor designation pursuant to section 44-10-1201 prior to conducting a delivery;

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

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

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

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

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

(e) Require all employees of the business to ~~successfully complete an annual responsible vendor training program authorized pursuant to section 44-10-1201~~

HAVE A VALID RESPONSIBLE VENDOR DESIGNATION, AS DESCRIBED IN SECTION 44-10-1201;

SECTION 5. Act subject to petition - effective date. This act takes effect January 1, 2023; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect January 1, 2023, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: April 21, 2022