



COLORADO
Department of Revenue
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**Colorado Department of Revenue
Marijuana Enforcement Division**

[HB19-1230](#)

MARIJUANA HOSPITALITY ESTABLISHMENTS

RULEMAKING WORK GROUP

Friday, August 9, 2019

9:00 a.m. – 12:00 p.m.

1707 Cole Blvd., Ste. 300

Lakewood, CO 80401

The materials contained herein are for purposes of stakeholder discussion and to solicit feedback to inform rulemaking required for implementation of House Bill 19-1230. All summaries, outlines, and proposals reflected herein are subject to amendment.

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**Department of Revenue, Marijuana Enforcement Division
HB 19-1230 Work Group
August 9, 2019**

DEFINED TERMS

Part 1 – General Applicability

103 – Definitions

Definitions. The following definitions of terms, in addition to those set forth in section 44-12-103, C.R.S., shall apply to all rules promulgated pursuant to the Retail Code, unless the context requires otherwise:

“Consumer Education Materials” means any informational materials that seek to educate consumers about Regulated Marijuana generally, including but not limited to education regarding the safe consumption of marijuana, Regulated Marijuana concentrate, or Regulated Marijuana Products, provided it is not distributed or made available to individuals under 21 years of age.

“Licensed Hospitality Business” means a Marijuana Hospitality Business or Retail Marijuana Hospitality and Sales Business.

“Marijuana Hospitality Business” means an entity licensed to permit the use or consumption of marijuana within a Consumption Area.

“Restricted Access Area” means a designated and secure area within a Licensed Premises where:

- a. in a Medical Marijuana Store, Medical Marijuana, Medical Marijuana Concentrate, and Medical Marijuana Product are sold, possessed for sale, and displayed for sale, and no one without a valid patient registry card is permitted;
- b. in a Retail Marijuana Store, Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product are sold, possessed for sale, and displayed for sale, and no one under the age of 21 is permitted;
- c. in a **Marijuana Hospitality Business**, Regulated Marijuana is used or consumed and no one under the age of 21 is permitted; and
- d. in a **Retail Marijuana Hospitality and Sales Business**, Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product are sold, possessed for sale, displayed for sale, and used or consumed and no one under the age of 21 is permitted.

“Retail Food Establishment” means a retail operation regulated under the Colorado Food Protection Act that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. “Retail food establishment” does not mean:

- a. Any private home;
- b. Private boarding houses;
- c. Hospital and health facility patient feeding operations licensed by the department;
- d. Child care centers and other child care facilities licensed by the department of human services;
- e. Hunting camps and other outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation;
- f. Food or beverage wholesale manufacturing, processing, or packaging plants, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations;
- g. Motor vehicles used only for the transport of food;
- h. Establishments preparing and serving only hot coffee, hot tea, instant hot beverages, and nonpotentially hazardous doughnuts or pastries obtained from sources complying with all laws related to food and food labeling;
- i. Establishments that handle only nonpotentially hazardous prepackaged food and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of food within its original container or package;
- j. Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale;
- k. Automated food merchandising enterprises that supply only prepackaged nonpotentially hazardous food or drink or food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering;
- l. The donation, preparation, sale, or service of food by a nonprofit or charitable organization in conjunction with an event or celebration if such donation, preparation, sale, or service of food:
 - i. Does not exceed the duration of the event or celebration or a maximum of fifty-two days within a calendar year; and
 - ii. Takes place in the county in which such nonprofit or charitable organization resides or is principally located.
- m. A home, commercial, private, or public kitchen in which a person produces food products sold directly to consumers pursuant to the "Colorado Cottage Foods Act", section 25-4-1614, C.R.S.

"Retail Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, and package Retail Marijuana and Transfer Retail Marijuana to Retail Marijuana Establishments, Medical Research Facilities, and Pesticide Manufacturers, but not to consumers.

"Retail Marijuana Hospitality and Sales Business" means an entity licensed to (1) purchase Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product from a Retail Marijuana Business, (2) Transfer Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana

Product to consumers, and (3) permit the use or consumption of Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product Transferred to a consumer within the Restricted Access Area.

“Retail Marijuana Products Manufacturing Facility” means an entity licensed to purchase Retail Marijuana; manufacture, prepare, and package Retail Marijuana Product; and Transfer Retail Marijuana and Retail Marijuana Product to other Retail Marijuana Products Manufacturing Facilities, Retail Marijuana Stores, Retail Marijuana Hospitality and Sales Businesses, Medical Research Facilities, and Pesticide Manufacturers, but not to consumers.

“Retail Marijuana Store” means an entity licensed to purchase Retail Marijuana and Retail Marijuana Concentrate from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product and Retail Marijuana Concentrate from a Retail Marijuana Products Manufacturer, and to Transfer Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product to consumers and Retail Marijuana Hospitality and Sales Businesses.

HOURS OF OPERATION

Part 3 – Regulated Marijuana Business Operations

3-350 – Selling and Serving, Regulated Marijuana and Regulated Marijuana Product - Hours of Operation

A. Hours of Operation.

1. Regulated Marijuana Businesses **other than Licensed Hospitality Businesses** shall not sell or serve Regulated Marijuana or Regulated Marijuana Product at any time other than between the hours of 8:00 am and 12:00 am, Mountain Time, Monday through Sunday.
2. **WORK GROUP DISCUSSION – HOURS OF OPERATION FOR LICENSED HOSPITALITY BUSINESSES.**

B. Local Jurisdictions May Further Restrict Hours. Nothing in this Rule shall prohibit a local jurisdiction from further restricting hours of operation within its jurisdiction.

NEW HOSPITALITY RULE SERIES

6-900 Series –Licensed Hospitality Businesses

Basis and Purpose – 6-901

6-901 Licensed Hospitality Businesses – General Provisions

- A. Privileges Granted. A Licensed Hospitality Business shall only exercise those privileges granted pursuant to Article 44-10-101 et seq., and these Rules.
- B. Local Approval Required. No Licensed Hospitality Business may operate in a local jurisdiction that does not have an enacted, initiated, or referred ordinance or resolution authorizing the operation of that type of Licensed Hospitality Business within the local jurisdiction.

1. A Licensed Hospitality Business must comply with any restrictions on its operations imposed by the local jurisdiction's enacted, initiated, or referred ordinance or resolution.

C. Liability Insurance Required

WORK GROUP DISCUSSION – LIABILITY INSURANCE:

Under HB19-1230, rules must include general insurance liability requirements. Consider any challenges and proposed solutions.

- D. Responsible Vendor Training Required. All employees of a Licensed Hospitality Business shall complete annual responsible vendor training that satisfies the requirements of the responsible vendor program established under these Rules.

WORK GROUP DISCUSSION – RESPONSIBLE VENDOR TRAINING:

Under HB19-1230, all employees of a hospitality business must successfully complete an annual responsible vendor training program. Review current responsible vendor curriculum requirements and consider any additional curriculum needs specific to hospitality businesses. Also, pursuant to HB19-1230, curriculum requirements will be amended to include “*Information on serving size, THC and cannabinoid potency, and impairment.*”

- E. No Visible Consumption of Regulated Marijuana. A Licensed Hospitality Business shall ensure that the display and consumption of any marijuana is not visible from outside of the Restricted Access Area of its Licensed Premises.

WORK GROUP DISCUSSION – NO VISIBLE CONSUMPTION:

Under HB19-1230, a hospitality business must ensure the display and consumption of marijuana is not visible from outside the licensed premises.

- F. Identification of Restricted Access Area. A Licensed Hospitality Business's Restricted Access Area(s) shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, “Restricted Access Area – No One Under 21 Years of Age Allowed.”

- G. Entry By A Person Under 21 Years Prohibited. A Licensed Hospitality Business shall not allow any individual under 21 years of age to enter its Licensed Premises. A Licensed Hospitality Business shall verify that every individual entering the Licensed Premises has a valid government-issued photo identification showing that the individual is 21 years of age or older. See Rule ___ - Identification.

- H. Customers in Restricted Access Area. The Restricted Access Area must be supervised by a Licensee at all times when customers are present to ensure that only persons who are 21 years of age or older are permitted to enter. Customers in the Restricted Access Area shall be reasonably monitored.

- I. Consumer Educational Materials Required. A Licensed Hospitality Business must provide Consumer Educational Materials to customers regarding the safe consumption of marijuana that comply with the requirements of sections 44-10-609(3)(d) and 44-10-610(3)(e), C.R.S., and any applicable local requirements. Such Consumer Education Materials must be provided to customers in the Restricted Access Area.

WORK GROUP DISCUSSION – CONSUMER EDUCATIONAL MATERIALS:

Under HB19-1230, a hospitality business is required to provide informational materials regarding the safe consumption of marijuana. The materials must be based on the requirements established by the Marijuana Educational Oversight Committee, established pursuant to section 24-20-112(4), and on the relevant research from the panel of health care professionals appointed pursuant to section 25-1.5-110. Further, HB19-1230 provides that local jurisdictions may adopt additional requirements for education on safe consumption.

- J. Conduct On the Licensed Premises.

1. Consumption By Intoxicated Patrons Prohibited. A Licensed Hospitality Business shall not permit the use or consumption of marijuana by any person displaying any visible signs of intoxication.
2. Alcohol Consumption Prohibited. No consumption of alcohol is permitted in a Licensed Hospitality Business. A Licensed Hospitality Business is responsible for preventing the consumption of alcohol within its Licensed Premises.
3. Tobacco Consumption Prohibited. No smoking of tobacco or tobacco products is permitted in a Licensed Hospitality Business. A Licensed Hospitality Business is responsible for preventing the smoking of tobacco and tobacco products within its Licensed Premises.
4. Employee Consumption Prohibited. No employee of a Licensed Hospitality Business who is on duty may use or consume marijuana. A Licensed Hospitality Business is responsible for preventing the use or consumption of marijuana by on-duty employees within its Licensed Premises.
5. Flammable Instrument Restrictions. A Licensed Hospitality Business shall not allow the use of any of the following devices in the Licensed Premises if prohibited by a local ordinance or resolution:
 - a. Any device using liquid petroleum gas;
 - b. A butane torch;
 - c. A butane lighter; or
 - d. Matches.
6. Prohibited Conduct of Patrons. A Licensed Hospitality Business shall not knowingly permit any person to engage in activity or acts of disorderly conduct on the Licensed Premises, including the following:

- a. Make a coarse and obviously offensive utterance, gesture, or display;
 - b. Make unreasonable noise;
 - c. Fight with another person;
 - d. Discharge a firearm; or
 - e. Display a deadly weapon, display any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon.
- K. Free Product Prohibited. A Licensed Hospitality Business may not give away Regulated Marijuana to a consumer for any reason.
- L. Emergency Entry by Public Safety Personnel. If an emergency requires law enforcement, firefighters, emergency medical service providers, or other public safety personnel to enter the Licensed Premises of a Licensed Hospitality Business, the Licensed Hospitality Business is responsible for ensuring that all consumption and other activities, including sales, if applicable, cease until such personnel have left the Licensed Premises. The emergency entry of public safety personnel is considered an event subject to the reporting requirements of subparagraph (M) of this Rule.
- M. Reporting Requirements. In addition to other reporting requirements set forth in these Rules, a Licensed Hospitality Business must report the following events directly to the Division. Any report required under this Rule must be submitted within forty-eight (48) hours after an Owner or Employee of the Licensed Hospitality Business learns of the event.

WORK GROUP DISCUSSION – REPORTING REQUIREMENTS.

1. Report of Emergency Entry by Public Safety Personnel. A Licensed Hospitality Business must report any emergency entry by public safety personnel pursuant to paragraph (L) of this Rule.
2. Report of Adverse Event. A Licensed Hospitality Business must report any adverse event related to consumption of marijuana on the Licensed Premises. For purposes of this Rule, adverse event means any untoward medical occurrence associated with the use of marijuana—this could include any unfavorable and unintended sign (including a hospitalization, emergency department visit, doctor’s visit, abnormal laboratory finding), symptom or disease temporally associated with the use of marijuana, and may include reports of adverse reactions to a specific marijuana product. Any adverse event report to the Division must include the following:
 - a. The name and contact information of the reporting party;
 - b. The date and approximate time of the adverse event;
 - c. Any information regarding the nature of the event; and
 - d. If applicable, and to the extent known after reasonable diligence to ascertain the information, the following:
 - i. The name and contact information of any witnesses;

- ii. The name and contact information of any complainant, the date the complaint was received, the nature of the complaint; and
- iii. The name and Production Batch number of any Regulated Marijuana Product related to the adverse event.

N. Removal of Persons from the Licensed Premises. A Licensed Hospitality Business may remove a person from the Licensed Premises for any reason, including, but not limited to, any patron showing any visible signs of intoxication.

O. Control and Disposal of Marijuana Left by a Patron. A Licensed Hospitality Business is responsible for the collection and disposal of any marijuana left on the Licensed Premises by a patron. When a patron leaves any marijuana on the Licensed Premises, a Licensed Hospitality Business must promptly collect and remove the marijuana from the Restricted Access Area and either immediately destroy or store and secure the marijuana in a Limited Access Area or an area inaccessible to patrons in accordance to Rule 6-920(A).

1. Marijuana Consumer Waste. In conjunction with the collecting and securing of any remaining marijuana, a Licensed Hospitality Business may segregate any Marijuana Consumer Waste in order to Transfer the Marijuana Consumer Waste for purposes of recycling in accordance with Rule ___ – Consumer Waste Recycling.
2. Destruction Required. At, or before, the end of each business day, a Licensed Hospitality Business shall destroy any marijuana left on its Licensed Premises by a patron in conformance with Rule ___ – Waste Disposal. The Licensed Hospitality Business shall document any destruction of Regulated Marijuana in a waste log. See also Rule XXXX – Business Records Required.

WORK GROUP DISCUSSION – CONTROL AND DESTRUCTION OF MARIJUANA LEFT BY A PATRON: Under HB19-1230, rules must include requirements for marijuana hospitality businesses to destroy any unconsumed marijuana or marijuana products left behind by a patron.

6-902 – Licensed Hospitality Businesses – Additional Health and Safety Regulations

A. Local Safety Requirements and Inspections. A Licensed Hospitality Business must comply with any safety requirements or required inspections imposed by the local jurisdiction’s enacted, initiated, or referred ordinance or resolution which authorizes the Licensed Hospitality Business’s operation.

B. Sanitation of Consumption Equipment. If a Licensed Hospitality Business provides consumers with reusable equipment or devices to aid in the use or consumption of marijuana, the Licensed Hospitality Business shall ensure the equipment or device is sanitized properly in between uses. A Licensed Hospitality Business shall maintain standard operating procedures regarding reusable equipment and device sanitation practices. Failure to maintain records and/or sanitize reusable equipment may constitute a license violation affecting public safety.

WORK GROUP DISCUSSION – HEALTH AND SAFETY REQUIREMENTS FOR THE RE-USE OF EQUIPMENT OR DEVICES.

Other health and safety requirements that apply to all Retail Marijuana Businesses, including Retail Marijuana Stores are proposed to also apply to Licensed Hospitality Businesses. See current Rule R 406, 1 CCR 212-2.

6-903 – Licensed Hospitality Businesses – Operation Within A Retail Food Establishment

- A. Alcohol Beverage License Prohibited. A Licensed Hospitality Business shall not operate within a Retail Food Establishment that holds a license or permit issued pursuant to tiles 3, 4, or 5 of Title 44.
- B. Restricted Access Area. A Licensed Hospitality Business that operates within a Retail Food Establishment shall ensure that its Restricted Access Area is isolated from the rest of the Retail Food Establishment.

WORK GROUP DISCUSSION – OPERATION WITHIN A RETAIL FOOD ESTABLISHMENT:

Under HB19-1230, a Retail Food Establishment that does not hold an alcohol beverage license may apply for a license to operate a hospitality business in a isolated portion of the premises of the Retail Food Establishment.

- C. No Visible Consumption of Marijuana. The Licensed Hospitality Business shall ensure that no consumption of Marijuana is visible to patrons of the Retail Food Establishment who are not in the Restricted Access Area.

WORK GROUP DISCUSSION – NO VISIBLE CONSUMPTION:

Under HB19-1230, a hospitality business must ensure the display and consumption of marijuana is not visible from outside the licensed premises.

- D. Manufacturing of Regulated Marijuana Products Prohibited. A Licensed Hospitality Business shall ensure that the Retail Food Establishment is not used to manufacture Regulated Marijuana Products or to add marijuana to foods produced or provided at the Retail Food Establishment.
- E. Transfers of Retail Marijuana. A Retail Food Establishment that possesses a valid license to operate a Retail Marijuana Hospitality and Sales Business may Transfer Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product to a consumer pursuant to the requirements of these Rules. Transfers of Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product may occur only in the Retail Marijuana Hospitality and Sales Business' Restricted Access Area.

WORK GROUP DISCUSSION – RETAIL FOOD ESTABLISHMENTS:

Consider any other rules applicable to Retail Food Establishments operating a hospitality business license.

6-910 – Retail Marijuana Hospitality and Sales Businesses – Additional License Privileges

- A. Authorized Sources of Retail Marijuana. A Retail Marijuana Hospitality and Sales Business may only Transfer Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product that it obtained from another Retail Marijuana Business.
- B. Inventory Tracking System Requirements. A Retail Marijuana Hospitality and Sales Business must use the Inventory Tracking System in accordance with the requirements of the Rule 3-900 Series – Regulated Marijuana Business: Inventory Tracking System.
- C. Samples Provided for Testing. A Retail Marijuana Hospitality and Sales Business may provide Samples for testing purposes to a Retail Marijuana Testing Facility. The Retail Marijuana Hospitality and Sales Business shall maintain the testing results as part of its business books and records. See Rule 401 – Business Records Required.

- D. Authorized On-Premises Storage. A Retail Marijuana Hospitality and Sales Business may store inventory on the Licensed Premises. All inventory stored on the Licensed Premises must be secured in a Limited Access Area or Restricted Access Area, and tracked consistently with the inventory tracking rules. See Rule 3-900 Series – Regulated Marijuana Business: Inventory Tracking System.
- E. Authorized Marijuana Transport. A Retail Marijuana Hospitality and Sales Business is authorized to utilize a licensed Retail Marijuana Transporter for transportation of its Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product so long as the place where transportation orders are taken and delivered is a licensed Retail Marijuana Business. Nothing in this Rule prevents a Retail Marijuana Hospitality and Sales Business from transporting its own Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product to the Licensed Premises of its Retail Marijuana Hospitality and Sales Business.
- F. Transfers of Retail Marijuana. A Retail Marijuana Hospitality and Sales Business can Transfer Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product to consumers subject to the following restrictions.
1. Quantity Limitations On Sales.
 - a. A Retail Marijuana Hospitality and Sales Business is prohibited from Transferring more than one gram of Retail Marijuana flower, one-quarter of one gram of Retail Marijuana Concentrate, or Retail Marijuana Product containing more than 10 milligrams of active THC in a single transaction to a consumer.
 - b. A Retail Marijuana Hospitality and Sales Business and its employees are prohibited from Transferring Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product to a consumer if the Retail Marijuana Hospitality and Sales Business' employee knows or reasonably should know that previously during the same business day the consumer already received the relevant quantity limitation in this Rule. In determining the imposition of any penalty for violation of this Rule 6-910, the State Licensing Authority will consider any mitigating and aggravating factors set forth in Rule 1307(C).
 2. Packaging and Labeling Required.
 - a. A Retail Marijuana Hospitality and Sales Business shall not Transfer any Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product to a consumer unless it is packaged and labeled in accordance with the requirements in the Rule __ Series __ – Labeling, Packaging, and Product Safety.
 - b. A Retail Marijuana Hospitality and Sales Business shall not permit a consumer to leave the Licensed Premises with any unconsumed marijuana unless the Retail Marijuana Hospitality and Sales Business has ensured the excess, unconsumed marijuana is packaged and labeled in accordance with the requirements in the Rule __ Series __ – Labeling, Packaging, and Product Safety.

WORK GROUP DISCUSSION – PACKAGING AND LABELING:

Consider packaging and labeling requirements for (a) Transfers from a Retail Marijuana Business to a Retail Marijuana Hospitality and Sales Business and (b) Transfers from a Hospitality Business to a consumer.

Consider and discuss allowances for certain “bulk” transfers of retail marijuana inventory to the Retail Marijuana Hospitality and Sales Business.

- G. Licensees May Refuse Sales. Nothing in these rules prohibits a Licensee from refusing to Transfer Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product to a consumer.

6-911 – Retail Marijuana Hospitality and Sales Businesses – General Limitations or Prohibited Acts

- A. Age Verification. Prior to initiating the Transfer of Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product, a Licensee must verify that the purchaser has a valid government-issued photo identification showing that the purchaser is 21 years of age or older. See Rule ___ - Identification.
- B. Purchases Only Within Restricted Access Area. A customer must be physically present within the Restricted Access Area of the Retail Marijuana Hospitality and Sales Business's Licensed Premises to purchase Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product.
- C. Prohibited Sales and Activity.
1. Sales to Persons Under 21 Years. A Retail Marijuana Hospitality and Sales Business is prohibited from Transferring, giving, or distributing Regulated Marijuana to persons under 21 years of age.
 2. Alternative Use Products. A Retail Marijuana Hospitality and Sales Business shall not Transfer, or permit the use or consumption of, any Alternative Use Product.
 3. Marijuana Not Transferred by the Retail Marijuana Hospitality and Sales Business. A Retail Marijuana Hospitality and Sales Business shall not permit the use or consumption of any marijuana other than the Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Products it Transfers pursuant to these Rules.
 4. Nicotine or Alcohol. A Retail Marijuana Hospitality and Sales Business is prohibited from Transferring Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Products that contain nicotine or alcohol, if the sale of the alcohol would require a license pursuant to Articles 3, 4, or 5 of Title 44, C.R.S.
 5. Transfer of Expired Product. A Retail Marijuana Hospitality and Sales Business shall not Transfer any expired Retail Marijuana Product to a consumer.
 6. Transporter Transfer Restrictions. A Retail Marijuana Hospitality and Sales Business shall not Transfer Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product to a Retail Marijuana Transporter, and shall not buy or receive complimentary Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product from a Retail Marijuana Transporter.
 7. Possession and Transfer of Sampling Units. A Retail Marijuana Hospitality and Sales Business may not possess or Transfer Sampling Units.
 8. Research Transfers. A Retail Marijuana Hospitality and Sales Business shall not Transfer any Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product to a Medical Research Facility, a Pesticide Manufacturer, or a Licensed Research Business.

D. Storage and Display Limitations.

1. A Retail Marijuana Hospitality and Sales Business shall not display Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product outside of a designated Restricted Access Area or in a manner in which Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product can be seen from outside the Licensed Premises. Storage of Retail Marijuana, Retail Marijuana Concentrate, and Retail Marijuana Product shall otherwise be maintained in Limited Access Areas or Restricted Access Area.
2. Any product displays that are readily accessible to the customer must be supervised by the Owner Licensee or Employee Licensees at all times when customers are present.
3. Any Retail Marijuana Concentrate displayed in a Retail Marijuana Hospitality and Sales Business must include the potency of the concentrate on a sign next to the name of the product.
 - a. The font on the sign must be large enough for a consumer to reasonably see from the location where a consumer would usually view the concentrate.
 - b. The potency displayed on the sign must be within plus or minus fifteen percent of the concentrate's actual potency.

E. Violation Affecting Public Safety. Failure to comply with this Rule may constitute a license violation affecting public safety.

Basis and Purpose – 6-920

6-920 – Marijuana Hospitality Business: Limited Access Area

- A. Limited Access Area Permitted But Not Required. A Marijuana Hospitality Business is not required to maintain a Limited Access Area as part of the Licensed Premises so long as the Marijuana Hospitality Business demonstrates that it has established policies, procedures, and methods to ensure marijuana collected pursuant to Rule 6-901(O) will be secured in an area inaccessible to patrons of the Marijuana Hospitality Business prior to destruction.

Basis and Purpose – 6-921

6-921 – Marijuana Hospitality Businesses: Requirements for Mobile Licensed Premises

- A. Mobile Premises. A Marijuana Hospitality Business that operates a Licensed Premises that is not situated at fixed, permanent geographic location is considered to operate a mobile Licensed Premises and is subject to all the requirements of this Rule 6-921.
1. Multiple Mobile Premises. A Marijuana Hospitality Business may operate more than one mobile Licensed Premises. Each Licensed Premises must be designated separately pursuant to subparagraph (A)(2) of this Rule.
 2. Designation of Mobile Premises. Before designating a mobile Licensed Premises, a Marijuana Hospitality Business must ensure the mobile Licensed Premises complies with all state and local registration and permitting requirements. At each initial and renewal

application, a Marijuana Hospitality Business must provide the Division with the following information regarding its mobile Licensed Premises:

- a. The vehicle manufacturer/make, model, and model year associated with the mobile Licensed Premises;
- b. The vehicle identification number (VIN) associated with the mobile Licensed Premises;
- c. The Colorado license plate number and copy of the registration associated with the mobile Licensed Premises;
- d. If applicable, the automatic vehicle identification tag associated with the mobile Licensed Premises; and
- e. A copy of a valid permit issued by the Public Utilities Commission to the Licensed Hospitality Business.

B. Local Approval Required. In order to operate a mobile Licensed Premises, the local jurisdiction in which the Marijuana Hospitality Business operates must have approved the operation of mobile Licensed premises through an enacted, initiated, or referred ordinance or resolution.

1. Licensed Premises Must Not Operate Outside the Local Jurisdiction. Unless it meets the requirements of subparagraph (B)(2) of this Rule, a Marijuana Hospitality Business shall ensure that its mobile Licensed Premises does not leave the local jurisdiction while its Licensed Premises is in operation and open to patrons.
2. Multiple Jurisdiction Approval. A Marijuana Hospitality Business may permit its mobile Licensed Premises to operate in and travel through multiple local jurisdictions if the all the local jurisdictions it will travel through have enacted, initiated, or referred ordinance or resolution allowing such operation and travel.

C. Additional Requirements for Mobile Licensed Premises. In order to be approved to operate a mobile Licensed Premises a Marijuana Hospitality Business must establish that each mobile Licensed Premises will be able to meet the following requirements:

1. Global positioning system tracking of the mobile Licensed Premises;
2. Written standard operating procedures that address the logging of the route(s) of each mobile Licensed Premises;
3. Video surveillance inside of the mobile Licensed Premises, including the entry and exit points to the mobile Licensed Premises and driver's area of the vehicle;
4. Proper Ventilation within vehicle, which includes, if Regulated Marijuana is smoked or vaped in the Licensed Premises, that air is not circulated into the driver's area of the Licensed Premises;
5. Policies and procedures to ensure that no Regulated Marijuana is possessed or consumed in the area designed to seat the driver and front seat passenger in a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;
6. Methods to ensure consumption activity not visible outside vehicle; and

7. Policies, procedures, or other measures to ensure that customers are prohibited from entering the driver's area of the mobile Licensed Premises.

WORK GROUP DISCUSSION – MOBILE LICENSED PREMISES:

Under HB19-1230, rules must include requirements for hospitality businesses and are mobile, including:

(a) registration of vehicles and proper designation of vehicles used as mobile licensed premises; (b) surveillance cameras inside the vehicles; (c) global positioning system tracking and route logging in an established route manifest system; (d) compliance with section 42-4-1035.5; (e) ensuring activity is not visible outside the vehicle; and (f) proper ventilation within the vehicle.

- D. Separate Place of Business. A Marijuana Hospitality Business that operates a mobile Licensed Premises shall designate and maintain a fixed place of business separate from the mobile Licensed Premises. If the Mobile Hospitality Business will transport any marijuana to the separate place of business for purposes of destruction, the separate place of business shall also be a Licensed Premises.
- E. Business Records. All records required to be maintained by these Rules must be maintained at the Marijuana Hospitality Business's separate place of business, and not at the Licensed Premises, except that when the Marijuana Hospitality Business is in operation it must maintain its current route log on the mobile Licensed Premises in operation.
 1. A Marijuana Hospitality Business is not required to maintain records related to inventory tracking because a Marijuana Hospitality Business is prohibited from engaging in Transfers of marijuana.
- F. Health and Safety and Security Requirements.

WORK GROUP DISCUSSION – HEALTH AND SAFETY AND SECURITY REQUIREMENTS APPLICABLE TO MOBILE LICENSED PREMISES:

Consider health and safety/security requirements applicable to mobile licensed premises and identify any current health and safety/security rules that do not apply to mobile licensed premises.