

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 16-0876.01 Michael Dohr x4347

**HOUSE BILL 16-1211**

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**HOUSE SPONSORSHIP**

**Melton,**

**SENATE SPONSORSHIP**

**Baumgardner and Jahn,**

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**House Committees**

Business Affairs and Labor  
Finance  
Appropriations

**Senate Committees**

Transportation  
Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING LICENSING MARIJUANA TRANSPORTERS, AND, IN**  
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill creates a retail marijuana transporter license and a medical marijuana transporter license. The license is valid for 5 years. A licensed marijuana transporter (transporter) provides logistics, distribution, and storage of marijuana and marijuana products. A transporter may contract with multiple businesses and may also hold another marijuana license. A

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
May 6, 2016

SENATE  
Amended 2nd Reading  
May 5, 2016

HOUSE  
3rd Reading Unamended  
April 14, 2016

HOUSE  
Amended 2nd Reading  
April 12, 2016

transporter must be licensed by December 31, 2017, in order to continue to operate. The bill describes the circumstances under which a business can terminate a contract with a transporter.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-104, **add**  
3 (8.5) as follows:

4 **12-43.3-104. Definitions.** As used in this article, unless the  
5 context otherwise requires:

6 (8.5) "MEDICAL MARIJUANA TRANSPORTER" MEANS AN ENTITY OR  
7 PERSON THAT IS LICENSED TO TRANSPORT MEDICAL MARIJUANA AND  
8 MEDICAL MARIJUANA-INFUSED PRODUCTS FROM ONE MEDICAL MARIJUANA  
9 ESTABLISHMENT TO ANOTHER MEDICAL MARIJUANA ESTABLISHMENT AND  
10 TO TEMPORARILY STORE THE TRANSPORTED MEDICAL MARIJUANA AND  
11 MEDICAL MARIJUANA-INFUSED PRODUCTS AT ITS LICENSED PREMISES, BUT  
12 IS NOT AUTHORIZED TO SELL MEDICAL MARIJUANA OR MEDICAL  
13 MARIJUANA-INFUSED PRODUCTS UNDER ANY CIRCUMSTANCES.

14 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-202, **add (2)**  
15 (a) (XVIII.6) as follows:

16 **12-43.3-202. Powers and duties of state licensing authority -**  
17 **rules.** (2) (a) Rules promulgated pursuant to paragraph (b) of subsection  
18 (1) of this section may include, but need not be limited to, the following  
19 subjects:

20 (XVIII.6) MEDICAL MARIJUANA TRANSPORTER LICENSED  
21 BUSINESSES, INCLUDING REQUIREMENTS FOR DRIVERS, INCLUDING  
22 OBTAINING AND MAINTAINING A VALID COLORADO DRIVER'S LICENSE;  
23 INSURANCE REQUIREMENTS; ACCEPTABLE TIME FRAMES FOR TRANSPORT,  
24 STORAGE, AND DELIVERY; REQUIREMENTS FOR TRANSPORT VEHICLES; AND

1     **REQUIREMENTS FOR LICENSED PREMISES;**

2             **SECTION 3.** In Colorado Revised Statutes, 12-43.3-301, **add** (1)  
3     (d) as follows:

4             **12-43.3-301. Local licensing authority - applications - licenses.**

5     (1) A local licensing authority may issue only the following medical  
6     marijuana licenses upon payment of the fee and compliance with all local  
7     licensing requirements to be determined by the local licensing authority:

8             (d) A MEDICAL MARIJUANA TRANSPORTER LICENSE.

9             **SECTION 4.** In Colorado Revised Statutes, 12-43.3-401, **add** (1)  
10     (e) as follows:

11             **12-43.3-401. Classes of licenses.** (1) For the purpose of  
12     regulating the cultivation, manufacture, distribution, and sale of medical  
13     marijuana, the state licensing authority in its discretion, upon application  
14     in the prescribed form made to it, may issue and grant to the applicant a  
15     license from any of the following classes, subject to the provisions and  
16     restrictions provided by this article:

17             (e) MEDICAL MARIJUANA TRANSPORTER LICENSE.

18             **SECTION 5.** In Colorado Revised Statutes, **add** 12-43.3-406 as  
19     follows:

20             **12-43.3-406. Medical marijuana transporter license.** (1) (a) A  
21     MEDICAL MARIJUANA TRANSPORTER LICENSE MAY BE ISSUED TO A PERSON  
22     TO PROVIDE LOGISTICS, DISTRIBUTION, AND STORAGE OF MEDICAL  
23     MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS.  
24     NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, A MEDICAL  
25     MARIJUANA TRANSPORTER LICENSE IS VALID FOR TWO YEARS, BUT CANNOT  
26     BE TRANSFERRED WITH A CHANGE OF OWNERSHIP. A LICENSED MEDICAL  
27     MARIJUANA TRANSPORTER IS RESPONSIBLE FOR THE MEDICAL MARIJUANA

1 AND MEDICAL MARIJUANA-INFUSED PRODUCTS ONCE IT TAKES CONTROL  
2 OF THE PRODUCT.

3 (b) A LICENSED MEDICAL MARIJUANA TRANSPORTER MAY  
4 CONTRACT WITH MULTIPLE LICENSED MEDICAL MARIJUANA BUSINESSES.

5 ■  
6 (c) ON AND AFTER JULY 1, 2017, ALL MEDICAL MARIJUANA  
7 TRANSPORTERS SHALL HOLD A VALID MEDICAL MARIJUANA TRANSPORTER  
8 LICENSE; EXCEPT THAT AN ENTITY LICENSED PURSUANT TO THIS ARTICLE  
9 THAT PROVIDES ITS OWN DISTRIBUTION IS NOT REQUIRED TO HAVE A  
10 MEDICAL MARIJUANA TRANSPORTER LICENSE TO TRANSPORT AND  
11 DISTRIBUTE ITS PRODUCTS. THE STATE LICENSING AUTHORITY SHALL  
12 BEGIN ACCEPTING APPLICATIONS AFTER JANUARY 1, 2017.

13 (2) A MEDICAL MARIJUANA TRANSPORTER LICENSEE MAY  
14 MAINTAIN A LICENSED PREMISES TO TEMPORARILY STORE MEDICAL  
15 MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS AND TO USE AS  
16 A CENTRALIZED DISTRIBUTION POINT. THE LICENSED PREMISES MUST BE  
17 LOCATED IN A JURISDICTION THAT PERMITS THE OPERATION OF MEDICAL  
18 MARIJUANA CENTERS. A LICENSED MEDICAL MARIJUANA TRANSPORTER  
19 MAY STORE AND DISTRIBUTE MEDICAL MARIJUANA AND MEDICAL  
20 MARIJUANA-INFUSED PRODUCTS FROM THIS LOCATION. A STORAGE  
21 FACILITY MUST MEET THE SAME SECURITY REQUIREMENTS THAT ARE  
22 REQUIRED TO OBTAIN A MEDICAL MARIJUANA OPTIONAL PREMISE  
23 CULTIVATION LICENSE.

24 (3) A MEDICAL MARIJUANA TRANSPORTER LICENSEE ■ SHALL USE  
25 THE SEED-TO-SALE TRACKING SYSTEM DEVELOPED PURSUANT TO SECTION  
26 12-43.4-202 (1) TO CREATE SHIPPING MANIFESTS DOCUMENTING THE  
27 TRANSPORT OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED

1 PRODUCTS THROUGHOUT THE STATE.

2 (4) A MEDICAL MARIJUANA TRANSPORTER LICENSEE MAY:

3 (a) MAINTAIN AND OPERATE ONE OR MORE WAREHOUSES IN THE  
4 STATE TO HANDLE MEDICAL MARIJUANA AND MEDICAL  
5 MARIJUANA-INFUSED PRODUCTS; AND

6 (b) DELIVER MEDICAL MARIJUANA AND MEDICAL  
7 MARIJUANA-INFUSED PRODUCTS ON ORDERS PREVIOUSLY TAKEN IF THE  
8 PLACE WHERE ORDERS ARE TAKEN AND DELIVERED IS LICENSED.

9  
10 **SECTION 6.** In Colorado Revised Statutes, 12-43.4-103, add  
11 (21.5) as follows:

12 **12-43.4-103. Definitions.** As used in this article, unless the  
13 context otherwise requires:

14 (21.5) "RETAIL MARIJUANA TRANSPORTER" MEANS AN ENTITY OR  
15 PERSON THAT IS LICENSED TO TRANSPORT RETAIL MARIJUANA AND RETAIL  
16 MARIJUANA PRODUCTS FROM ONE RETAIL MARIJUANA ESTABLISHMENT TO  
17 ANOTHER RETAIL MARIJUANA ESTABLISHMENT AND TO TEMPORARILY  
18 STORE THE TRANSPORTED RETAIL MARIJUANA AND RETAIL MARIJUANA  
19 PRODUCTS AT ITS LICENSED PREMISES, BUT IS NOT AUTHORIZED TO SELL  
20 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS UNDER ANY  
21 CIRCUMSTANCES.

22 **SECTION 7.** In Colorado Revised Statutes, 12-43.4-202, add (3)  
23 (a) (XVII) as follows:

24 **12-43.4-202. Powers and duties of state licensing authority -**  
25 **rules.** (3) (a) Rules promulgated pursuant to paragraph (b) of subsection  
26 (2) of this section must include, but need not be limited to, the following  
27 subjects:

1 (XVII) RETAIL MARIJUANA TRANSPORTER LICENSED BUSINESSES,  
2 INCLUDING REQUIREMENTS FOR DRIVERS, INCLUDING OBTAINING AND  
3 MAINTAINING A VALID COLORADO DRIVER'S LICENSE; INSURANCE  
4 REQUIREMENTS; ACCEPTABLE TIME FRAMES FOR TRANSPORT, STORAGE,  
5 AND DELIVERY; REQUIREMENTS FOR TRANSPORT VEHICLES; AND  
6 REQUIREMENTS FOR LICENSED PREMISES;

7 **SECTION 8.** In Colorado Revised Statutes, 12-43.4-401, **amend**  
8 (1) (d); and **add** (1) (f) as follows:

9 **12-43.4-401. Classes of licenses.** (1) For the purpose of  
10 regulating the cultivation, manufacture, distribution, sale, and testing of  
11 retail marijuana and retail marijuana products, the state licensing  
12 authority in its discretion, upon receipt of an application in the prescribed  
13 form, may issue and grant to the applicant a license from any of the  
14 following classes, subject to the provisions and restrictions provided by  
15 this article:

- 16 (d) Retail marijuana testing facility license; ~~and~~
- 17 (f) RETAIL MARIJUANA TRANSPORTER LICENSE.

18 **SECTION 9.** In Colorado Revised Statutes, **add** 12-43.4-406 as  
19 follows:

20 **12-43.4-406. Retail marijuana transporter license.** (1) (a) A  
21 RETAIL MARIJUANA TRANSPORTER LICENSE MAY BE ISSUED TO A PERSON  
22 TO PROVIDE LOGISTICS, DISTRIBUTION, AND STORAGE OF RETAIL  
23 MARIJUANA AND RETAIL MARIJUANA PRODUCTS. NOTWITHSTANDING ANY  
24 OTHER PROVISIONS OF LAW, A RETAIL MARIJUANA TRANSPORTER LICENSE  
25 IS VALID FOR TWO YEARS, BUT CANNOT BE TRANSFERRED WITH A CHANGE  
26 OF OWNERSHIP. A LICENSED RETAIL MARIJUANA TRANSPORTER IS  
27 RESPONSIBLE FOR THE RETAIL MARIJUANA AND RETAIL MARIJUANA

1 PRODUCTS ONCE IT TAKES CONTROL OF THE PRODUCT.

2 (b) A LICENSED RETAIL MARIJUANA TRANSPORTER MAY CONTRACT  
3 WITH MULTIPLE LICENSED RETAIL MARIJUANA BUSINESSES. ■ ■

4 (c) ON AND AFTER JULY 1, 2017, ALL RETAIL MARIJUANA  
5 TRANSPORTERS SHALL HOLD A VALID RETAIL MARIJUANA TRANSPORTER  
6 LICENSE; EXCEPT THAT AN ENTITY LICENSED PURSUANT TO THIS ARTICLE  
7 THAT PROVIDES ITS OWN DISTRIBUTION IS NOT REQUIRED TO HAVE A  
8 RETAIL MARIJUANA TRANSPORTER LICENSE TO TRANSPORT AND  
9 DISTRIBUTE ITS PRODUCTS. THE STATE LICENSING AUTHORITY SHALL  
10 BEGIN ACCEPTING APPLICATIONS AFTER JANUARY 1, 2017.

11 (2) A RETAIL MARIJUANA TRANSPORTER LICENSEE MAY MAINTAIN  
12 A LICENSED PREMISES TO TEMPORARILY STORE RETAIL MARIJUANA AND  
13 RETAIL MARIJUANA PRODUCTS AND TO USE AS A CENTRALIZED  
14 DISTRIBUTION POINT. THE LICENSED PREMISES MUST BE LOCATED IN A  
15 JURISDICTION THAT PERMITS THE OPERATION OF RETAIL MARIJUANA  
16 STORES. A LICENSED RETAIL MARIJUANA TRANSPORTER MAY STORE AND  
17 DISTRIBUTE RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM  
18 THIS LOCATION. A STORAGE FACILITY MUST MEET THE SAME SECURITY  
19 REQUIREMENTS THAT ARE REQUIRED TO OBTAIN A RETAIL MARIJUANA  
20 CULTIVATION LICENSE.

21 (3) A RETAIL MARIJUANA TRANSPORTER LICENSEE ■ SHALL USE  
22 THE SEED-TO-SALE TRACKING SYSTEM DEVELOPED PURSUANT TO SECTION  
23 12-43.4-202 (1) TO CREATE SHIPPING MANIFESTS DOCUMENTING THE  
24 TRANSPORT OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS  
25 THROUGHOUT THE STATE.

26 (4) A RETAIL MARIJUANA TRANSPORTER LICENSEE MAY:

27 (a) MAINTAIN AND OPERATE ONE OR MORE WAREHOUSES IN THE

1 STATE TO HANDLE RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS;  
2 AND

3 (b) DELIVER RETAIL MARIJUANA PRODUCTS ON ORDERS  
4 PREVIOUSLY TAKEN IF THE PLACE WHERE ORDERS ARE TAKEN AND  
5 DELIVERED IS LICENSED.

6 SECTION 10. In Colorado Revised Statutes, repeal as added by  
7 House Bill 16-1261 section 12-43.4-406 as follows:

9 ~~12-43.4-406. Retail marijuana transport license. (1) A RETAIL~~  
10 ~~MARIJUANA TRANSPORT LICENSE MAY BE ISSUED TO A PERSON WHO ONLY~~  
11 ~~TEMPORARILY STORES AND TRANSPORTS RETAIL MARIJUANA THROUGHOUT~~  
12 ~~THE STATE FOR OTHER ENTITIES LICENSED PURSUANT TO THIS PART 4.~~

13 ~~(2) A RETAIL MARIJUANA TRANSPORT LICENSEE SHALL MAINTAIN~~  
14 ~~A LICENSED PREMISES FOR THE TEMPORARY STORAGE OF RETAIL~~  
15 ~~MARIJUANA.~~

16 ~~(3) A RETAIL MARIJUANA TRANSPORT LICENSEE SHALL HAVE~~  
17 ~~ACCESS TO AND SHALL USE THE SEED-TO-SALE TRACKING SYSTEM~~  
18 ~~DEVELOPED PURSUANT TO SECTION 12-43.4-202 (1) TO CREATE SHIPPING~~  
19 ~~MANIFESTS DOCUMENTING THE TRANSPORT OF RETAIL MARIJUANA~~  
20 ~~THROUGHOUT THE STATE.~~

21 ~~(4) AN ENTITY LICENSED PURSUANT TO THIS PART 4 MAY~~  
22 ~~TRANSPORT ITS OWN RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS~~  
23 ~~WITHOUT POSSESSING A LICENSE PURSUANT TO THIS SECTION.~~

24 **SECTION 11. Appropriation.** (1) For the 2016-17 state fiscal  
25 year, \$76,284 is appropriated to the department of revenue. This  
26 appropriation is from the marijuana cash fund created in section  
27 12-43.3-501 (1) (a), C.R.S. To implement this act, the department may



1 use this appropriation as follows:

2 (a) \$58,783 for marijuana enforcement, which amount is based on  
3 an assumption that the department will require an additional 1.1 FTE;

4 (b) \$8,000 for CITA annual maintenance and support; and

5 (c) \$9,501 for the purchase of legal services.

6 (2) For the 2016-17 state fiscal year, \$9,501 is appropriated to the  
7 department of law. This appropriation is from reappropriated funds  
8 received from the department of revenue under paragraph (c) of  
9 subsection (1) of this section. To implement this act, the department of  
10 law may use this appropriation to provide legal services for the  
11 department of revenue.

12 **SECTION 12. Act subject to petition - effective date.** (1) This  
13 act takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2016 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.

22 (2) Section 10 of this act takes effect only if House Bill 16-1261  
23 becomes law.