



November 17, 2020

INDUSTRY-WIDE BULLETIN 20-07

RE: COVID-19 UPDATE

Marijuana Industry Stakeholders:

The Marijuana Enforcement Division is providing the below information about COVID-19.

Important Public Health Reminders for all Coloradans

With a significant rise in COVID-19 cases and hospitalizations, the State of Colorado is reminding all Coloradans to practice the following to reduce the risk to yourselves and others:

- Only interact with members of your household
- Keep your distance -- 6 feet at least -- at all times
- Wear a mask
- Stay home if you're sick

Stakeholder Meeting to Provide COVID-19 Update

We strongly encourage you to attend the upcoming Stakeholder Meeting for a COVID-19 update on Friday, November 20, 2020, hosted by the Office of Governor Jared Polis. You will hear directly from Kacey Wulff, Senior Advisor for COVID-19 Response, Resilience, and Recovery for the State of Colorado, and you will have the ability to ask questions. Please note - there are 10,000 spots available to participate in this meeting:

WHAT: COVID-19 Briefing with Governor's COVID-19 Response Team

WHO: Cannabis Industry Stakeholders

WHEN: Friday, November 20 // 3pm-4pm

INVITE:

Event address for attendees:

<https://coloradoevents.webex.com/coloradoevents/onstage/g.php?MTID=e9476b1f882d20a2739f88b437fbc60cc>

Dial-in: (877)-309-3457

Event number: 126 739 2725

Event password: Fp3i6GPPdy6

Colorado Regulated Marijuana Business Operations - Prevent and Reduce Transmission

The State of Colorado has taken a wide array of actions to mitigate the effects of the COVID-19 pandemic, prevent further spread, and protect against overwhelming our health care resources.

During this time the Governor's Office, the Colorado Department of Revenue's Marijuana Enforcement Division, and the Colorado Department of Public Health and Environment have worked together to respond to the unique challenges businesses are facing. Such initiatives include, but are not limited to the issuance of Executive Orders and the adoption of emergency rules that expand the options by which Licensees can serve their customers to support social distancing and related measures consistent with public health guidelines. Given the recent increase in COVID-19 cases and the upcoming holidays where large gatherings are traditional, the Marijuana Enforcement Division is reminding Licensees that they are required to follow all [public health and executive orders](#) and remain diligent in demonstrating a shared commitment to protecting the health and safety of their employees, customers, and community.

This Industry-Wide Bulletin is intended to remind Licensees, including all badged employees, that the Division is actively monitoring Regulated Marijuana Business operations to ensure compliance with public health and executive orders. This Industry-Wide Bulletin is also putting Licensees on notice that the Division is receiving reports of Licensee activities suggesting violation(s) of public health and/or executive orders. The Division has prioritized investigative resources in response to such reports and is prepared to initiate immediate enforcement action as necessary to protect public health and safety.

Emergency and Permanent Rules 1-105(B), 1 CCR 212-3, require all Licensees to comply with all applicable public health and executive orders and further provides that failure to comply with applicable public health or executive orders is a violation affecting public safety which may result in disciplinary action up to and including license revocation and summary suspension pursuant to sections 44-10-901(1) and (2), C.R.S.

MED Guidance Regarding Public Health and Executive Orders

Licensees are responsible for reading, understanding and complying with all applicable orders. To assist Licensees in their compliance with applicable public health and executive orders, the Division is providing the below guidance.

Are Medical and Retail Marijuana Businesses exempt from the public health and executive order requirements because of their designation as "critical businesses?"

No. Such designation does not exempt Licensees from the requirements reflected in the public health and executive orders. Rather, Regulated Marijuana Businesses must still comply with the public health and executive order requirements for critical businesses. These include compliance with social distancing requirements, enforcing the requirement that employees, customers and patients wear a protective face covering unless this cannot be medically tolerated, and implementation of disease prevention measures for the workplace, employees and customers.

Are Licensees and customers required to wear masks?

Yes. On November 9, 2020, Governor Polis issued [Executive Order D 2020 245](#) which extends the mandatory mask order requiring individuals in Colorado to wear a non-medical face covering over their nose and mouth. Consistent with this executive order, Licensees and Medical and Retail Marijuana Store customers must wear a mask while on the Licensed Premises to help reduce the spread of COVID-19.

Can a Medical or Retail Marijuana Store Employee Licensee ask a patient or consumer to remove their face mask or protective face covering for purposes of verifying the age?

Yes. For purposes of verifying the age and identification of a patient or customer pursuant to Rule 3-405, a Medical or Retail Marijuana Store Employee Licensee may ask a patient or consumer to briefly remove their face mask or protective face covering.

How do I report a Regulated Marijuana Business that is not complying with public health or executive orders?

To report information about possible violations of the Colorado Marijuana Code, 44-10-101, et seq., and the Colorado Marijuana Rules, 1 CCR 212-3, please submit an Information Referral Form (IRF) to the Division by following the instructions available on the [Division's website](#).

What happens if a Regulated Marijuana Businesses is not complying with MED regulations, public health or executive orders?

Licensees must ensure any measures taken pursuant to emergency and permanent rules and the guidance provided in previous compliance documents (including but not limited to [20-05 Frequently Asked Questions - MED Response to COVID-19](#)) demonstrate prudent behavior and a shared commitment to protecting the health and safety of their employees, patients, consumers, the surrounding community, and the general public. The State Licensing Authority has the authority to sanction a Licensee, and any agent or employee of a Licensee, for any violation of the Colorado Marijuana Code, the Colorado Marijuana Rules, any Executive Order or Public Health Order, or any other state or local terms, conditions, or provisions. Sanctions may include, but are not limited to fine, suspension, and revocation. The Division is closely monitoring Licensee activity for purposes of evaluating needs for any such enforcement action, and is prepared to initiate immediate enforcement action as required to protect public health and safety.

How can I help with messaging the importance of wearing masks to slow the spread of COVID-19?

Governor Polis' Office recently launched the Step Up Colorado public health campaign to increase compliance with public health guidelines of wearing masks and keeping physical distance to slow the spread of COVID-19. We encourage you to use the tools provided in the campaign's [Social Media Toolkit](#) on your own social media channels. [Social media graphics](#) are also available, as well as a campaign video in [English](#) and in [Spanish](#). We appreciate your partnership in this important effort!