

NOTICE OF RULEMAKING HEARING

The State Licensing Authority of the Colorado Department of Revenue, Marijuana Enforcement Division, will consider the promulgation of additions and amendments to its Rules and Regulations as authorized by Article XVIII, Section 16 of the Colorado Constitution, the Retail Marijuana Code, sections 12-43.4-101 *et seq.*, C.R.S. (“Retail Code”), and the Medical Marijuana Code, sections 12-43.3-101 *et seq.*, C.R.S. (“Medical Code”). For specific information and language concerning the proposed changes and new rules, please refer to the contents of this Notice and to the initial partial proposed rules that are set forth following this notice and are also at the Colorado Department of Revenue, Marijuana Enforcement Division’s website at: <https://www.colorado.gov/enforcement/2017-med-rulemaking>

STATUTORY AUTHORITY FOR RULEMAKING

The State Licensing Authority promulgates these rules pursuant to the authority granted in the Medical Code, the Retail Code, Article XVIII, Section 16 of the Colorado Constitution, and section 24-4-103, C.R.S., of the Administrative Procedure Act.

SUBJECT OF RULEMAKING

An initial portion of the proposed rules are posted on the Colorado Department of Revenue, Marijuana Enforcement Division’s website at:

<https://www.colorado.gov/enforcement/2017-med-rulemaking>. The full set of proposed rules will be posted no later than 5:00 p.m. on Wednesday, February 1, 2017. Other relevant information regarding this rulemaking also will be posted on the Division’s website. In addition, the initial partial proposed rules attached to this Notice are fully incorporated herein.

The State Licensing Authority will consider the promulgation of the following list of new rules and existing rules with changes proposed. This list is not exhaustive. For specific information and language concerning the proposed changes, please refer to the initial partial proposed rules that are set forth with this notice, at the Colorado Department of Revenue, Marijuana Enforcement Division’s website, and on the Colorado Secretary of State website.

Please take note that in addition to the subject matters addressed in the initial partial proposed rules, the State Licensing Authority will consider additional rules consistent with any subject matter needed to implement and interpret the Retail Code, the Medical Code, and Article XVIII, Section 16 of the Colorado Constitution. The rulemaking hearing will include but will not be limited to modifications required due to statutory changes adopted during the 2016 legislative session. Some of those proposed modifications are related to Senate Bill 16-040, House Bill 16-1211, and House Bill 16-1261.

Further note that all fees reflected in the emergency fee rules adopted December 22, 2016 are subject to change through permanent rulemaking. Specifically, because the State Licensing Authority, through the Department of Revenue’s Marijuana Enforcement Division, has not previously engaged in background investigations related to out of state ownership interests, associated fees reflected in the emergency rules represent best

estimates and may be subject to significant change after additional data is obtained following implementation of the emergency rules.

RULES TO BE CONSIDERED FOR AMENDMENT OR ADOPTION PURSUANT TO THE MEDICAL CODE

M 100 Series – General Applicability

M 103 – Definitions (to address terms related to “license” and “registration” and any other terms necessary to implement these rule changes)

M 106 – Subpoena Fees

*Other general rules may be adopted or amended.

M 200 Series – Licensing and Interests

M 201 – Application Process

M 207 – Schedule of Application Fees: Medical Marijuana Businesses

M 208 – Schedule of Business License Fees: Medical Marijuana Businesses

M 209 – Schedule of Business Renewal License Fees: Medical Marijuana Businesses

M 210 – Schedule of Licensing Administrative Service Fees: All Licensees

M 235 – Schedule of License Fees: Individuals

M 236 – Schedule of Renewal License Fees: Individuals

The M 200 Series rules are under consideration for amendments and additions in order to implement legislation passed in the 2016 legislative session including, but not limited to, Senate Bill 16-040 and House Bill 16-1211, and to set appropriate fees, and any other subject matter needed to implement and interpret the Medical Code.

*Other rules related to licensing and interests may be adopted or amended.

Any other rules necessary to implement the Medical Code may be amended or adopted.

RULES TO BE CONSIDERED FOR AMENDMENT OR ADOPTION TO THE RETAIL CODE

R 100 Series – General Applicability

R 103 – Definitions (to address any other terms necessary to implement these rule changes)

R 106 – Subpoena Fees

*Other general rules may be adopted or amended.

R 200 Series – Licensing and Interests

R 201 – Application Process

R 207 – Schedule of Application Fees: Retail Marijuana Establishments

R 208 – Schedule of Business License Fees: Retail Marijuana Establishments

R 209 – Schedule of Business License Renewal Fees: Retail Marijuana Establishments

R 210 – Schedule of Licensing Administrative Service Fees: All Licensees

R 234 – Schedule of License Fees: Individuals

R 235 – Schedule of Renewal Fees: Individuals

The R 200 Series rules are under consideration for amendments and additions in order to implement legislation passed in the 2016 legislative session including, but not limited to, Senate Bill 16-040, House Bill 16-1211, and House Bill 16-1261, and to set appropriate fees, and any other subject matter needed to implement and interpret the Retail Code and Article XVIII, Section 16 of the Colorado Constitution.

*Other rules governing licensing may be adopted or amended.

Any other rules necessary to implement the Retail Code may be adopted or amended.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. Official Rulemaking Record. The official record for purposes of the rulemaking hearing to be held on Thursday, February 9, 2017, will include any written comments or oral testimony submitted or presented.
2. Written Comments. The State Licensing Authority encourages interested parties to submit written comments on the proposed rules, including alternate proposals, by Thursday, January 19, 2017 so that the State Licensing Authority can review comments prior to the rulemaking hearing. Written comments will also be accepted after that date. The deadline to submit written comments is 5:00 P.M. on Thursday, February 9, 2016.

The State Licensing Authority will accept all written comments but strongly encourages written comments to be submitted on the Marijuana Enforcement Division Suggested Revision to Rules Form (Rule Form). A copy of the form is attached to this notice. The form may also be found at: <https://www.colorado.gov/enforcement/2017-med-rulemaking>.

Please print, complete, and save the Rule Form as a separate document and then submit the Rule Form via e-mail. Written comments and completed Rule Forms may be emailed to: dor_medrulecomments@state.co.us. In addition, you may submit completed Rule Forms to:

Marijuana Enforcement Division
Re: Rules
1697 Cole Boulevard, Suite 200
Lakewood, CO 80401

Written comments will be accepted at the rulemaking hearing.

3. Oral Comments. At her discretion, the State Licensing Authority may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing.

The State Licensing Authority strongly encourages written comments

If allowed, oral presentations will likely be limited to two minutes or less per person. Individuals will not be allowed to cede their time to another person (for instance, one

person speaking on behalf of five people will not be given ten minutes to speak). Organized groups of individuals are urged to identify one spokesperson and to be concise. The State Licensing Authority encourages interested parties to avoid duplicating previously-submitted material and testimony.

HEARING SCHEDULE

Date: February 9, 2017
Time: 1:00 p.m. – 5:00 p.m.
Place: 17301 W. Colfax Avenue, Golden, CO 80401

Location of the rulemaking hearing will also be posted on the Department of Revenue’s website and the Secretary of State’s website.

The hearing may be continued at such place and time as the State Licensing Authority may announce.

The State Licensing Authority shall deliberate upon testimony and written submissions presented at this hearing, as well as applicable legal provisions and any related matters properly submitted before the hearing record is closed. Pursuant to said hearing, in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the State Licensing Authority will adopt such rules as in its judgment are justified by the rulemaking record and applicable legal provisions.

If you are an individual with a disability who needs a reasonable accommodation in order to participate in this rulemaking hearing, please contact Cindy Perkins at Cindy.Perkins@state.co.us no later than January 16, 2017.

Dated this 22nd day of December, 2016.

THE COLORADO DEPARTMENT OF REVENUE,
STATE LICENSING AUTHORITY,
MARIJUANA ENFORCEMENT DIVISION



Barbara J. Brohl, State Licensing Authority
Colorado Department of Revenue