

2019 Colorado Laws Enacted Affecting Municipal Governments



COLORADO
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FOREWORD

During the 2019 session of the Colorado General Assembly, CML tracked 227 of the 654 bills and resolutions introduced. Of the 39 bills that CML supported, more than 92 percent passed. Of the 27 bills that CML opposed, 100 percent were defeated or were amended such that the League dropped its opposition.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. *2019 Colorado Laws Enacted Affecting Municipal Governments* focuses on selected acts that have a particular significance for municipal operations, services, and powers – it is not a comprehensive listing of all new legislation enacted into law affecting municipal government. For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936.

CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. *2019 Colorado Laws Enacted Affecting Municipalities* will be available to all for free – along with several past years' editions – online at www.cml.org.

Kevin Bommer
CML executive director
June 2019

CML Advocacy Team



Executive Director: Kevin Bommer

Kevin is responsible to CML's 21-member executive board for executing the policies and programs of the League, supervising staff members, managing and coordinating activities and operations, recommending and developing organization policies and programs, and serving as a spokesperson for League policies. Kevin also directs the League's advocacy program and oversees CML's strategic plan development and implementation. Prior to being appointed executive director in April 2019, Kevin served as the League's deputy director from 2012 to March 2019 and was a full-time lobbyist from 2001 to May 2019.



Legislative & Policy Advocate: Morgan Cullen

Morgan is responsible for advocating municipal interests before the state legislature. His issues include economic development; environment and sustainability; transportation and transit; and utilities. He also assists in training and answering inquiries for other municipal officials on various topics. Morgan joined the League in 2016.



Legislative & Policy Advocate: Brandy DeLange

Brandy is responsible for advocating municipal interests before the state legislature. Her issues include broadband, natural resources, environment, land use, and annexation. She also assists in training and answering inquiries for municipal officials on various topics. Brandy joined the League in 2018.



Legislative & Policy Advocate: Meghan Dollar

Meghan is responsible for advocating municipal interests before the state legislature. Her issues include affordable housing, criminal justice and courts; immigration; public safety; land use; lottery and gaming; and historic preservation. She also assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in 2011.

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HB 19-1106 AFFORDABLE HOUSING
Rental Application Fees

The act prohibits a landlord from charging a rental application fee unless the entire amount of the fee is used to cover the landlord's cost to process a rental application, such as the cost to conduct a personal reference check or to obtain a consumer credit report. Landlords may not charge two or more prospective renters different amounts for applications to rent the same property. Landlords must provide each prospective tenant with a receipt. The act sets limitations on what landlords may consider in evaluating an application and allows for damages when a landlord violates the act. The legislation applies to all dwelling units, including those that are operated by housing authorities. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1118 AFFORDABLE HOUSING
Time Period to Cure Lease Violation

This act increases from three to 10 days the amount of advance notice a landlord must normally give before terminating a residential lease or filing an eviction action for failure to pay rent. The act creates an exception to this requirement for a nonresidential agreement or an employer-provided housing agreement, in which case, three days' notice is required. Effective: May 20, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1170 AFFORDABLE HOUSING
Residential Tenants Health and Safety Act

The act revises the current definition of warranty of habitability and shortens the required response time frame. It includes electronic notification to the list of acceptable forms of tenant notification to landlord that there is a breach. The act allows a tenant who satisfies certain conditions to deduct from one or more rent payments the cost to repair or remedy a breach of the warranty. Rental housing funded with federal, state, regional, or local grant or loan programs is exempt from the rent deduction for repairs. The act prohibits a landlord from retaliating against a tenant in response to a good-faith complaint. The act contains numerous other provisions. Effective: May 20, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1228 AFFORDABLE HOUSING
Increase Tax Credit Allocation Affordable Housing

For tax years 2020 through 2024, this act increases the amount of state affordable housing tax credits that the Colorado Housing and Finance Authority may allocate from \$5 million to \$10 million each year. This results in a total of \$150 million in additional tax credits that can be allocated by CHFA over five years. Effective: September 1, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1245 AFFORDABLE HOUSING
Housing Funding from Vendor Fee Changes

HB 19-1245 increases the state vendor fee allowance on sales tax accounts from the current rate of 3.33 percent to 4.0 percent starting on Jan. 1, 2020, but caps the vendor fee allowance at \$1,000 per month per retailer, thus causing additional sales tax revenue to flow to the state. A retailer with multiple locations in the state is counted as one retailer for purposes of the vendor fee allowance cap. A portion of the net revenue increase from the vendor fee change is allocated to the Housing Development Grant Fund. In the first year, \$8 million will be transferred, with \$9 million in the second year. Following those years, the entirety of the revenue is dedicated to affordable housing and could be up to \$50 million annually. At least one-third of this revenue will be awarded to affordable housing projects directed towards households with incomes less than or equal to 30 percent of the area median household income. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1272 AFFORDABLE HOUSING
Housing Authority Property in New Energy Improvement District

The act allows a government housing authority to voluntarily participate in the Colorado New Energy Improvement District (NEID) program. NEID allows property owners to finance up to 100 percent of up-front energy efficiency, renewable energy, and water conservation improvements through a voluntary special assessment on their property tax bill. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1309 AFFORDABLE HOUSING
Mobile Home Park Act Oversight

HB 19-1309 gives counties and municipalities authority to enact ordinances addressing the "safe and equitable operation" of mobile home parks, consistent with the state's Mobile Home Park Act. The act gives mobile home owners additional time between the notice of nonpayment of rent and eviction, and additional time to vacate a mobile home park after a court ordered eviction. The act also creates the Mobile Home Park Dispute Resolution and Enforcement Program in the Department of Local Affairs. Effective: May 23, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

HB 19-1319 AFFORDABLE HOUSING
Incentive for Developers to Facilitate Affordable Housing

For purposes of identifying state-owned "nondeveloped real property" that may be suitable for conversion to low- and moderate-income housing projects, this act requires state agencies to report a list of such properties to the Capital Development Committee by October 15 of each year. The act then requires the list of such state-owned properties to be posted on the webpage of the Division of

Housing and updated annually. HB 19-1319 also revises the administration of a property tax exemption for low-income housing beginning for property tax year 2019. Effective: Sept. 1, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1322 AFFORDABLE HOUSING

Expand Affordable Housing Supply

HB 19-1322 requires that up to \$30 million from the Unclaimed Property Trust Fund be transferred to the Housing Development Grant Fund each June for three years starting in FY 2020–2021 through FY 2022–2023. Transfers are limited to three fiscal years. The amount transferred will be based on the balance in the Unclaimed Property Trust Fund as of June 1 each fiscal year, as well as the Legislative Council Staff June revenue forecast. If the amount of revenue forecast exceeds the Referendum C cap for the current year minus \$30 million, the transfer will be made. The funding can be used in a variety of ways in order to expand the supply of affordable housing in communities in Colorado. Requires the Department of Local Affairs to consult with stakeholders from urban and rural communities to determine how to meet the needs of local communities, serve populations with the greatest unmet need, and optimize the funds allocated. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1328 AFFORDABLE HOUSING

Landlord and Tenant Duties Regarding Bed Bugs

HB 19-1328 provides additional measures for abating bed bug infestations in residential rental property. It includes various ways in which “qualified inspectors” are involved in the process, and defines the term “qualified inspectors” to include a “local health department official.” The act requires tenants to promptly notify a landlord when a lessee knows or reasonably suspects that a rented residential unit contains bed bugs. Not more than 96 hours after receiving notice, a landlord must inspect the dwelling unit and any contiguous dwelling units. A landlord is responsible for all costs associated with mitigating bed bugs, and must provide a tenant reasonable notice of the need to inspect a unit. Tenants must comply with reasonable measures to mitigate bed bugs, and must pay any cost associated with preparing the dwelling unit for inspection and treatment. A tenant who knowingly and unreasonably fails to comply with inspection and treatment requirements is liable for the cost of subsequent bed bug treatments. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-028 BEER & LIQUOR

Allow On and Off Premises Beer Licenses in Rural and “Underserved” Areas

The act changes a provision of 2018 legislation related to retail sale of beer for consumption both on and off a licensed premise. On/off licensees were required by the original legislation to select either an on or off premise license at the time of renewal and on/off licenses were

to be completely eliminated. This year’s act now allows existing on/off beer licenses to be renewed and new licenses to be issued in the following circumstances only: anywhere in a county with a population of less than 35,000; anywhere in the unincorporated portions of a county with a population of more than 35,000; or in any municipality with a population of less than 7,500. Effective: Feb. 20, 2019 for all license applications filed on or after June 4, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-141 BEER & LIQUOR

Entertainment Districts in Counties

SB 19-141 allows counties to create entertainment districts and associated common consumption areas in the same manner that municipalities currently may do so. The act specifies that entertainment districts in counties may only exist in the unincorporated area of the county. For both counties and municipalities, the act expands the list of the types of licenses that may be included in an entertainment district to include optional premises licenses. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-156 BUILDING REGULATIONS

Sunset State Electrical Board

The act continues the State Electrical Board and its regulatory oversight of electricians. The sunset also reflects changes made to decouple local and state electrical inspections as well as the requirement to conduct contemporaneous reviews. If contemporaneous reviews are not conducted, the board may issue a cease-and-desist order to the local government but only after a show cause has been issued to the local government. Contains numerous other provisions. Effective: July 1, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

HB 19-1035 BUILDING REGULATIONS

Decoupling Electrical Inspection Fees

HB 19-1035 decouples municipal and county electrical inspection fees from state inspection fees and caps local fees at \$120 (adjusted annually for inflation) as well as sets the multiplier at 8 percent based on size or valuation of the improvement (i.e., larger residential and commercial improvements). Effective: Aug. 2, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org. *Reprinted.*

HB 19-1086 BUILDING REGULATIONS

Plumbing Inspections Ensure Compliance

The act requires plumbing inspectors employed by a municipality or county to conduct a contemporaneous review of each plumbing project as well as develop standard procedures on how to conduct a contemporaneous review. Procedures must be posted on the municipalities’ website and shared with the director of the Division of Professions and Occupations. Effective: Jan. 1, 2020. Lobbyist: Brandy DeLange, bdelange@cml.org. *Reprinted.*

HB 19-1260 BUILDING REGULATIONS

Building Energy Codes

HB 19-1260 requires local governments to adopt and enforce one of the three most recent versions of the (International Code Council) energy code when updating and adopting new building codes. By Jan. 1, 2020, municipalities must report their current energy and building code to the Colorado Energy Office. Effective: Aug. 2, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org. *Reprinted.*

SB 19-103 BUSINESS LICENSING

Exempting Minors from Local Business Licensing

The act prohibits municipalities and counties from requiring a business license or permit for businesses operated by any person under the age of 18 and located at a distance determined by the municipality or county as to not directly compete with other businesses. The prohibition applies to any minor’s business that operates no more than 84 days per year. Municipalities and counties are not prohibited from enforcing local laws on the manner in which the business is conducted. Effective: April 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1246 BUSINESS LICENSING

Local Regulation of Food Trucks

The act allows “state and regional organizations representing local governments” to study the safety and health code regulation of local food trucks to determine possible areas of duplicate or conflicting regulation. Any findings, recommendations, or legislative solutions may be presented to the Business Affairs and Labor Committee of the House and Senate of the Colorado General Assembly by Nov. 1, 2019. Effective: Aug. 2, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 19-1239 CENSUS

Census Outreach Grant Program

HB 19-1239 creates the 2020 census outreach grant program within the Department of Local Affairs and appropriates \$6 million to provide grants to local governments, intergovernmental agencies, councils of government, housing authorities, school districts, and nonprofit organizations to support the accurate counting of the population of the state for the 2020 census. The grants will be awarded by a five-member commission and local governments with hard-to-count populations are encouraged to apply. Effective: May 23, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-008 CRIMINAL JUSTICE & COURTS

Substance Use Treatment in the Criminal Justice System

The act creates a process for sealing drug-related criminal records. It also expands the use of medication-assisted treatment in county jails and the Department of Corrections. SB 19-008 creates the Harm-Reduction

Grant Program where a number of entities, including local law enforcement agencies, may apply for grants to expand addiction services and diversion programs in local communities. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-030 CRIMINAL JUSTICE & COURTS

Remediating Improper Guilty Pleas

The act allows a defendant to petition the court and challenge a guilty plea in a deferred judgement on the grounds that they were not properly advised of the immigration consequences associated with the guilty plea. This motion can be filed at any time and must allege in good faith that the defendant has suffered, is suffering, or will suffer an adverse immigration consequence. The act also specifies that the defendant must allege in good faith that the guilty plea was obtained in violation of state or federal law regarding proper advisement. The act specifies a process for the prosecution to weigh-in and timelines the court must meet. Effective: May 28, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

SB 19-185 CRIMINAL JUSTICE & COURTS

Protections for Minor Human Trafficking Victims

The act provides immunity to a minor charged with prostitution if probable cause exists to believe he or she was a victim of human trafficking or sexual servitude. This applies to prostitution related municipal offenses. Lastly, this act requires a post-enactment review five years after its passage. Effective: May 6, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

HB 19-1148 CRIMINAL JUSTICE & COURTS

Change Maximum Penalty from One Year to 364 days

This act reduces the maximum jail sentence for municipal ordinance violations (along with Class 2 state misdemeanors) from one year to 364 days. According to federal immigration laws, foreign nationals who are lawfully in the United States are subject to removal if convicted of a state or local crime that carries the potential for a one-year jail sentence. Thus, the act is designed to eliminate the risk of deportation and removal for those convicted of lower level state and municipal crimes. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1177 PUBLIC SAFETY

Extreme Risk Protection Orders

This act creates procedures for local law enforcement agencies to request and for courts to issue an extreme risk protection order (ERPO). When a local law enforcement officer or agency petitions for an ERPO, the act provides that the officer or agency shall be represented by a city or county attorney upon request. An ERPO requires an individual to surrender all firearms if the person is found to pose a significant risk of causing personal injury to

themselves or others. The firearms may be returned if the order expires or is terminated. A family or household member may also petition the court to issue an ERPO. An ERPO has a 364 day duration and can be renewed within 63 days of the expiration of the order. When a petition is filed, the respondent shall receive an attorney to represent him or her at the cost of the court unless the respondent elects to select and pay for their own the attorney. Law enforcement must file for a search warrant to find any firearms that may be in possession of the individual but were not surrendered. During the 364 day duration of the ERPO, a respondent may file a one-time written request with the court to terminate the order if he or she shows that they do not pose a significant risk of causing injury. The act contains numerous other provisions. Effective: April 12, 2019; however the act specifies that courts will not begin to accept petitions for ERPOs until Jan. 1, 2020. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

HB 19-1224 CRIMINAL JUSTICE & COURTS

Free Menstrual Hygiene Products in Custody

HB 19-1224 requires holding and correctional facilities, including county and municipal jails, to provide menstrual hygiene products at no cost to the person in custody. This requirement applies regardless of whether the facility is operated by a governmental or private entity. Effective: April 25, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1225 CRIMINAL JUSTICE & COURTS

No Monetary Bail for Certain Low-level Offenses

The act prohibits the use of monetary bonds for any defendant charged with a petty offense, traffic offense, or a municipal offense. The act does not apply to municipal offenses that have a comparable state misdemeanor. The use of monetary bond as part of a local pretrial release is allowed, if the defendant is informed that they are entitled to release on a personal recognizance bond if he or she waits for the required bond hearing. Monetary bond conditions may be used for a defendant who fails to appear in court or violates a condition of their release on bond. Effective: April 25, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

HB 19-1250 CRIMINAL JUSTICE & COURTS

Sexual Offenses Committed by a Peace Officer

The act creates the crime of unlawful sexual conduct by a peace officer, which is classified as a class 3 felony when a peace officer knowingly engages in sexual intrusion or penetration is inflicted on the victim and a class 4 felony when the victim is subject to unlawful sexual contact. The act adds that the encounter is under circumstances where a peace officer contacts a victim for law enforcement purposes and the peace officer knows that the victim is, or causes the victim to believe, he or she is the subject of an investigation. Victim consent is not a defense to sexual contact by a peace officer. An offender convicted of unlawful sexual contact must register as a sex offender and an offender convicted of class 3 felony unlawful sexual

conduct is subject to lifetime supervision. The act applies to all peace officers in Article 2.5 of Title 16. Effective: May 28, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1263 CRIMINAL JUSTICE & COURTS

Offense Level for Controlled Substance Possession

HB 19-1263 reduces the criminal penalties that state courts may impose for various drug offenses. The act contains one provision that will affect police operations: It prohibits the arrest of persons charged with the possession of less than two ounces of marijuana, and instead requires that such defendants be cited and released. The act changes the classification and sentencing of various drug-related offenses. Possession of any quantity of a schedule I, II, III, IV, or V controlled substance is changed from a level 4 drug felony to a level 1 drug misdemeanor unless this is the fourth offense. Possession of more than six ounces of marijuana or more than three ounces of marijuana concentrate is changed from a level 4 drug felony to a level 1 drug misdemeanor, and less than three ounces of marijuana concentrate is changed from a level 1 drug misdemeanor to a level 2 drug misdemeanor. The act changes sentencing ranges for all the above offenses, and allows a court to issue failure to appear warrants. Creates a grant program within the Department of Local Affairs to provide assistance to counties to provide substance use treatment and other mental health services, and facilitate diversion programs. Sections 1-8 of HB 19-1263 take effect on March 1, 2020 and the grant program is effective Aug. 2, 2019. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1275 CRIMINAL JUSTICE & COURTS

Increased Eligibility for Criminal Record Sealing

The act repeals and reenacts statues related to sealing criminal records. This act creates a simplified record sealing process by allowing a defendant to request to seal criminal records as part of a criminal case when there is a criminal conviction and without requiring the defendant to file a separate civil action. The act retains the current record sealing provisions for municipal offenses. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1297 CRIMINAL JUSTICE & COURTS

County Jail Data Collection

The act requires county jail facilities to keep and maintain daily records regarding inmate population, capacity, inmate holds, inmates awaiting competency evaluation, inmates with substance addiction, and average lengths of stay. The data also includes which inmates are in jail solely on a municipal offense. By Jan. 17, 2020, and each quarter thereafter, each county jail facility must submit a report containing this data to the Division of Criminal Justice in the Department of Public Safety (DPS). A jail is deemed noncompliant for failure to submit this report. DPS is required to collect and publish this data, and issue a letter to any noncompliant jail. This data collection requirement is repealed on Jan. 31, 2023. Effective: Aug.

HB 19-1335 CRIMINAL JUSTICE & COURTS

Juvenile Record Expungement Clean-up

The act cleans up HB 17-1204, which created an expungement process in municipal and county courts. HB 19-1335 clarifies when juvenile delinquent records are automatically expunged; when a juvenile delinquent is eligible for expungement; and that juvenile record expungement applies in municipal court by establishing guidelines for municipal courts. The act also streamlines who is notified when a record is expunged in municipal court, and when municipal courts must look back at previous cases to identify any that should be automatically expunged. Effective: May 28, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

SB 19-232

ELECTIONS,

Campaign Finance Enforcement

SB 19-232 amends the state’s Fair Campaign Practices Act (FCPA) by codifying rules of the Secretary of State related to specific campaign finance provisions. The amended FCPA includes procedures related to complaint filing and initial review and the manner in which violations may be cured, among other provisions. The act provides: “Any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the municipality.” However, the act does not further define what the Secretary of State will consider to be a “municipal campaign finance matter” as distinguished from campaign finance matters arising under state law over with the secretary exercises exclusive authority. Effective: July 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1278

ELECTIONS

Uniform Election Code

Statewide and coordinated elections conducted under Title 1 of the Colorado Revised Statutes are significantly amended by HB 19-1278. Elections conducted by municipalities subject to Title 31 are not impacted. Specific to municipal interests, the act creates new requirements on county clerks for the selection and use of voter service and polling centers, including public buildings. While the act contains no ability for a county clerk to compel the use of a municipally-owned public building, it does require that approved use of a public building for a voter service and polling center be given priority over other uses if the building. Reasonable rental fees may be charged but must not exceed the usual rental rate for the building. The act applies to elections conducted after the effective date. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-085

EMPLOYMENT

Equal Pay

SB 19-085 allows an employee to bring a civil action against an employer, including municipal employers, for wage discrimination based on the sex of the employee. Relieves complainants from any requirement to exhaust administrative remedies through the Colorado Department of Labor and Employment (CDLE) before filing a lawsuit. A mediation process may be established by CDLE, but there is no requirement for an employee to utilize mediation prior to filing a lawsuit. The act establishes exceptions to disparity of wages based on sex if the employer demonstrates several factors specified including geographic location, education and training, seniority, and merit. The act also prohibits employers from seeking the prior wage or salary of job applicants and additional, related actions. Employers must make all advancement opportunities, job openings, and related pay range known to all employees. CDLE is authorized to enforce violations of transparency provisions and fine employers. Contains other provisions. Effective: Jan. 1, 2021. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-188

EMPLOYMENT

Family Medical Leave Insurance

SB 19-188 establishes a study of a uniform paid family and medical leave program applicable to all employers and employees in the state. The act specifies the members of a task force to study the actuarial soundness of a mandated, uniform program and recommend a plan for implementation. Effective: May 30, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1210

EMPLOYMENT

Local Minimum Wage Laws

HB 19-1210 repeals various statutes that formerly prohibited counties and municipalities from enacting and enforcing local minimum wage laws. The act now enables counties and municipalities to adopt such laws subject to certain restrictions, and to exceed the minimum wage requirement set forth in article XVIII, section 15 of the Colorado Constitution. Counties may adopt a minimum wage law that applies only in the unincorporated parts of the county. The act allows municipalities and counties to enter into intergovernmental agreements to uniformly apply an established minimum wage across multiple jurisdictions. Local wage laws must include a tipped wage credit that equals the tip credit set forth in the constitution. Local governments may enforce a local wage law by means specified in the act. The act also limits the total number of local governments that may exceed the state minimum wage, unless further legislative authority is granted. The act contains other provisions. Effective: Jan. 1, 2020. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1124**IMMIGRATION****Enforcement of Federal Immigration Detainers**

The act prohibits state and local law enforcement officials from arresting or detaining an individual on the basis of civil immigration detainer request. HB 19-1124 clarifies that law enforcement may assist federal authorities in the execution of a federal warrant or other federal criminal investigations. In addition, the act prohibits a probation department officer or employee from providing personal information to federal immigration authorities. HB 19-1124 requires that persons in custody receive certain information in writing when being interviewed and again when are released. Effective: May 28, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

SB 19-220**INDUSTRIAL HEMP****Hemp Cultivation**

With the adoption at the federal level of the 2018 Farm Bill that removes hemp from the Controlled Substances Act, SB 19-220 starts the process for Colorado to seek approval from the USDA for primary authority over hemp cultivation. The act aligns Colorado law with federal law and requires the Colorado Department of Agriculture to work with stakeholders on development of Colorado's plan. Effective: May 29, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-240**INDUSTRIAL HEMP****Industrial Hemp Products Regulation**

The act allows additional regulation at the state and local level for processing industrial hemp. The act creates clear authority for municipalities and counties to adopt local business licensing and regulation laws related to storage, extraction, processing and manufacturing of industrial hemp and industrial hemp products. Local laws and regulations may not conflict with any state regulations, otherwise the state regulation controls. The act also establishes a state registration fee. Effective: May 29, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1191**LAND USE****Regulation of Farm Stands**

HB 19-1191 allows a farm stand to operate regardless of whether or not the land on which the stand is located has been zoned for agriculture. Municipalities may still require appropriate licensing and/or permitting prior to operation. Effective: April 12, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org. *Reprinted.*

HB 19-1324**LAND USE****Strategic Lawsuits Against Public Participation**

HB 19-1324 allows an expedited civil court process in which a defendant files a motion to dismiss based upon the defendant exercising his or her constitutional right to free speech or to petition the government. Traditionally, controversy over "SLAPP" suits has arisen in relation to

disputes over land use and environmental protection. The act specifies that this defense is unavailable under certain circumstances, including an action brought by or on behalf of the state or any subdivision of the state enforcing a law or seeking to protect against an imminent threat to public health and safety. HB 19-1324 grants the court of appeals initial jurisdiction over appeals in these cases and authorizes an interlocutory appeal to review decisions or motions to dismiss under the provisions of the act. Effective: July 1, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1327**LIMITED GAMING****Authorize and Tax Sports Better Refer Under Taxpayers' Bill of Rights**

The act decriminalizes both in-person and online sports betting and creates a regulatory framework within the Department of Revenue and the Limited Gaming Commission. If approved by local voters, in-person sports betting will be restricted to the three constitutionally approved gaming towns, (Black Hawk, Central City, and Cripple Creek) and the 17 companies in these towns currently established with gaming licenses. These companies may apply to the Gaming Commission for a master license, allowing a sports book and ability to contract with online operators. The act also establishes a tax question and upon voter approval, a 10 percent tax will be levied on net sports betting proceeds. This measure will appear on the November 2019 statewide ballot as Proposition DD. The revenue generated from taxing will be directed toward repayment of the General Fund for startup costs for the Division of Gaming, payment of ongoing Division of Gaming administrative expenses for sports betting, an annual 6 percent transfer to the Hold Harmless Fund that includes the cities of Black Hawk, Central City, and Cripple Creek, and a transfer of \$130,000 to the Department of Human Services for gambling addiction. Any remaining funds will be transferred to the State Water Plan Implementation Cash Fund. Effective: May 20, 2020. Lobbyists: Meghan Dollar, mdollar@cml.org, and Brandy DeLange, bdelange@cml.org.

SB 19-218**MARIJUANA****Medical Marijuana Sunset**

SB 19-218 extends the medical marijuana program until Sept. 1, 2028 and requires a sunset review prior to the repeal. The act adds provisions related to physician-patient relationship when the patient is a minor, updates primary caregiver provisions, and allows medical professionals with ability to prescribe medications to make medical marijuana recommendations for individuals with disabling conditions. The act clarifies that patients may have their medical marijuana card revoked if convicted of a drug crime. The act makes other technical changes and repeals obsolete provisions. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

Regulated Marijuana Sunset

SB 19-224 combines the retail and medical marijuana codes into one article in Title 44 of the Colorado Revised Statutes and contains numerous additions. The act creates a definition of open and public consumption in state law, but allows local governments to adopt exceptions to the newly defined state definition of open and public consumption. Prior statutory direction on the timelines for local licensing are repealed and local ordinances may determine application timelines. The act repeals language requiring the order that state and local licenses are processed, and licensees that apply for renewal may continue to operate until the renewal applications is acted upon. For marijuana businesses that have applied for a change of location, the act allows the business to operate in both the old location and the new location for a period of 180 days. The act contains new restrictions to prevent “looping” or repeatedly selling to the same customer in the same day. Conflicting provisions defining unlawful acts of licensees are harmonized. The act updates and revises ownership requirements, including reducing the timeline for prohibitions on ownership for any person convicted of a felony. The act creates a whole new category of “accelerator licenses” to encourage inclusion of persons from disadvantaged communities in the marijuana business. Numerous other provisions apply and should be thoroughly reviewed by municipalities that license medical or retail marijuana establishments. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1090**MARIJUANA****Public Ownership and Investment**

HB 19-1090 repeals the prohibition on publicly traded corporations from holding a marijuana license. The act creates numerous provisions related to ownership, financial interests, and beneficial ownership and establishes parameters for state rule making authority over further parameters of ownership. Effective: Nov. 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1230**MARIJUANA****Onsite Consumption Establishments**

HB 19-1230 creates two types of licensed establishments for onsite consumption of marijuana or marijuana products. In jurisdictions where retail marijuana sales are already authorized – and subsequent to additional local approval by the local governing body or by initiative with specific requirements – the act authorizes two distinct classes of licensing: marijuana hospitality establishment licenses and retail marijuana hospitality and sales establishment licenses. A marijuana hospitality establishment license allows consumption of marijuana onsite but includes no onsite sales. A retail marijuana hospitality and sales establishment license allows onsite sales of retail marijuana, retail marijuana concentrate, and retail marijuana products for onsite consumption. In contrast to similar bills in prior years, SB 19-1230

does not require a sales establishment to be co-located with or co-owned by a retail marijuana store or any other type of retail marijuana license, and nowhere does the act refer to these establishments as “tasting rooms.” Each of the two new classes of licenses is subject to numerous specific provisions and local approval may specify additional approval requirements and limitations. The act expressly authorizes local governments to grant marijuana consumption businesses an exemption from the Colorado Clean Indoor Air Act and allow marijuana smoking or vaping within a licensed premises if the local government so chooses. Licenses may begin to be issued on Jan. 1, 2020. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1234**MARIJUANA****Delivery**

HB 19-1234 allows municipalities and counties to permit delivery of either medical or retail medical marijuana, medical marijuana-infused products, retail marijuana, and retail marijuana products to customers from medical marijuana centers and transporters and licensed retail marijuana stores and transporters where such establishments are allowed. Adoption of an ordinance by the local governing body or approval by voters through initiative or referendum is required to approve delivery permits, and such approval may include additional requirements or restrictions. Subject to state and local approval, delivery permits may be issued for one year. Marijuana products may be delivered only to customers in jurisdictions that have authorized the sale of the product being delivery (medical or retail). Municipalities and counties that have authorized sales may prohibit delivery from other jurisdictions. Additional state requirements and provisions apply. Medical marijuana delivery permitting for medical marijuana centers may begin on Jan. 2, 2020, and medical marijuana delivery permitting for medical marijuana transporters, and all retail marijuana delivery permitting may begin on Jan. 2, 2021. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1179**MUNICIPAL DEBT & FINANCE****Public Fund Investments**

The act defines nationally recognized statistical rating organizations and negotiable certificate of deposit. The act also modifies statutes governing the legal investments of public funds and standardizes the credit rating requirements for securities invested in by public entities. The act allows public entities to invest in local government investment pools. Effective: Aug. 2, 2019, Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

SB 19-181**OIL & GAS****Protect Public Welfare Oil and Gas Operations**

SB 19-181 clarifies the authority of counties and municipalities to regulate the surface impacts of oil and gas development under their land use powers by adopting

express enabling authority in state land use statutes, including authority over matters such as air quality, water quality, and noise. The act grants new authority for local governments to adopt stricter regulations than the state, and requires local approval to precede state approval for new drilling sites in those local jurisdictions that have chosen to regulate well siting. Within their own jurisdictions, municipalities have the option to impose fees to cover the costs of regulating, monitoring, and permitting sites. The act also reforms the makeup and scope of the Colorado Oil and Gas Conservation Commission (COGCC), directing the COGCC to regulate the development of oil and gas in a manner that protects public health, safety, and welfare, including protection of wildlife resources. Finally, the act makes changes to the forced pooling statute, changing the royalty rate for nonconsenting owners from 12.5 percent to 13 percent for a gas well and 16 percent for an oil well. Applicants must now also get the consent of more than 45 percent of the mineral interests that will be pooled. Effective: April 16, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org. *Reprinted.*

HB 19-1087 **OPEN MEETINGS**
Posting Meeting Notices Online

HB 19-1087 allows local governments to be exempt from physically posting meeting notices required under the Colorado Open Meetings Act if meetings notices are posted on the local government's website. Contains other provisions. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

SB 19-106 **PENSIONS & RETIREMENT**
Local Plans – Withdrawal of Peace Officers

SB 19-106 amends existing statute that allows local governments or groups of local governments to have retirement plans for employees and elected officials. The act applies specifically to counties and allows a board of county commissioners to authorize its county's peace officers to leave the local plan under specified circumstances. Current county peace officers may elect to stay with the local plan, but new hires are required to be enrolled in a plan offered by the Fire and Police Pension Association (FPPA). Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-260 **PENSIONS & RETIREMENT**
FPPA – Social Security Employer Affiliation

SB 19-260 amends existing law that allows social security employers with employees directly involved law enforcement or fire protection to be covered under a supplemental plan offered by the Fire and Police Pension Association (FPPA). Contributions and benefits are reduced under the existing plan. The act allows the FPPA board to allow social security employers to participate in any of the defined benefit plans FPPA administers without reduced contributions or benefits. Requirements for local approval of affiliation are specified, and existing employees must be allowed to remain with their current plan if they choose.

All other current and future employees must be enrolled in the new plan and the election is irrevocable. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1217 **PENSIONS AND RETIREMENT**
PERA – Local Government Division Employee Contribution Rate

The act reduces an increase in the employee contribution scheduled for the Local Government Division of the Public Employees Retirement Association (PERA). The inadvertent increase included in prior legislation is repealed and will ensure the employee contributions remain at current levels. Effective: May 20, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1299 **PENSIONS & RETIREMENT**
Local Plans – Contributions

HB 19-1299 amends existing statute that allows local governments or groups of local governments to have a retirement plans for employees and elected officials. The minimum contribution rate is changed to 3 percent and no longer requires the contributions of employees and the employer to be identical, so long as the contribution rate for each is 3 percent or higher. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1033 **PUBLIC HEALTH**
Local Governments May Regulate Nicotine Products

The act explicitly authorizes statutory and home rule municipalities to enact ordinances regulating the sales of tobacco or nicotine products to minors. Municipalities will be able to enact fees and licenses on cigarettes without forfeiting their shares of cigarette taxes from the state. The act authorizes municipalities and counties to adopt additional sales taxes on tobacco or nicotine products; however, any such local tax as applied to cigarettes would still result in a loss of state cigarette tax revenue currently shared with local governments. Further authority is granted to establish multijurisdictional intergovernmental agreements for the collection and enforcement of local sales taxes. Effective: July 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1076 **PUBLIC HEALTH**
Clean Indoor Air Act – Add E-cigarettes, Remove Exceptions

The act adds a definition of electronic smoking devices (ESDs) to include e-cigarettes and similar devices with the exception of FDA-approved nebulizers, inhalers, vaporizers, and humidifiers that emit only water vapor. The act also establishes a 25-foot radius from entryways with the exception of existing municipal regulations established on or before July 1, 2019 that permit a smaller radius. Finally, the act amends signage requirements for tobacco and vape shops notifying customers that only those 18 or older may enter the business. Effective: July 1, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org. *Reprinted.*

SB 19-001 **PUBLIC SAFETY**
Expand Medication-assisted Treatment Pilot Program

The act extends the Medication-assisted Treatment Pilot Program administered within the University of Colorado for two years and increases its appropriation from \$500,000 to \$2.5 million. The program currently operates in Pueblo and Routt counties, but the act expands the program and adds to the number of eligible areas to include counties in the San Luis Valley – Alamosa, Conejos, Costilla, Custer, Huerfano, Mineral, Rio Grande, and Saguache – and up to an additional two counties where a need is demonstrated. Effective: May 23, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-019 **PUBLIC SAFETY**
County July 4th Fireworks Restrictions

SB 19-019 allows a county to adopt a resolution that includes an express finding of high fire danger based on competent evidence to prohibit the sale and use of fireworks from May 31 through July 5. Competent evidence of high fire danger may include predictions of future fire danger such as those issued by the National Interagency Coordination Center and localized evidence of low-fuel moisture. If a resolution is adopted and a change in weather occurs that diminishes the high fire danger, the county must promptly consider rescinding the fireworks restrictions. The act applies to unincorporated areas of the county. Effective: March 21, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-020 **PUBLIC SAFETY**
Wildland Airspace Patrol System

The act requires the Center of Excellence for Advanced Technology Aerial Firefighting in the Department of Public Safety to study and, if feasible, implement a system to patrol the airspace above a wildland fire. The patrol system must be capable of determining whether the airspace above wildland fires is clear of obstacles such as private unmanned aircraft system that might interfere with aerial firefighting activities. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-040 **PUBLIC SAFETY**
Establish Colorado Fire Commission

The act establishes the Colorado Fire Commission within the Department of Public Safety. The commission is tasked to develop and coordinate a statewide integrated process for fire suppression and protection in Colorado. There are 24 voting members of the commission, and two of the voting members will represent municipalities. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-065 **PUBLIC SAFETY**
Peer Assistance for EMS Provider

The act directs the Colorado Department of Public Health and Environment to designate a peer assistance

program to provide emergency medical service providers with resources dealing with physical, emotional, or psychological conditions that are affecting their ability to work. The program will be financed by a fee collected upon initial certification and certification renewal of EMS providers beginning Aug. 2, 2019. The initial fee of \$2.55 is set in statute and can be adjusted annually by the board beginning Jan. 1, 2021, to reflect utilization of the program and inflation. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-091 **PUBLIC SAFETY**
Support Peace Officers Involved in Use of Force

The act requires state and local law enforcement agencies to develop and maintain a policy for supporting a peace officer who is involved in a shooting or fatal use of force. The act applies to all law enforcement agencies including a municipal police and towns marshal offices. The act prescribes what must be included in the use of force policies, and that they must be evaluated every other year and updated to reflect current best practices and available resources. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-166 **PUBLIC SAFETY**
Revoke POST Certification for Untruthful Statement

This act requires the revocation of a peace officer standards and training (POST) certification when the POST Board receives notice from a law enforcement agency that a peace officer knowingly made an untruthful statement or knowingly omitted a material fact on a criminal justice record while testifying under oath or during an internal affairs investigation or comparable administrative investigation. The law enforcement agency must certify that it has completed a process to review, and determined through clear and convincing evidence, that the officer knowingly made an untruthful statement or omitted a material fact. The act requires the law enforcement agency official submitting the notification to the POST Board to attest, under penalty of perjury or revocation of the official's POST Board certification, that the statements on the submitted notification form are true, correct, and complete. The act allows a person whose POST certification is revoked to appeal the revocation in accordance with rules of the POST Board and may seek judicial review pursuant to the State Administrative Procedure Act. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-227 **PUBLIC SAFETY**
Harm Reduction Substance Abuse Disorders

SB 19-227 expands the medication take-back program to include syringes as well as creates a Naloxone bulk purchasing program. The program will be run by the Colorado Department of Public Health and Environment and allows local governments more access to Naloxone, which reverses opiate overdoses. The entities can

purchase the Naloxone from the bulk purchasing program. HB 19-227 allows certified hospitals to be clean syringe exchange sites. Finally, the act allows schools to develop policies related to providing opioid antagonists. Effective: May 23, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-228 PUBLIC SAFETY

Substance Abuse Disorders Prevention Measures

SB 19-228 provides funding for the implementation of several programs for the prevention of opioid and other substance use disorders. It establishes programs that will provide resources to local governments for substance abuse prevention. The pertinent programs to municipalities provide funding to get resources to at-risk youth, increase opioid prevention funding to local public health agencies, and assist local communities with grant writing. The act also continues public education on the proper use and disposal of opioid prescriptions to prevent misuse. Effective: May 23, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-242 PUBLIC SAFETY

EMS Providers Licensing

The act creates an Emergency Medical Services (EMS) license as a professional credential that is available to EMS providers who hold four-year bachelor's degrees. An EMS provider may apply to the Colorado Department of Public Health and Environment. for licensure on or after Jan. 1, 2021. The state Board of Health will adopt rules concerning implementation of the licensure program. The act updates the background check process for EMS providers. Effective: May 31, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1006 PUBLIC SAFETY

Wildfire Mitigation Funding

The act appropriates \$1 million in funding to support the maximum number of effective forest management fuels reduction projects to reduce the impacts to life, property, and critical infrastructure caused by wildfire. Municipalities may apply for this funding for wildfire mitigation projects in their jurisdictions. Effective: May 22, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1009 PUBLIC SAFETY

Substance Abuse Disorders Recovery – Regulation of Recovery Residences

The act appropriates \$1 million to the Department of Local Affairs to expand the Housing Voucher Program and allows individuals with substance abuse disorders to apply for housing vouchers. The act adopts new regulations for recovery residences and sets forth new standards and procedures for certification before any entity can hold itself out to the public as a recovery residence. The act also creates a grant program in the Department of Human Services to defray recovery residences' certification costs. Finally, HB 19-1009 creates an advisory committee to advise the Department of Law on uses of any custodial

funds received by the state as a result of opioid-related litigation. A municipal official may be appointed to the advisory committee. Effective: May 23, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1051 PUBLIC SAFETY

Human Trafficking-related Training

HB 19-1051 requires the Division of Criminal Justice in the Department of Public Safety to provide human trafficking training to law enforcement agencies, and other organizations that provide services to human trafficking victims. The training can be done through direct training session or online. The curriculum will be developed in collaboration with the Colorado Human Trafficking Council, which has law enforcement membership. Priority will be given to areas of the state with limited training opportunities. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1073 PUBLIC SAFETY

Law Enforcement Information Sharing Grant Program

This act creates the Law Enforcement, Public Safety, and Criminal Justice Information Sharing Grant Program in the Division of Homeland Security and Emergency Management in the Department of Public Safety. The purpose is to provide grants to assist local law enforcement agencies with gaining access to the Colorado Information Sharing Consortium, which was created through an official intergovernmental agreement between more than 40 Colorado law enforcement agencies to pursue an efficient data-sharing system. Effective: May 28, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1180 PUBLIC SAFETY

Correct Definition of Police Horse

The act removes the word "certified" from the definition of police horse for purposes of animal cruelty cases. The act specifies that a police working horse is a full-time or part-time part of a law enforcement team and that the horse meets the standards of the law enforcement team. Effective: April 4, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1183 PUBLIC SAFETY

Automated External Defibrillators in Public Places

This act encourages public schools and public places, including those run by municipalities, to have sufficient quantities of functional automated external defibrillators (AEDs). All public places are required to accept any gifts, grants, or donations of an AED that meets federal standards. If a public place does not want to accept responsibility for AED training or installation, it is not required to accept the AED unless the donating party agrees to be responsible for training, installation, and maintenance. HB 19-1183 extends Good Samaritan protections to certain persons and entities, including

those who provide teaching or training on CPR, persons whose primary duties do not include the provision of health care, and any person or entity that provides medical oversight services to a location where an AED is located. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1244 **PUBLIC SAFETY**
Expand Peace Officer Mental Health Program

The Peace Officer Mental Health Grant Program was created through HB 17-1215. Municipal law enforcement agencies are eligible entities to apply for the program, which increases funding for peace officer mental health training and resources. HB 19-1244 expands the entities that may apply to include town marshal offices and additional state entities. It also expands the allowable uses for the funding. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1279 **PUBLIC SAFETY**
Regulation PFAs Polyfluoroalkyl Substances

HB 19-1279 creates the Firefighting Foams Control Act, which prohibits the use of class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS foam) for training purposes. The act includes various exceptions, including circumstances where the use of foam containing PFAS as required by federal laws or rules, use at certain types of fuel storage facilities, and use at the Eisenhower-Johnson tunnels on I-70. A person or fire department that administers a training program that violates this prohibition is subject to a civil penalty of up to \$5,000, for a first offense and up to \$10,000 for each repeat offense. Penalties are deposited into the Local Firefighter Safety and Disease Prevention Fund. The act requires the Department of Public Health and Environment to survey fire departments every three years about issues related to PFAS foam and to compile and present the survey results to the General Assembly by January 1, 2020. Beginning Aug. 2, 2019, purchasers of firefighting personal protective equipment that contains intentionally added PFAS chemicals must be notified in writing by the manufacturer or distributor about the chemical additive and the reason for the addition. Effective: Aug. 2, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1287 **PUBLIC SAFETY**
Treatment for Opioids and Substance Use Disorders

The act contains numerous provisions. For municipal purposes, it creates the capacity-building grant program. The Department of Human Services must make one-time grants to support substance use disorder treatment capacity-building in rural and frontier communities. The grants may be used to support building a continuum of services, including, but not limited to, medical detoxification, residential treatment, and intensive outpatient treatment. Managed service organizations, local primary care or substance

use disorder treatment providers, local governments, counties, schools, and law enforcement agencies may apply for a grant. The grant program is repealed on July 1, 2024. Effective: May 23, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 19-1292 **PUBLIC SAFETY**
Colorado Resiliency Office Reauthorization and Funding

HB 19-1292 repeals the requirement that the Colorado Resiliency Office in the Department of Local Affairs be grant funded and provides a General Fund appropriation in FY 2019–20. This office administers programs as part of the state’s disaster recovery and response functions. The Colorado Resiliency Office is now scheduled to sunset Sept. 1, 2022, following a sunset review conducted by the Department of Regulatory Agencies. Effective: May 17, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 19-138 **PUBLIC WORKS**
Bonding Requirements for Public Projects

Under current law, when a person, company, firm, corporation, or contractor enters into a contract with a county, municipality, or school district to perform work in connection with a project that has specified characteristics, the contractor is required to execute performance bonds and payment bonds. The act specifies that some of these bonding requirements apply to certain construction contracts situated or located on publicly owned property using public or private money or public or private financing. Effective: Aug. 2, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 19-1119 **RECORDS**
Peace Officer Internal Investigation Open Records

HB 19-1119 amends the Colorado Criminal Justice Records Act and allows the public to inspect investigation files upon the completion, which includes any appeals process, of an internal investigation. The act applies in cases where the investigation examines the in-uniform or on-duty conduct of a peace officer related to a specific, identifiable incident of alleged misconduct involving a member of the public. The custodian of the records may first provide a summary of the investigation file and must only provide the entire file upon subsequent request. Witness interviews, video and audio recordings, transcripts, documentary evidence, investigative notes, and final departmental decisions are subject to inspection. The custodian is required to redact certain information from the records prior to releasing them. If a record contains certain redacted information, the applicant may request a written explanation of the reasons for the redaction. The custodian may deny inspection of the file if there is an ongoing related criminal case until the case is dismissed or upon sentence for a conviction. The act applies to internal investigations initiated after the effective date. Effective: April 12, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

HB 19-1052**SPECIAL DISTRICTS****Early Childhood Development Districts**

HB 19-1052 authorizes the creation of early childhood development service districts to provide services for children from birth through 8 years of age. Contains provisions defining scope and authority of early childhood development services and related districts, which must be organized pursuant to the Special District Act, including the manner in which service plans and proposed revenue questions are approved. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-096**SUSTAINABILITY****Collect Long-term Climate Change Data**

The act requires the Air Quality Control Commission in the Colorado Department of Public Health and Environment (CDPHE) to collect greenhouse gas emissions data from greenhouse gas-emitting entities, report on the data (including a forecast of future emissions), and propose a draft rule to address the emissions by July 1, 2020. The act appropriates \$1,680,600 to the CDPHE from the General Fund to implement the act. Effective: May 30, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-192**SUSTAINABILITY****Front Range Waste Diversion Enterprise Grant Program**

The act increases the tipping fees for Front Range counties (Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jefferson, Larimer, Pueblo, Teller, and Weld, as well as the cities and counties of Broomfield and Denver) by 15 cents per cubic yard per load starting Jan. 1, 2020, through Dec. 31 2020; 15 cents annually through Jan. 1, 2023; and then adjusted annually for inflation following Jan. 1, 2024. A Front Range waste diversion enterprise grant program also will be established allowing local governments, nonprofits, for-profits, schools, and other entities to apply for grant dollars to establish and supply local waste diversion programs. Effective: Aug. 2, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

HB 19-1231**SUSTAINABILITY****New Appliance Energy Efficiency Standards**

The act updates and adopts standards for water and energy efficiency that apply to a list of consumer and commercial appliances and other products. The standards are based on state standards, federal Energy Star and WaterSense specifications, and industry standards in most cases or, where a standard is not incorporated by reference, the standard is specified by statute. The standards apply to new products sold in Colorado and are phased in over a period of three years. The act expressly preserves the authority for local governments to adopt additional or more restrictive water conservation or energy efficiency requirements. Effective: Aug. 2, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 19-1261**SUSTAINABILITY****Climate Action Plan to Reduce Pollution**

HB 19-1261 sets statewide goals to reduce 2025 greenhouse gas emissions by at least 26 percent, 2030 greenhouse gas emissions by at least 50 percent, and 2050 greenhouse gas emissions by at least 90 percent of the levels of greenhouse gas emissions that existed in 2005. It specifies considerations that the air quality control commission is to take into account in implementing policies and promulgating rules to reduce greenhouse gas pollution. Effective: May 30, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-016**SEVERANCE TAX****Severance Tax Operational Fund Distribution Methodology**

The act changes the timing and distribution of money in the severance tax operational fund by separating the reserves into the core reserve and the grant program reserve (formally known as Tier One and Tier Two). The state treasurer will make transfers to the energy grant programs on August 15 after each fiscal year and must base the transfers on actual revenue as opposed to estimated revenue. Effective: April 1, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

HB 19-1257**TABOR****Statewide Debrucing**

HB 19-1257 places Proposition CC on the November 2019 ballot to ask voters to allow the State of Colorado to retain revenue over the state's fiscal year limit, beginning with fiscal year 2019–2020 and continuing in perpetuity . The approval limits retained revenue to be distributed to fund public schools, higher education, and transportation and transit. Effective: June 3, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 19-1258**TABOR****Distribution of Debruced Revenue**

HB 19-1258 is companion legislation to HB 19-1257 that specifies the distribution of revenue retained in excess of the state's annual fiscal year limit. The act states that retained revenue shall be divided equally between public school funding, higher education fund, and funding for roads, bridges, and transit. The act specifies the manner in which the revenue must be allocated, including requiring the transportation allocation be distributed using the existing Highway Users Tax Fund (HUTF) formula, which specifies 18 percent for municipalities. Effective: Only upon passage of Proposition CC on the November 2019 ballot. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

SB 19-006**TAXATION****Sales – Electronic Sales & Use Tax System**

SB 19-006 implements legislation recommended by the interim Sales and Use Tax Simplification Committee. The

act requires the Department of Revenue and the state Office of Information Technology to issue an RFP for the development of a system allowing a single point of electronic remittance for all sales taxes collected in the state. Subsequent to the development of the system, the act requires that all sales taxes collected by the state be processed through the system. The act does not attempt to require that self-collecting home rule municipalities participate in the system, but it does declare legislative intent for at least three to voluntarily use the system at first and for all to use the system within three years. Effective: April 12, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-255

TAXATION

Property – Residential Assessment Rate

SB 19-255 lowers the residential assessment rate for residential property taxation from 7.2 percent to 7.15 percent beginning on Jan. 1, 2019 and for each subsequent property tax year until the next adjustment by the state. Effective: June 3, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1240

TAXATION

Sales – Sales and Use Tax Administration

The act codifies sales tax rules adopted by the Department of Revenue with certain modifications. It establishes economic nexus for remote sales without a retailer's physical presence in Colorado for sales made beginning June 1, 2019, and requires the collection and remittance of all sales taxes collected by the state based on the destination of the item sold. The act creates an exception to the destination sourcing rule for retailers with less than \$100,000 in retail sales, as well as until the state develops a GIS-based address locator for accurate determination of proper taxing jurisdiction. The act also requires sales taxes collected by the state to be collected and remitted by marketplace facilitators beginning on Oct. 1, 2019, for sales made by marketplace sellers, and the act contains other marketplace sales provisions. Existing provisions in statute related to the implementation of the failed federal Marketplace Fairness Act (MFA) are repealed. With the exception of the repeal of MFA language and future availability of the address locator, the act does not implicate home rule municipalities that self-collect sales tax. Effective: June 1, 2019, except marketplace facilitator requirements, which are effective Oct. 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 19-107

TELECOMMUNICATION

Broadband Infrastructure Installation

SB 19-107 allows rural electric cooperatives to lease existing dark fiber on their electrical utility easements to broadband providers without renegotiation of the underlying easement. Additionally, the act provides landowners with a remedy process if damages occur. Effective: Aug. 2, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

SB 19-032

TRANSPORTATION

Hazardous Materials Routing

The act requires the Colorado Department of Transportation (CDOT) to conduct a study to assess the feasibility of allowing the transportation of hazardous materials through the Eisenhower–Johnson Memorial Tunnels and prepare a report that includes findings and recommendations as to whether and under what conditions the transportation of hazardous materials through the tunnel should be allowed. Local governments and public safety personnel from impacted communities will be invited to participate in the feasibility study. The act also authorizes a public highway authority or a governmental partner in a public–private partnership to apply to the Colorado State Patrol for a new or modified hazardous materials route designation for a road or highway that it directly or indirectly maintains. Effective: April 8, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-054

TRANSPORTATION

Military Vehicle Regulation

SB 19-054 defines surplus military vehicles as off-highway vehicles for the purposes of titling these vehicles and of using them off road. These changes in the definition allow a surplus military vehicle to be titled as an off-highway vehicle and treats it as an off-highway vehicle for the purposes of on-road and off-road use; it also means a surplus military vehicle is not registered as a motor vehicle. These changes do not apply to military vehicles that are valued for historical purposes. Effective: July 1, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-144

TRANSPORTATION

Motorcycles and Malfunctioning Traffic Signals

Under current law, a driver of a motor vehicle is allowed to cautiously proceed through an intersection after he or she has determined that a traffic signal is not operating properly. The act extends this same discretion to a driver of a motorcycle if a traffic signal is malfunctioning or fails to recognize the presence of a motorcycle. Effective: Aug. 2, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-175

TRANSPORTATION

Serious Bodily Injury Vulnerable Road User

This act creates a new class 1 traffic misdemeanor of causing serious bodily injury to a vulnerable person while carelessly driving. A violation results in 12 points issued to the driver's license, which results in a license being suspended. If guilty of the violation, the driver may be subject to a restitution order, be required to attend a driver improvement course, or be ordered to perform useful public service for no more than 320 hours. The act defines vulnerable road user to include pedestrians, bicycles, peace officers, and others. Effective: May 29, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

SB 19-239 **TRANSPORTATION**
Address Impacts of Transportation Changes

The act requires the Colorado Department of Transportation (CDOT) to convene and engage in robust consultation with a stakeholder group composed of representatives of specified industries, workers, governmental entities (including local governments), planning organizations, and interest groups that will potentially be affected by the adoption of new and emerging transportation technologies and business models. The act requires CDOT to develop a report of policy recommendations to address these challenges and present them during their 2019 annual presentation to the legislative oversight committees of the Colorado General Assembly. Effective: May 31, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-262 **TRANSPORTATION**
General Fund Transfer to HUTF

This act requires the state treasurer to transfer \$100 million from the General Fund to the Highway Users Tax Fund on July 1, 2019, for allocation to the state highway fund, counties, and municipalities in accordance with the existing "second stream" allocation formula, (60 percent to the state highway fund, 22 percent to counties, and 18 percent to municipalities). This means an additional \$18 million in municipal transportation revenue for 2019. Effective: June 3, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-263 **TRANSPORTATION**
Delay Referred Transportation Bonding Measure to 2020

SB 18-001 authorized a referred \$2.34 billion transportation bonding measure for voter consideration in the 2019 election. This legislation delays that referred measure for voter consideration until the 2020 election cycle. The act also reduces the amount of notes authorized to be issued to offset the additional transportation funding that will result from the repeal of only two, rather than three, tranches of lease-purchase agreements authorized by SB 17-267. Effective: June 3, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 19-1221 **TRANSPORTATION**
Regulation of Electric Scooters

This act excludes electric scooters from the definition of "toy vehicle" and includes electric scooters in the definition of "vehicle," thus authorizing the use of electric scooters on roadways. The act affords riders of electric scooters the same rights and responsibilities that riders of electric-assisted bicycles have under the laws of the state. The act preserves the authority of municipalities to determine whether or when to allow electric scooters on sidewalks. Effective: May 23, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

HB 19-1265 **TRANSPORTATION**
Right-of-Way for Snowplows

This act creates a class A traffic offense for a driver who passes a snowplow that is operated by a state, county, or municipality while it is displaying its lights and performing its service function in echelon formation with one or more other such snowplows. Effective: Aug. 2, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 19-1298 **TRANSPORTATION**
Electric Vehicle Charging Stations

The act authorizes the owner of a plug-in electric motor vehicle charging station to install a sign that identifies the station. If the sign is installed, a person is prohibited from parking in the space if the vehicle is not an electric vehicle or is using the dedicated charging station for parking if the electric vehicle is not charging. Effective: Aug. 2, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-088 **UNCLAIMED PROPERTY**
Revised Uniform Unclaimed Property Act

SB 19-088 enacts a version of the Revised Uniform Unclaimed Property Act as drafted by the Colorado Commission on Uniform State Laws and contains numerous revisions to the state's administration of unclaimed property. The act retains the ability of municipalities and counties to opt-out of the state system and locally administer a program, particularly in relation to unclaimed or uncashed checks issued by the municipality, but new provisions and restrictions apply. Intangible property must be retained for five years before it can be determined to be abandoned under the definition in state law. Local governments must report specified information on intangible property being held at the local level to the administrator of the state's unclaimed property system. Other related provisions apply. Effective: Aug. 2, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 19-1084 **URBAN RENEWAL**
Notification of Blight Designation

HB 19-1084 updates Colorado's urban renewal statute, requiring property owners be notified of a blight designation by a municipality so that they have an opportunity to seek a review and contest the decision. The act is in response to a ruling by the 10th Circuit Court of Appeals in May 2018 in *M.A.K Investment Group v. City of Glendale* that the plaintiff's due process had been violated because they were not properly notified about a blight resolution the city had adopted. Effective: Sept. 1, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

SB 19-236 **UTILITIES**
Sunset Public Utilities Commission

The act reauthorizes the continuation of the Public Utilities Commission (PUC) and implements the recommendations contained in the 2018 sunset report by the Department

of Regulatory Agencies. Among many other things, the act directs the PUC to begin regulating businesses that offer “vehicle immobilization services” (a.k.a. “booting”) on public or private property. The act makes a number of substantial changes to the criteria the PUC evaluates in its approval process associated with energy utilities, including factoring in the social cost of carbon in utility resource decisions; giving the PUC explicit review of Tri-State Generation & Transmission decisions; and setting long-term renewable energy goals for investor owned utilities with more than 500,000 customers. The latter resulted from the grafting of two separate bills into the PUC sunset bill during the final days of the session. Those two bills were HB 19-1313, which was designed to bolster renewable energy standards for Xcel and other regulated utilities and allow for the recovery of associated costs through customer billing, and HB 19-1067, which authorized a new kind of bonding utility companies may use to decommission power plants that burn fossil fuels and mitigate some of the community impacts associated with closing the plants. Effective: May 30, 2019. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 19-212 WATER AND WASTEWATER
Appropriation General Fund to Implement State Water Plan

SB 19-212 codifies the Water Plan Implementation Grant Program and provides a total of \$10 million in funding from General Fund appropriations. The grant program is administered through the Colorado Water Conservation Board. Grants may be awarded to local governments, state agencies, mutual ditch companies, and nonprofit corporations that have clearly identified one of the following types of projects: water storage and supply projects water conservation, land use and drought planning projects environmental and recreational projects that promote watershed health, or agriculture projects that provide technical assistance or improve agriculture all water efficiency. Grant money awarded may not exceed more than 50 percent of the total cost of the projects. Effective: April 17, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

SB 19-221 WATER AND WASTEWATER
Colorado Water Conservation Board Construction Fund Project

SB 19-221 appropriates funds from the Colorado Water Conservation Board (CWCB) Construction Fund to the Colorado Water Conservation Board and the Division of Water Resources for water-related projects including the Walker Recharge Project and Republican River, and repeals an annual transfer from the Severance Tax Perpetual Base fund to the CWCB Construction Fund. Effective: June 3, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org

HB 19-1015 WATER AND WASTEWATER
Recreation of the Colorado Water Institute

The act recreates the Colorado Water Institute in state law until July 1, 2029. In addition, the institute should consult with state and local governments, water managers and user associations, drought and climate change planning organizations, and water quality planning organizations to identify, develop, and implement water research information and education for water resources, quality, and related policy issues. Effective: February 20, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

HB 19-1071 WATER AND WASTEWATER
Colorado Department of Public Health and Environment Water Quality Control

HB 19-1071 removes requirement that the Board of Health approve operating agreements that municipalities enter into for sewer construction, and clarifies that the board of directors of a water conservancy district must comply with the rules of the water quality control commission. Effective: March 7, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

HB 19-1113 WATER AND WASTEWATER
Protect Water Quality from Adverse Mining Impacts

The act requires that a reclamation plan for a new or amended permit for a mining operator demonstrate a reasonable end date for water quality treatment to ensure compliance with current water quality standards. It also eliminates the self-bonding option for mining operations. Effective: Aug. 2, 2019. Lobbyist: Brandy DeLange, bdelange@cml.org.

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An Act

SENATE BILL 19-030

BY SENATOR(S) Gonzales, Court, Fenberg, Fields, Hill, Lee, Moreno, Williams A., Winter;
also REPRESENTATIVE(S) Tipper, Arndt, Benavidez, Coleman, Galindo, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Mullica, Snyder, Sullivan, Valdez A., Weissman.

CONCERNING A REMEDY FOR IMPROPERLY ENTERED GUILTY PLEAS, AND IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 18-1-410.5 as follows:

18-1-410.5. Relief from improperly entered guilty pleas - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) A CRIMINAL DEFENDANT CANNOT CHALLENGE AN UNCONSTITUTIONAL GUILTY PLEA WHEN THAT PLEA HAS BEEN WITHDRAWN AND THE UNDERLYING CHARGES DISMISSED FOLLOWING THE SUCCESSFUL COMPLETION OF A DEFERRED JUDGMENT OR THE DISMISSAL OF CHARGES PURSUANT TO SECTION 18-18-404 (3) PRIOR TO ITS REPEAL IN 2010;

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) BASED ON THE STATUTORY LANGUAGE OF SECTIONS 18-1.3-102 AND 18-18-404 (3), TOGETHER WITH THE WRITTEN DEFERRED JUDGMENT AGREEMENT AND COURT COLLOQUY THAT ACCOMPANIES SUCH AGREEMENTS, MANY NONCITIZEN DEFENDANTS DID NOT UNDERSTAND THAT THE GUILTY PLEA WOULD CONTINUE TO CONSTITUTE A CONVICTION FOR IMMIGRATION PURPOSES AND RESULT IN ADVERSE IMMIGRATION CONSEQUENCES, DESPITE THE SUBSEQUENT WITHDRAWAL OF THE GUILTY PLEA AND DISMISSAL OF THE CHARGES UPON SUCCESSFUL COMPLETION OF THE DEFERRED JUDGMENT OR DISMISSAL PURSUANT TO SECTION 18-18-404 (3); AND

(c) IN THE ABSENCE OF AN APPROPRIATE MECHANISM, MANY NONCITIZEN DEFENDANTS HAVE BEEN UNFAIRLY DEPRIVED OF THE OPPORTUNITY TO CHALLENGE GUILTY PLEAS THAT WERE ENTERED IN VIOLATION OF THE CONSTITUTION OR LAWS OF THE UNITED STATES OR OF THIS STATE THAT RESULTED IN ADVERSE IMMIGRATION CONSEQUENCES.

(2) NOTWITHSTANDING THE TIME LIMITATION CONTAINED IN SECTION 16-5-402, AT ANY TIME FOLLOWING THE WITHDRAWAL OF THE GUILTY PLEA AND DISMISSAL OF THE CHARGES UPON SUCCESSFUL COMPLETION OF A DEFERRED JUDGMENT, OR UPON THE DISMISSAL OF CHARGES PURSUANT TO SECTION 18-18-404 (3) PRIOR TO ITS REPEAL, A CRIMINAL DEFENDANT MAY CHALLENGE THE GUILTY PLEA ON THE GROUNDS SET FORTH IN SUBSECTION (3) OF THIS SECTION. THE COURT IN WHICH THE GUILTY PLEA WAS ORIGINALLY ENTERED HAS JURISDICTION AND AUTHORITY TO DECIDE THE MOTION.

(3) A DEFENDANT MOVING TO VACATE A GUILTY PLEA THAT HAS ALREADY BEEN WITHDRAWN FOLLOWING THE SUCCESSFUL COMPLETION OF A DEFERRED JUDGMENT OR UPON THE DISMISSAL OF CHARGES PURSUANT TO SECTION 18-18-404 (3) PRIOR TO ITS REPEAL MUST, IN GOOD FAITH, ALLEGE THE FOLLOWING:

(a) AS A RESULT OF THE GUILTY PLEA, THE DEFENDANT HAS SUFFERED, IS CURRENTLY SUFFERING, OR WILL SUFFER, AN ADVERSE IMMIGRATION CONSEQUENCE; AND

(b) THE GUILTY PLEA WAS OBTAINED IN VIOLATION OF THE CONSTITUTION OR LAWS OF THE UNITED STATES OR OF THIS STATE UNDER

PAGE 2-SENATE BILL 19-030

ONE OR MORE OF THE FOLLOWING GROUNDS:

(I) THE DEFENDANT WAS NOT INFORMED THAT THE GUILTY PLEA WOULD CONTINUE TO RESULT IN ADVERSE IMMIGRATION CONSEQUENCES DESPITE THE SUBSEQUENT WITHDRAWAL OF THE GUILTY PLEA AND DISMISSAL OF THE CHARGES WITH PREJUDICE;

(II) THE DEFENDANT WAS NOT ADEQUATELY ADVISED OF THE IMMIGRATION CONSEQUENCES OF THE GUILTY PLEA; OR

(III) THE GUILTY PLEA WAS CONSTITUTIONALLY INFIRM FOR ANY OTHER REASON SET FORTH IN SECTION 18-1-410 (1).

(4)(a) UPON RECEIPT OF THE MOTION, THE COURT SHALL DIRECT THE PROSECUTION TO RESPOND WITHIN TWENTY-ONE DAYS OR REQUEST ADDITIONAL TIME FOR GOOD CAUSE SHOWN. IF A RESPONSE IS NOT FILED, THE MOTION IS DEEMED UNOPPOSED, AND THE COURT SHALL GRANT THE MOTION. IF THE PROSECUTION OPPOSES THE MOTION, IT SHALL ALLEGE, IN GOOD FAITH, THE FACTS UPON WHICH IT BASES ITS OPPOSITION. IF THE RESPONSE RAISES AN ISSUE OF MATERIAL FACT, THE COURT SHALL SET THE MATTER FOR AN EVIDENTIARY HEARING.

(b) UNLESS THE PROSECUTION PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT THE DEFENDANT WILL NOT SUFFER AN IMMIGRATION CONSEQUENCE OR THAT THE GUILTY PLEA WAS CONSTITUTIONALLY ENTERED, THE COURT SHALL GRANT THE MOTION.

(c) FOR CLAIMS RAISED PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION, THE PROSECUTION CAN NEITHER RAISE AN ISSUE OF MATERIAL FACT TO OBTAIN AN EVIDENTIARY HEARING NOR DEFEAT A CLAIM AT THE HEARING BY RELYING ON WRITTEN DOCUMENTS, SUCH AS A DEFERRED JUDGMENT AGREEMENT, PLEA PAPERWORK, OR TRANSCRIPT OF A COURT COLLOQUY, UNLESS THOSE DOCUMENTS CLEARLY SHOW THAT THE DEFENDANT WAS INFORMED THAT THE IMMIGRATION CONSEQUENCES RESULTING FROM A GUILTY PLEA WOULD REMAIN DESPITE THE SUBSEQUENT WITHDRAWAL OF THAT GUILTY PLEA AND THE DISMISSAL OF THE CHARGES WITH PREJUDICE.

(5) IF THE DEFENDANT SUCCEEDS IN CHALLENGING A GUILTY PLEA UNDER SUBSECTION (3) OF THIS SECTION, THE COURT SHALL VACATE THE GUILTY PLEA AS CONSTITUTIONALLY INFIRM. THE ORDER CONSTITUTES AN

PAGE 3-SENATE BILL 19-030

ADDITIONAL INDEPENDENT BASIS FOR THE VACATUR OF THE GUILTY PLEA AND DOES NOT RESULT IN THE REINSTATEMENT OF CHARGES.

SECTION 2. Appropriation. (1) For the 2019-20 state fiscal year, \$543,461 is appropriated to the judicial department. This appropriation is from the general fund and is based on the assumption that the department will require an additional 4.8 FTE. To implement this act, the department may use this appropriation for trial court programs.

(2) For the 2019-20 state fiscal year, \$55,139 is appropriated to the department of law for use by the appellate unit. This appropriation is from the general fund and is based on the assumption that the department will require an additional 0.6 FTE.

SECTION 3. Applicability. This act applies to charges dismissed before, on, or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds,

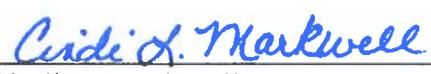
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Leroy M. Garcia
PRESIDENT OF
THE SENATE



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

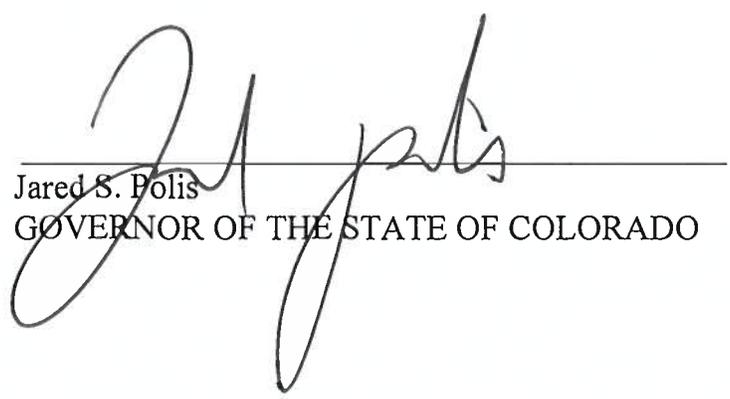


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 28, 2019 at 1:22 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 19-175

BY SENATOR(S) Foote, Court, Crowder, Fields, Gardner, Ginal, Priola, Tate;
also REPRESENTATIVE(S) Roberts, Arndt, Bird, Duran, Exum, Gray, Herod, Hooton, Jaquez Lewis, Lontine, McCluskie, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez D., Weissman, Becker.

CONCERNING THE PENALTIES IMPOSED ON THE DRIVER OF A MOTOR VEHICLE WHO CAUSES SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-2-127, **add (5)(e.7)** as follows:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction	Points
(e.7) SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER	12

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.

SECTION 2. In Colorado Revised Statutes, add 42-4-1402.5 as follows:

42-4-1402.5. Vulnerable road user - prohibition - violations and penalties - definition. (1) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "VULNERABLE ROAD USER" MEANS:

- (a) A PEDESTRIAN;
- (b) A PERSON ENGAGED IN WORK UPON A ROADWAY OR UPON UTILITY FACILITIES ALONG A ROADWAY;
- (c) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A RIGHT-OF-WAY;
- (d) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;
- (e) A PERSON RIDING OR LEADING AN ANIMAL; OR
- (f) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE ROADWAY:
 - (I) A BICYCLE, ELECTRICAL ASSISTED BICYCLE, TRICYCLE, OR OTHER PEDAL-POWERED VEHICLE;
 - (II) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY FOR FARM USE;
 - (III) A SKATEBOARD;
 - (IV) ROLLER SKATES;
 - (V) IN-LINE SKATES;
 - (VI) A SCOOTER;
 - (VII) A MOPED;

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- (VIII) A MOTORCYCLE;
- (IX) AN OFF-HIGHWAY VEHICLE;
- (X) AN ANIMAL-DRAWN, WHEELED VEHICLE;
- (XI) FARM EQUIPMENT;
- (XII) A SLED;
- (XIII) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;
- (XIV) A WHEELCHAIR;
- (XV) A BABY STROLLER; OR
- (XVI) A NONMOTORIZED PULL WAGON.

(2) **Prohibition.** A PERSON WHO DRIVES A MOTOR VEHICLE IN VIOLATION OF SECTION 42-4-1402 AND WHOSE ACTIONS ARE THE PROXIMATE CAUSE OF SERIOUS BODILY INJURY, AS DEFINED IN SECTION 42-4-1601 (4)(b), TO A VULNERABLE ROAD USER COMMITS INFLECTION OF SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER.

(3) **Violations and penalties.** (a) INFLECTION OF SERIOUS BODILY INJURY TO A VULNERABLE ROAD USER IS A CLASS 1 TRAFFIC MISDEMEANOR.

(b) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a) AND (3)(c) OF THIS SECTION, THE COURT MAY ORDER THE VIOLATOR TO:

(I) ATTEND A DRIVER IMPROVEMENT COURSE IN ACCORDANCE WITH SECTION 42-4-1717; AND

(II) PERFORM USEFUL PUBLIC SERVICE FOR A NUMBER OF HOURS, WHICH MUST NOT EXCEED THREE HUNDRED TWENTY HOURS, TO BE DETERMINED BY THE COURT IN ACCORDANCE WITH SECTION 18-1.3-507.

(c) IN ADDITION TO THE PENALTIES IMPOSED IN SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION, A PERSON WHO IS CONVICTED OF VIOLATING THIS SECTION IS SUBJECT TO:

(I) LICENSE SUSPENSION IN ACCORDANCE WITH SECTION 42-2-127;
AND

(II) AN ORDER OF RESTITUTION UNDER PART 6 OF ARTICLE 1.3 OF
TITLE 18.

SECTION 3. In Colorado Revised Statutes, 42-4-1601, amend (4)
introductory portion as follows:

**42-4-1601. Accidents involving death or personal injuries -
duties.** (4) As used in this section and sections ~~42-4-1603~~ and ~~42-4-1606~~
42-4-1402.5, 42-4-1603, AND 42-4-1606:

SECTION 4. Appropriation. For the 2019-20 state fiscal year,
\$1,575 is appropriated to the department of revenue for use by the division
of motor vehicles. This appropriation is from the licensing services cash
fund created in section 42-2-114.5 (1), C.R.S. To implement this act, the
division may use this appropriation for DRIVES maintenance and support.

SECTION 5. Applicability. This act applies to offenses committed
on or after the effective date of this act.

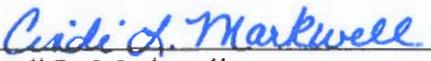
SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Leroy M. Garcia
PRESIDENT OF
THE SENATE



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

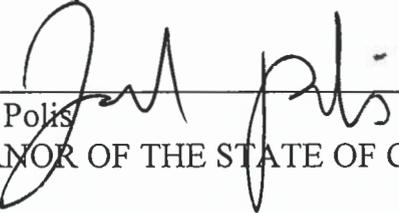


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 29th 2019 at 11:30 A.M.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 19-181

BY SENATOR(S) Fenberg and Foote, Court, Gonzales, Lee, Moreno, Story, Williams A., Winter;
also REPRESENTATIVE(S) Becker and Caraveo, Arndt, Benavidez, Bird, Buckner, Duran, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman.

CONCERNING ADDITIONAL PUBLIC WELFARE PROTECTIONS REGARDING THE CONDUCT OF OIL AND GAS OPERATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-65.1-202, **repeal** (1)(d) as follows:

24-65.1-202. Criteria for administration of areas of state interest. (1) (d) ~~Unless an activity of state interest has been designated or identified or unless it includes part or all of another area of state interest, an area of oil and gas development shall not be designated as an area of state interest unless the state oil and gas conservation commission identifies such~~

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.

~~area for designation.~~

SECTION 2. In Colorado Revised Statutes, 24-65.1-302, **repeal** (3) as follows:

~~**24-65.1-302. Functions of other state agencies.** (3) Pursuant to section 24-65.1-202 (1)(d), the oil and gas conservation commission of the state of Colorado may identify an area of oil and gas development for designation by local government as an area of state interest.~~

SECTION 3. In Colorado Revised Statutes, 25-7-109, **add** (10) as follows:

25-7-109. Commission to promulgate emissions control regulations. (10) (a) THE COMMISSION SHALL ADOPT RULES TO MINIMIZE EMISSIONS OF METHANE AND OTHER HYDROCARBONS, VOLATILE ORGANIC COMPOUNDS, AND OXIDES OF NITROGEN FROM OIL AND NATURAL GAS EXPLORATION AND PRODUCTION FACILITIES AND NATURAL GAS FACILITIES IN THE PROCESSING, GATHERING AND BOOSTING, STORAGE, AND TRANSMISSION SEGMENTS OF THE NATURAL GAS SUPPLY CHAIN.

(b) (I) THE COMMISSION SHALL REVIEW ITS RULES FOR OIL AND NATURAL GAS WELL PRODUCTION FACILITIES AND COMPRESSOR STATIONS AND SPECIFICALLY CONSIDER ADOPTING MORE STRINGENT PROVISIONS, INCLUDING:

(A) A REQUIREMENT THAT LEAK DETECTION AND REPAIR INSPECTIONS OCCUR AT ALL WELL PRODUCTION FACILITIES ON, AT A MINIMUM, A SEMIANNUAL BASIS OR THAT AN ALTERNATIVE APPROVED INSTRUMENT MONITORING METHOD IS IN PLACE PURSUANT TO EXISTING RULES;

(B) A REQUIREMENT THAT OWNERS AND OPERATORS OF OIL AND GAS TRANSMISSION PIPELINES AND COMPRESSOR STATIONS MUST INSPECT AND MAINTAIN ALL EQUIPMENT AND PIPELINES ON A REGULAR BASIS;

(C) A REQUIREMENT THAT OIL AND NATURAL GAS OPERATORS MUST INSTALL AND OPERATE CONTINUOUS METHANE EMISSIONS MONITORS AT FACILITIES WITH LARGE EMISSIONS POTENTIAL, AT MULTI-WELL FACILITIES, AND AT FACILITIES IN CLOSE PROXIMITY TO OCCUPIED DWELLINGS; AND

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(D) A REQUIREMENT TO REDUCE EMISSIONS FROM PNEUMATIC DEVICES. THE COMMISSION SHALL CONSIDER REQUIRING OIL AND GAS OPERATORS, UNDER APPROPRIATE CIRCUMSTANCES, TO USE PNEUMATIC DEVICES THAT DO NOT VENT NATURAL GAS.

(II) THE COMMISSION MAY, BY RULE, PHASE IN THE REQUIREMENT TO COMPLY WITH THIS SUBSECTION (10)(b) ON THE BASES OF PRODUCTION CAPABILITY, TYPE AND AGE OF OIL AND GAS FACILITY, AND COMMERCIAL AVAILABILITY OF CONTINUOUS MONITORING EQUIPMENT. IF THE COMMISSION PHASES IN THE REQUIREMENT TO COMPLY WITH THIS SUBSECTION (10)(b), IT SHALL INCREASE THE REQUIRED FREQUENCY OF INSPECTIONS AT FACILITIES THAT ARE SUBJECT TO THE PHASE-IN UNTIL THE FACILITIES ACHIEVE CONTINUOUS EMISSION MONITORING.

(c) NOTWITHSTANDING THE GRANT OF AUTHORITY TO THE OIL AND GAS CONSERVATION COMMISSION IN ARTICLE 60 OF TITLE 34, INCLUDING SPECIFICALLY SECTION 34-60-105 (1), THE COMMISSION MAY REGULATE AIR POLLUTION FROM OIL AND GAS FACILITIES LISTED IN SUBSECTION (10)(a) OF THIS SECTION, INCLUDING DURING PRE-PRODUCTION ACTIVITIES, DRILLING, AND COMPLETION.

SECTION 4. In Colorado Revised Statutes, 29-20-104, **amend** (1) introductory portion, (1)(g), and (1)(h); and **add** (1)(i), (2), and (3) as follows:

29-20-104. Powers of local governments - definition. (1) Except as expressly provided in section 29-20-104.5, the power and authority granted by this section ~~shall~~ DOES not limit any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

(g) Regulating the use of land on the basis of the impact ~~thereof~~ OF THE USE on the community or surrounding areas; ~~and~~

(h) ~~Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.~~ REGULATING THE SURFACE IMPACTS OF OIL AND GAS OPERATIONS IN A REASONABLE MANNER TO ADDRESS MATTERS SPECIFIED IN THIS SUBSECTION (1)(h) AND TO PROTECT AND MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY, AND WELFARE

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AND THE ENVIRONMENT. NOTHING IN THIS SUBSECTION (1)(h) IS INTENDED TO ALTER, EXPAND, OR DIMINISH THE AUTHORITY OF LOCAL GOVERNMENTS TO REGULATE AIR QUALITY UNDER SECTION 25-7-128. FOR PURPOSES OF THIS SUBSECTION (1)(h), "MINIMIZE ADVERSE IMPACTS" MEANS, TO THE EXTENT NECESSARY AND REASONABLE, TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT BY AVOIDING ADVERSE IMPACTS FROM OIL AND GAS OPERATIONS AND MINIMIZING AND MITIGATING THE EXTENT AND SEVERITY OF THOSE IMPACTS THAT CANNOT BE AVOIDED. THE FOLLOWING MATTERS ARE COVERED BY THIS SUBSECTION (1)(h):

(I) LAND USE;

(II) THE LOCATION AND SITING OF OIL AND GAS FACILITIES AND OIL AND GAS LOCATIONS, AS THOSE TERMS ARE DEFINED IN SECTION 34-60-103 (6.2) AND (6.4);

(III) IMPACTS TO PUBLIC FACILITIES AND SERVICES;

(IV) WATER QUALITY AND SOURCE, NOISE, VIBRATION, ODOR, LIGHT, DUST, AIR EMISSIONS AND AIR QUALITY, LAND DISTURBANCE, RECLAMATION PROCEDURES, CULTURAL RESOURCES, EMERGENCY PREPAREDNESS AND COORDINATION WITH FIRST RESPONDERS, SECURITY, AND TRAFFIC AND TRANSPORTATION IMPACTS;

(V) FINANCIAL SECURITIES, INDEMNIFICATION, AND INSURANCE AS APPROPRIATE TO ENSURE COMPLIANCE WITH THE REGULATIONS OF THE LOCAL GOVERNMENT; AND

(VI) ALL OTHER NUISANCE-TYPE EFFECTS OF OIL AND GAS DEVELOPMENT; AND

(i) OTHERWISE PLANNING FOR AND REGULATING THE USE OF LAND SO AS TO PROVIDE PLANNED AND ORDERLY USE OF LAND AND PROTECTION OF THE ENVIRONMENT IN A MANNER CONSISTENT WITH CONSTITUTIONAL RIGHTS.

(2) TO IMPLEMENT THE POWERS AND AUTHORITY GRANTED IN SUBSECTION (1)(h) OF THIS SECTION, A LOCAL GOVERNMENT WITHIN ITS RESPECTIVE JURISDICTION HAS THE AUTHORITY TO:

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(a) INSPECT ALL FACILITIES SUBJECT TO LOCAL GOVERNMENT REGULATION;

(b) IMPOSE FINES FOR LEAKS, SPILLS, AND EMISSIONS; AND

(c) IMPOSE FEES ON OPERATORS OR OWNERS TO COVER THE REASONABLY FORESEEABLE DIRECT AND INDIRECT COSTS OF PERMITTING AND REGULATION AND THE COSTS OF ANY MONITORING AND INSPECTION PROGRAM NECESSARY TO ADDRESS THE IMPACTS OF DEVELOPMENT AND TO ENFORCE LOCAL GOVERNMENTAL REQUIREMENTS.

(3) (a) TO PROVIDE A LOCAL GOVERNMENT WITH TECHNICAL EXPERTISE REGARDING WHETHER A PRELIMINARY OR FINAL DETERMINATION OF THE LOCATION OF AN OIL AND GAS FACILITY OR OIL AND GAS LOCATION WITHIN ITS RESPECTIVE JURISDICTION COULD AFFECT OIL AND GAS RESOURCE RECOVERY:

(I) ONCE AN OPERATOR, AS DEFINED IN SECTION 34-60-103 (6.8), FILES AN APPLICATION FOR THE LOCATION AND SITING OF AN OIL AND GAS FACILITY OR OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT HAS MADE EITHER A PRELIMINARY OR FINAL DETERMINATION REGARDING THE APPLICATION, THE LOCAL GOVERNMENT HAVING LAND USE JURISDICTION MAY ASK THE DIRECTOR OF THE OIL AND GAS CONSERVATION COMMISSION PURSUANT TO SECTION 34-60-104.5 (3) TO APPOINT A TECHNICAL REVIEW BOARD TO CONDUCT A TECHNICAL REVIEW OF THE PRELIMINARY OR FINAL DETERMINATION AND ISSUE A REPORT THAT CONTAINS THE BOARD'S CONCLUSIONS.

(II) ONCE A LOCAL GOVERNMENT HAS MADE A FINAL DETERMINATION REGARDING AN APPLICATION SPECIFIED IN SUBSECTION (3)(a)(I) OF THIS SECTION OR IF THE LOCAL GOVERNMENT HAS NOT MADE A FINAL DETERMINATION ON AN APPLICATION WITHIN TWO HUNDRED TEN DAYS AFTER FILING BY THE OPERATOR, THE OPERATOR MAY ASK THE DIRECTOR OF THE OIL AND GAS CONSERVATION COMMISSION PURSUANT TO SECTION 34-60-104.5 (3) TO APPOINT A TECHNICAL REVIEW BOARD TO CONDUCT A TECHNICAL REVIEW OF THE FINAL DETERMINATION AND ISSUE A REPORT THAT CONTAINS THE BOARD'S CONCLUSIONS.

(b) A LOCAL GOVERNMENT MAY FINALIZE ITS PRELIMINARY DETERMINATION WITHOUT ANY CHANGES BASED ON THE TECHNICAL REVIEW

REPORT, FINALIZE ITS PRELIMINARY DETERMINATION WITH CHANGES BASED ON THE REPORT, OR RECONSIDER OR DO NOTHING WITH REGARD TO ITS ALREADY FINALIZED DETERMINATION.

(c) IF AN APPLICANT OR LOCAL GOVERNMENT REQUESTS A TECHNICAL REVIEW PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, THE PERIOD TO APPEAL A LOCAL GOVERNMENT'S DETERMINATION PURSUANT TO RULE 106 (a)(4) OF THE COLORADO RULES OF CIVIL PROCEDURE IS TOLLED UNTIL THE REPORT SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION HAS BEEN ISSUED, AND THE APPLICANT IS AFFORDED THE FULL PERIOD TO APPEAL THEREAFTER.

SECTION 5. In Colorado Revised Statutes, 30-15-401, **amend** (1) introductory portion, (1)(m)(II) introductory portion, and (1)(m)(II)(B) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners ~~has the power to~~ MAY adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(m) (II) Ordinances enacted to regulate noise on public and private property pursuant to ~~subparagraph (I) of this paragraph (m) shall~~ SUBSECTION (1)(m)(I) OF THIS SECTION DO not apply to:

(B) Property used for: Manufacturing, industrial, or commercial business purposes; AND public utilities regulated pursuant to title 40. C.R.S.; and oil and gas production subject to the provisions of article 60 of title 34, C.R.S.

SECTION 6. In Colorado Revised Statutes, 34-60-102, **amend** (1)(a) introductory portion, (1)(a)(I), and (1)(b) as follows:

34-60-102. Legislative declaration. (1) (a) It is declared to be in the public interest AND THE COMMISSION IS DIRECTED to:

(I) ~~Foster~~ REGULATE the ~~responsible, balanced~~ development AND production ~~and utilization~~ of the natural resources of oil and gas in the state of Colorado in a manner ~~consistent with protection of~~ THAT PROTECTS

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public health, safety, and welfare, including protection of the environment and wildlife resources;

(b) It is ~~not~~ NEITHER the intent nor the purpose of this ~~article~~ ARTICLE 60 to require or permit the proration or distribution of the production of oil and gas among the fields and pools of Colorado on the basis of market demand. It is the intent and purpose of this ~~article~~ ARTICLE 60 to permit each oil and gas pool in Colorado to produce up to its maximum efficient rate of production, subject to the PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, AND WILDLIFE RESOURCES AND THE prevention of waste ~~consistent with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources~~ AS SET FORTH IN SECTION 34-60-106 (2.5) AND (3)(a), and subject further to the enforcement and protection of the coequal and correlative rights of the owners and producers of a common source of oil and gas, so that each common owner and producer may obtain a just and equitable share of production ~~therefrom~~ FROM THE COMMON SOURCE.

SECTION 7. In Colorado Revised Statutes, 34-60-103, **amend** the introductory portion, (5.5), (11), (12), and (13); and **add** (5.3), (6.2), and (6.4) as follows:

34-60-103. Definitions. As used in this ~~article~~ ARTICLE 60, unless the context otherwise requires:

(5.3) "LOCAL GOVERNMENT" MEANS, EXCEPT WITH REGARD TO SECTION 34-60-104 (2)(a)(I), A:

(a) MUNICIPALITY OR CITY AND COUNTY WITHIN WHOSE BOUNDARIES AN OIL AND GAS LOCATION IS SITED OR PROPOSED TO BE SITED; OR

(b) COUNTY, IF AN OIL AND GAS LOCATION IS SITED OR PROPOSED TO BE SITED WITHIN THE BOUNDARIES OF THE COUNTY BUT IS NOT LOCATED WITHIN A MUNICIPALITY OR CITY AND COUNTY.

(5.5) "Minimize adverse impacts" means, to ~~wherever reasonably practicable~~ THE EXTENT NECESSARY AND REASONABLE TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, AND WILDLIFE RESOURCES, TO:

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(a) Avoid adverse impacts from oil and gas operations; ~~on wildlife resources;~~ AND

(b) Minimize AND MITIGATE the extent and severity of those impacts that cannot be avoided.

~~(c) Mitigate the effects of unavoidable remaining impacts; and~~

~~(d) Take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts to wildlife resources.~~

(6.2) "OIL AND GAS FACILITY" MEANS EQUIPMENT OR IMPROVEMENTS USED OR INSTALLED AT AN OIL AND GAS LOCATION FOR THE EXPLORATION, PRODUCTION, WITHDRAWAL, TREATMENT, OR PROCESSING OF CRUDE OIL, CONDENSATE, EXPLORATION AND PRODUCTION WASTE, OR GAS.

(6.4) "OIL AND GAS LOCATION" MEANS A DEFINABLE AREA WHERE AN OIL AND GAS OPERATOR HAS DISTURBED OR INTENDS TO DISTURB THE LAND SURFACE IN ORDER TO LOCATE AN OIL AND GAS FACILITY.

(11) "Waste", as applied to gas:

(a) Includes the escape, blowing, or releasing, directly or indirectly into the open air, of gas from wells productive of gas only, or gas in an excessive or unreasonable amount from wells producing oil or both oil and gas; and the production of gas in quantities or in such manner as unreasonably reduces reservoir pressure or, SUBJECT TO SUBSECTION (11)(b) OF THIS SECTION, unreasonably diminishes the quantity of oil or gas that ultimately may be produced; excepting gas that is reasonably necessary in the drilling, completing, testing, and in furnishing power for the production of wells; AND

(b) DOES NOT INCLUDE THE NONPRODUCTION OF GAS FROM A FORMATION IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, OR WILDLIFE RESOURCES AS DETERMINED BY THE COMMISSION.

(12) "Waste", as applied to oil:

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(a) Includes underground waste; inefficient, excessive, or improper use or dissipation of reservoir energy, including gas energy and water drive; surface waste; open-pit storage; and waste incident to the production of oil in excess of the producer's aboveground storage facilities and lease and contractual requirements, but excluding storage, other than open-pit storage, reasonably necessary for building up or maintaining crude stocks and products ~~thereof~~ OF CRUDE STOCKS for consumption, use, and sale; AND

(b) DOES NOT INCLUDE THE NONPRODUCTION OF OIL FROM A FORMATION IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, OR WILDLIFE RESOURCES AS DETERMINED BY THE COMMISSION.

(13) "Waste", in addition to the meanings as set forth in subsections (11) and (12) of this section:

(a) Means, SUBJECT TO SUBSECTION (13)(b) OF THIS SECTION:

(a) (I) Physical waste, as that term is generally understood in the oil and gas industry;

(b) (II) The locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner ~~which~~ THAT causes or tends to cause reduction in quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations or ~~which~~ THAT causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; AND

(c) (III) Abuse of the correlative rights of any owner in a pool due to nonuniform, disproportionate, unratable, or excessive withdrawals of oil or gas ~~therefrom~~ FROM THE POOL, causing reasonably avoidable drainage between tracts of land or resulting in one or more producers or owners in ~~such~~ THE pool producing more than ~~his~~ AN equitable share of the oil or gas from ~~such~~ THE pool; AND

(b) DOES NOT INCLUDE THE NONPRODUCTION OF OIL OR GAS FROM A FORMATION IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, OR WILDLIFE RESOURCES AS DETERMINED BY THE COMMISSION.

SECTION 8. In Colorado Revised Statutes, 34-60-104, **amend** (1), (2)(a)(I), and (2)(a)(II) as follows:

34-60-104. Oil and gas conservation commission - report - publication - repeal. (1) (a) There is hereby created, in the department of natural resources, the oil and gas conservation commission. ~~of the state of Colorado.~~

(b) THIS SECTION IS REPEALED ON THE EARLIER OF JULY 1, 2020, OR THE DATE ON WHICH ALL RULES REQUIRED TO BE ADOPTED BY SECTION 34-60-106 (2.5)(a), (11)(c), AND (19) HAVE BECOME EFFECTIVE. THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (1)(b) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.

(2) (a) (I) ~~Effective July 1, 2007~~ ON THE EFFECTIVE DATE OF THIS SECTION (2)(a)(I), AS AMENDED, the commission ~~shall consist~~ CONSISTS of nine members, seven of whom shall be appointed by the governor with the consent of the senate. ~~and two of whom;~~ The executive director of the department of natural resources and the executive director of the department of public health and environment, ~~shall be~~ OR THE EXECUTIVE DIRECTORS' DESIGNEES, ARE ex officio voting members. At least two members shall be appointed from west of the continental divide, and, to the extent possible, consistent with this ~~paragraph (a)~~ SUBSECTION (2)(a), the other members shall be appointed taking into account the need for geographical representation of ~~other~~ areas of the state with high levels of CURRENT OR ANTICIPATED oil and gas activity or employment. ~~Three members shall~~ ONE MEMBER MUST be ~~individuals~~ AN INDIVIDUAL with substantial experience in the oil and gas industry; ~~and at least two of said three members shall have a college degree in petroleum geology or petroleum engineering;~~ one member ~~shall~~ MUST be a local government official; one member ~~shall~~ MUST have formal training or substantial experience in environmental ~~or wildlife~~ protection; one member ~~shall~~ MUST have formal training or substantial experience in WILDLIFE PROTECTION; ONE MEMBER MUST HAVE TECHNICAL EXPERTISE RELEVANT TO THE ISSUES CONSIDERED BY THE COMMISSION OR FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN soil conservation or reclamation; ~~and~~ one member ~~shall~~ MUST be actively engaged in agricultural production ~~and also~~ OR be a royalty owner; AND ONE MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN PUBLIC HEALTH.

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Excluding the executive directors from consideration, no more than four members of the commission ~~shall~~ MAY be members of the same political party.

(II) Subject to ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, nothing in this ~~paragraph (a)~~ shall be construed to require SUBSECTION (2)(a) REQUIRES a holdover member of the commission holding office on July 1, ~~2007~~ 2019, to comply with ~~the provisions of this paragraph (a)~~ THIS SUBSECTION (2)(a), as amended, unless such THE person is reappointed to the commission for another term of office. Nothing in this ~~subparagraph (II)~~ shall alter, impair, or negate SUBSECTION (2)(a) ALTERS, IMPAIRS, OR NEGATES the authority of the governor to remove or appoint members of the commission pursuant to ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION.

SECTION 9. In Colorado Revised Statutes, add 34-60-104.3 as follows:

34-60-104.3. Oil and gas conservation commission - report - publication. (1) THERE IS HEREBY CREATED, IN THE DEPARTMENT OF NATURAL RESOURCES, THE OIL AND GAS CONSERVATION COMMISSION.

(2) (a) THE COMMISSION CONSISTS OF SEVEN MEMBERS, FIVE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTORS' DESIGNEES, ARE EX OFFICIO NONVOTING MEMBERS. A MAJORITY OF THE VOTING COMMISSIONERS CONSTITUTE A QUORUM FOR THE TRANSACTION OF ITS BUSINESS.

(b) EACH APPOINTED COMMISSIONER MUST BE A QUALIFIED ELECTOR OF THIS STATE. EACH APPOINTED COMMISSIONER, BEFORE ENTERING UPON THE DUTIES OF OFFICE, SHALL TAKE THE CONSTITUTIONAL OATH OF OFFICE. EXCLUDING THE EXECUTIVE DIRECTORS FROM CONSIDERATION, NO MORE THAN THREE MEMBERS OF THE COMMISSION MAY BE MEMBERS OF THE SAME POLITICAL PARTY. TO THE EXTENT POSSIBLE, CONSISTENT WITH THIS SUBSECTION (2), THE MEMBERS SHALL BE APPOINTED TAKING INTO ACCOUNT THE NEED FOR GEOGRAPHICAL REPRESENTATION OF AREAS OF THE STATE WITH HIGH LEVELS OF CURRENT OR ANTICIPATED OIL AND GAS ACTIVITY OR

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EMPLOYMENT. THE APPOINTED MEMBERS OF THE COMMISSION SHALL DEVOTE THEIR ENTIRE TIME TO THE DUTIES OF THEIR OFFICES TO THE EXCLUSION OF ANY OTHER EMPLOYMENT AND ARE ENTITLED TO RECEIVE COMPENSATION AS DESIGNATED BY LAW.

(c) ONE APPOINTED MEMBER MUST BE AN INDIVIDUAL WITH SUBSTANTIAL EXPERIENCE IN THE OIL AND GAS INDUSTRY; ONE APPOINTED MEMBER MUST HAVE SUBSTANTIAL EXPERTISE IN PLANNING OR LAND USE; ONE APPOINTED MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN ENVIRONMENTAL PROTECTION, WILDLIFE PROTECTION, OR RECLAMATION; ONE APPOINTED MEMBER MUST HAVE PROFESSIONAL EXPERIENCE DEMONSTRATING AN ABILITY TO CONTRIBUTE TO THE COMMISSION'S BODY OF EXPERTISE THAT WILL AID THE COMMISSION IN MAKING SOUND, BALANCED DECISIONS; AND ONE APPOINTED MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN PUBLIC HEALTH.

(d) NO PERSON MAY BE APPOINTED TO SERVE ON THE COMMISSION OR HOLD THE OFFICE OF COMMISSIONER IF THE PERSON HAS A CONFLICT OF INTEREST WITH OIL AND GAS DEVELOPMENT IN COLORADO. EXAMPLES OF CONFLICTS OF INTEREST INCLUDE BEING REGISTERED AS A LOBBYIST AT THE LOCAL OR STATE LEVELS, SERVING IN THE GENERAL ASSEMBLY WITHIN THE PRIOR THREE YEARS, OR SERVING IN AN OFFICIAL CAPACITY WITH AN ENTITY THAT EDUCATES OR ADVOCATES FOR OR AGAINST OIL AND GAS ACTIVITY. THIS SUBSECTION (2)(d) SHALL BE CONSTRUED REASONABLY WITH THE OBJECTIVE OF DISQUALIFYING FROM THE COMMISSION ANY PERSON WHO MIGHT HAVE AN IMMEDIATE CONFLICT OF INTEREST OR WHO MAY NOT BE ABLE TO MAKE BALANCED DECISIONS ABOUT OIL AND GAS REGULATION IN COLORADO. A PERSON WHO HAS WORKED WITH OR FOR AN ENERGY OR ENVIRONMENTAL ENTITY NEED NOT BE DISQUALIFIED IF THE PERSON'S EXPERIENCE SHOWS SUBJECT MATTER KNOWLEDGE COUPLED WITH AN ABILITY TO RENDER INFORMED, THOROUGH, AND BALANCED DECISION-MAKING.

(e) MEMBERS OF THE COMMISSION SHALL BE APPOINTED FOR TERMS OF FOUR YEARS EACH; EXCEPT THAT THE INITIAL TERMS OF TWO MEMBERS ARE TWO YEARS. THE GOVERNOR SHALL DESIGNATE ONE MEMBER OF THE COMMISSION AS CHAIR OF THE COMMISSION. THE CHAIR SHALL DELEGATE ROLES AND RESPONSIBILITIES TO COMMISSIONERS AND THE DIRECTOR. THE GOVERNOR MAY AT ANY TIME REMOVE ANY APPOINTED MEMBER OF THE COMMISSION, AND BY APPOINTMENT THE GOVERNOR SHALL FILL ANY

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VACANCY ON THE COMMISSION. IN CASE ONE OR MORE VACANCIES OCCUR ON THE SAME DAY, THE GOVERNOR SHALL DESIGNATE THE ORDER OF FILLING VACANCIES.

(3) THE COMMISSION SHALL REPORT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AT SUCH TIMES AND ON SUCH MATTERS AS THE EXECUTIVE DIRECTOR MAY REQUIRE.

(4) PUBLICATIONS OF THE COMMISSION CIRCULATED IN QUANTITY OUTSIDE THE EXECUTIVE BRANCH ARE SUBJECT TO THE APPROVAL AND CONTROL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.

(5) THIS SECTION TAKES EFFECT ON THE EARLIER OF JULY 1, 2020, OR THE DATE ON WHICH ALL RULES REQUIRED TO BE ADOPTED BY SECTION 34-60-106 (2.5)(a), (11)(c), AND (19) HAVE BECOME EFFECTIVE. THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (5) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US.

SECTION 10. In Colorado Revised Statutes, 34-60-104.5, **amend** (2)(d); and **add** (3) as follows:

34-60-104.5. Director of commission - duties. (2) The director of the commission shall:

(d) (I) Appoint, pursuant to section 13 of article XII of the state constitution, such clerical and professional staff and consultants as may be necessary for the efficient and effective operation of the commission, INCLUDING AT LEAST ONE AND UP TO TWO DEPUTY DIRECTORS; and ~~staff~~

(II) Exercise general supervisory control over ~~said~~ THE staff; and

(3) (a) UPON RECEIPT OF REQUEST FOR TECHNICAL REVIEW FILED PURSUANT TO SECTION 29-20-104 (3)(a), THE DIRECTOR OF THE COMMISSION SHALL APPOINT TECHNICAL REVIEW BOARD MEMBERS. THE MEMBERSHIP OF THE TECHNICAL REVIEW BOARD MUST INCLUDE SUBJECT MATTER EXPERTS IN LOCAL LAND USE PLANNING AND OIL AND GAS EXPLORATION AND PRODUCTION AND MAY INCLUDE SUBJECT MATTER EXPERTS IN ENVIRONMENTAL SCIENCES, PUBLIC HEALTH SCIENCES, OR OTHER

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DISCIPLINES RELEVANT TO THE DISPUTED ISSUES, AS DETERMINED BY THE DIRECTOR. THE TECHNICAL REVIEW BOARD SHALL CONDUCT A TECHNICAL REVIEW OF THE PRELIMINARY OR FINAL SITING DETERMINATION PURSUANT TO THE CRITERIA SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION AND, AT ITS DISCRETION, MAY MEET TO CONFER INFORMALLY WITH THE PARTIES. THE TECHNICAL REVIEW MUST BE COMPLETED BY ISSUANCE OF A REPORT WITHIN SIXTY DAYS AFTER THE DIRECTOR APPOINTS THE EXPERTS.

(b) A TECHNICAL REVIEW:

(I) MUST ADDRESS THE ISSUES IN DISPUTE AS IDENTIFIED BY THE OPERATOR AND THE LOCAL GOVERNMENT, WHICH MAY INCLUDE IMPACTS TO THE RECOVERY OF THE RESOURCE BY THE PRELIMINARY OR FINAL SITING DETERMINATION OF THE LOCAL GOVERNMENT; WHETHER THE LOCAL GOVERNMENT'S DETERMINATION WOULD REQUIRE TECHNOLOGIES THAT ARE NOT AVAILABLE OR ARE IMPRACTICABLE GIVEN THE CONTEXT OF THE PERMIT APPLICATION; AND WHETHER THE OPERATOR IS PROPOSING TO USE BEST MANAGEMENT PRACTICES; AND

(II) MUST NOT ADDRESS THE ECONOMIC EFFECTS OF THE PRELIMINARY OR FINAL DETERMINATION AND MUST RESULT IN THE ISSUANCE OF A REPORT.

SECTION 11. In Colorado Revised Statutes, 34-60-105, **amend** (1); and **add** (4) as follows:

34-60-105. Powers of commission. (1) (a) The commission has jurisdiction over all persons and property, public and private, necessary to enforce ~~the provisions of this article, and has~~ THIS ARTICLE 60, the power to make and enforce rules ~~regulations~~; and orders pursuant to this ~~article~~ ARTICLE 60, and to do whatever may reasonably be necessary to carry out ~~the provisions of this article~~ THIS ARTICLE 60.

(b) Any delegation of authority to any other state officer, board, or commission to administer any other laws of this state relating to the conservation of oil or gas, or either of them, is hereby rescinded and withdrawn, and ~~such~~ THAT authority is unqualifiedly conferred upon the commission, as provided in this section; EXCEPT THAT, AS FURTHER SPECIFIED IN SECTION 34-60-131, NOTHING IN THIS ARTICLE 60 ALTERS, IMPAIRS, OR NEGATES THE AUTHORITY OF:

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(I) THE AIR QUALITY CONTROL COMMISSION TO REGULATE, PURSUANT TO ARTICLE 7 OF TITLE 25, THE EMISSION OF AIR POLLUTANTS FROM OIL AND GAS OPERATIONS;

(II) THE WATER QUALITY CONTROL COMMISSION TO REGULATE, PURSUANT TO ARTICLE 8 OF TITLE 25, THE DISCHARGE OF WATER POLLUTANTS FROM OIL AND GAS OPERATIONS;

(III) THE STATE BOARD OF HEALTH TO REGULATE, PURSUANT TO SECTION 25-11-104, THE DISPOSAL OF NATURALLY OCCURRING RADIOACTIVE MATERIALS AND TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS FROM OIL AND GAS OPERATIONS;

(IV) THE SOLID AND HAZARDOUS WASTE COMMISSION TO:

(A) REGULATE, PURSUANT TO ARTICLE 15 OF TITLE 25, THE DISPOSAL OF HAZARDOUS WASTE FROM OIL AND GAS OPERATIONS; OR

(B) REGULATE, PURSUANT TO SECTION 30-20-109 (1.5), THE DISPOSAL OF EXPLORATION AND PRODUCTION WASTE FROM OIL AND GAS OPERATIONS; AND

(V) A LOCAL GOVERNMENT TO REGULATE OIL AND GAS OPERATIONS PURSUANT TO SECTION 29-20-104;

(c) Any person, or the attorney general on behalf of the state, may apply for ~~any~~ A hearing before the commission, or the commission may initiate proceedings, upon any question relating to the administration of this ~~article~~ ARTICLE 60, and jurisdiction is conferred upon the commission to hear and determine the ~~same~~ QUESTION and enter its rule ~~regulation~~; or order with respect ~~thereto~~ TO THE QUESTION.

(4) (a) EXCEPT AS SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION, NOTHING IN THIS ARTICLE 60 AUTHORIZES THE STATE OR ITS LOCAL GOVERNMENTS, INCLUDING THE COMMISSION, BOARDS OF COUNTY COMMISSIONERS, AND MUNICIPALITIES, TO REGULATE THE ACTIVITIES OF:

(I) FEDERALLY RECOGNIZED INDIAN TRIBES, THEIR POLITICAL SUBDIVISIONS, OR TRIBALLY CONTROLLED AFFILIATES, UNDERTAKEN OR TO BE UNDERTAKEN WITH RESPECT TO MINERAL EVALUATION, EXPLORATION,

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OR DEVELOPMENT ON LANDS WITHIN THE EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION LOCATED WITHIN THE STATE; OR

(II) THIRD PARTIES, UNDERTAKEN OR TO BE UNDERTAKEN WITH RESPECT TO MINERAL EVALUATION, EXPLORATION, OR DEVELOPMENT ON INDIAN TRUST LANDS WITHIN THE EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION LOCATED WITHIN THE STATE.

(b) REGULATION BY THE STATE OR ITS LOCAL GOVERNMENTS, INCLUDING THE COMMISSION, BOARDS OF COUNTY COMMISSIONERS, AND MUNICIPALITIES, APPLICABLE TO NON-INDIANS CONDUCTING OIL AND GAS OPERATIONS ON LANDS WITHIN THE EXTERIOR BOUNDARIES OF THE SOUTHERN UTE INDIAN RESERVATION MAY APPLY TO LANDS WHERE BOTH THE SURFACE AND THE OIL AND GAS ESTATES ARE OWNED IN FEE BY A PERSON OTHER THAN THE SOUTHERN UTE INDIAN TRIBE, REGARDLESS OF WHETHER THE LANDS ARE COMMUNITIZED OR POOLED WITH INDIAN MINERAL LANDS.

(c) NOTHING IN THIS ARTICLE 60 ALTERS THE AUTHORITY FOR THE REGULATION OF AIR POLLUTION ON THE SOUTHERN UTE INDIAN RESERVATION AS SET FORTH IN ARTICLE 62 OF TITLE 24 AND PART 13 OF ARTICLE 7 OF TITLE 25.

SECTION 12. In Colorado Revised Statutes, 34-60-106, **amend** (1) introductory portion, (1)(f), (2) introductory portion, (2)(b), (2)(c), (6), (7), (13), and (15); **repeal** (2)(d); and **add** (2.5), (11)(c), (18), (19), and (20) as follows:

34-60-106. Additional powers of commission - rules - repeal.

(1) The commission also ~~has authority to~~ SHALL require:

(f) (I) That no operations for the drilling of a well for oil and gas shall be commenced without first:

(A) ~~Giving to the commission notice of intention~~ APPLYING FOR A PERMIT to drill, WHICH MUST INCLUDE PROOF EITHER THAT: THE OPERATOR HAS FILED AN APPLICATION WITH THE LOCAL GOVERNMENT WITH JURISDICTION TO APPROVE THE SITING OF THE PROPOSED OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT'S DISPOSITION OF THE APPLICATION; OR THE LOCAL GOVERNMENT WITH JURISDICTION DOES NOT

REGULATE THE SITING OF OIL AND GAS LOCATIONS; and ~~without first~~

(B) Obtaining a permit from the commission, under ~~such rules and regulations as may be~~ prescribed by the commission; and

(II) Paying to the commission a filing and service fee to be established by the commission for the purpose of paying the expense of administering this ~~article~~ ARTICLE 60 as provided in section 34-60-122, which fee may be transferable or refundable, at the option of the commission, if ~~such~~ THE permit is not used; ~~but no such fee shall exceed two hundred dollars;~~ AND

(III) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INCLUDING SUBSECTION (11) OF THIS SECTION, UNTIL THE COMMISSION HAS PROMULGATED ANY RULES REQUIRED TO BE ADOPTED BY SUBSECTIONS (2.5)(a), (11)(c), AND (19) OF THIS SECTION AND EACH RULE SPECIFIED IN THIS SUBSECTION (1)(f)(III)(A) HAS BECOME EFFECTIVE, THE DIRECTOR MAY DELAY THE FINAL DETERMINATION REGARDING A PERMIT APPLICATION IF THE DIRECTOR DETERMINES, PURSUANT TO OBJECTIVE CRITERIA TO BE PUBLISHED BY THE DIRECTOR WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f)(III) AND FOLLOWING A PUBLIC COMMENT PERIOD, THAT THE PERMIT REQUIRES ADDITIONAL ANALYSIS TO ENSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE OR THE ENVIRONMENT OR REQUIRES ADDITIONAL LOCAL GOVERNMENT OR OTHER STATE AGENCY CONSULTATION.

(B) THIS SUBSECTION (1)(f)(III) WILL BE REPEALED IF THE RULES SPECIFIED IN SUBSECTION (1)(f)(III)(A) OF THIS SECTION HAVE BECOME EFFECTIVE. THE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH ALL RULES SPECIFIED IN SUBSECTION (1)(f)(III)(A) OF THIS SECTION HAVE BECOME EFFECTIVE BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (1)(f)(III) IS REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE RULES SPECIFIED IN SUBSECTION (1)(f)(III)(A) OF THIS SECTION HAVE BECOME EFFECTIVE OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(2) The commission ~~has the authority to~~ MAY regulate:

(b) The ~~shooting~~ STIMULATING and chemical treatment of wells;

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AND

(c) The spacing AND NUMBER of wells ALLOWED IN A DRILLING UNIT.
and

~~(d) Oil and gas operations so as to prevent and mitigate significant adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations to the extent necessary to protect public health, safety, and welfare, including protection of the environment and wildlife resources, taking into consideration cost-effectiveness and technical feasibility.~~

(2.5) (a) IN EXERCISING THE AUTHORITY GRANTED BY THIS ARTICLE 60, THE COMMISSION SHALL REGULATE OIL AND GAS OPERATIONS IN A REASONABLE MANNER TO PROTECT AND MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY, AND WELFARE, THE ENVIRONMENT, AND WILDLIFE RESOURCES AND SHALL PROTECT AGAINST ADVERSE ENVIRONMENTAL IMPACTS ON ANY AIR, WATER, SOIL, OR BIOLOGICAL RESOURCE RESULTING FROM OIL AND GAS OPERATIONS.

(b) THE NONPRODUCTION OF OIL AND GAS RESULTING FROM A CONDITIONAL APPROVAL OR DENIAL AUTHORIZED BY THIS SUBSECTION (2.5) DOES NOT CONSTITUTE WASTE.

(6) The commission has the authority, as it deems necessary and convenient, to conduct any hearings or to make any determinations it is otherwise empowered to conduct or make by means of an appointed ADMINISTRATIVE LAW JUDGE OR hearing officer, but recommended findings, determinations, or orders of any ADMINISTRATIVE LAW JUDGE OR hearing officer ~~shall not become final until adopted by the commission~~ IN ACCORDANCE WITH SECTION 34-60-108 (9). Upon appointment by the commission, a member of the commission may act as a hearing officer.

(7) (a) The commission ~~has the authority to~~ MAY establish, charge, and collect docket fees for the filing of applications, petitions, protests, responses, and other pleadings. ~~No such fees shall exceed two hundred dollars for any application, petition, or other pleading initiating a proceeding nor one hundred dollars for any protest or other responsive pleadings, and any party to any commission proceeding shall pay no more than one such fee for each proceeding in which it is a party.~~ All such fees

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shall be deposited in the oil and gas conservation and environmental response fund established by section 34-60-122 and ~~shall be~~ ARE subject to appropriations by the general assembly for the purposes of this ~~article~~ ARTICLE 60.

(b) THE COMMISSION SHALL BY RULE ESTABLISH THE FEES FOR THE FILING OF APPLICATIONS IN AMOUNTS SUFFICIENT TO RECOVER THE COMMISSION'S REASONABLY FORESEEABLE DIRECT AND INDIRECT COSTS IN CONDUCTING THE ANALYSIS, INCLUDING THE ANNUAL REVIEW OF FINANCIAL ASSURANCE PURSUANT TO SUBSECTION (13) OF THIS SECTION, NECESSARY TO ASSURE THAT PERMITTED OPERATIONS WILL BE CONDUCTED IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THIS ARTICLE 60.

(11) (c) THE COMMISSION SHALL ADOPT RULES THAT:

(I) ADOPT AN ALTERNATIVE LOCATION ANALYSIS PROCESS AND SPECIFY CRITERIA USED TO IDENTIFY OIL AND GAS LOCATIONS AND FACILITIES PROPOSED TO BE LOCATED NEAR POPULATED AREAS THAT WILL BE SUBJECT TO THE ALTERNATIVE LOCATION ANALYSIS PROCESS; AND

(II) IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, EVALUATE AND ADDRESS THE POTENTIAL CUMULATIVE IMPACTS OF OIL AND GAS DEVELOPMENT.

(13) The commission shall require every operator to provide assurance that it is financially capable of fulfilling ~~any~~ EVERY obligation imposed ~~under subsections (11), (12), and (17) of this section~~ BY THIS ARTICLE 60 AS SPECIFIED IN RULES ADOPTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (13), AS AMENDED. THE RULE-MAKING MUST CONSIDER: INCREASING FINANCIAL ASSURANCE FOR INACTIVE WELLS AND FOR WELLS TRANSFERRED TO A NEW OWNER; REQUIRING A FINANCIAL ASSURANCE ACCOUNT, WHICH MUST REMAIN TIED TO THE WELL IN THE EVENT OF A TRANSFER OF OWNERSHIP, TO BE FULLY FUNDED IN THE INITIAL YEARS OF OPERATION FOR EACH NEW WELL TO COVER FUTURE COSTS TO PLUG, RECLAIM, AND REMEDIATE THE WELL; AND CREATING A POOLED FUND TO ADDRESS ORPHANED WELLS FOR WHICH NO OWNER, OPERATOR, OR RESPONSIBLE PARTY IS CAPABLE OF COVERING THE COSTS OF PLUGGING, RECLAMATION, AND REMEDIATION. For purposes of this subsection (13), references to "operator" ~~shall~~ include an operator of an underground natural gas storage cavern and an applicant for a certificate of closure under

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subsection (17) of this section. In complying with this requirement, an operator may submit for commission approval, without limitation, one or more of the following:

(a) A guarantee of performance where the operator can demonstrate to the commission's satisfaction that it has sufficient net worth to guarantee performance of ~~any~~ EVERY obligation imposed by ~~rule under subsections (11), (12), and (17) of this section.~~ Such THIS ARTICLE 60. THE COMMISSION SHALL ANNUALLY REVIEW THE guarantee and demonstration of net worth. ~~shall be annually reviewed by the commission.~~

(b) A certificate of general liability insurance in a form acceptable to the commission ~~which~~ THAT names the state as an additional insured and ~~which~~ covers occurrences during the policy period of a nature relevant to an obligation imposed by ~~rule under subsections (11), (12), and (17) of this section~~ THIS ARTICLE 60;

(c) A bond or other surety instrument;

(d) A letter of credit, certificate of deposit, or other financial instrument;

(e) An escrow account or sinking fund dedicated to the performance of ~~any~~ EVERY obligation imposed by ~~rule under subsections (11), (12), and (17) of this section~~ THIS ARTICLE 60;

(f) A lien or other security interest in real or personal property of the operator. ~~Such~~ THE lien or security interest ~~shall~~ MUST be in a form and priority acceptable to the commission in its sole discretion. ~~and shall be reviewed annually by~~ The commission SHALL ANNUALLY REVIEW THE LIEN OR SECURITY.

(15) The commission may, as it deems appropriate, assign its inspection and monitoring function, but not its enforcement authority, through intergovernmental agreement or by private contract; except that ~~no such~~ AN assignment ~~shall~~ MUST NOT allow for the imposition of any new tax or fee by the assignee in order to conduct ~~such~~ THE assigned inspection and monitoring and ~~no such assignment shall~~ MUST NOT provide for compensation contingent on the number or nature of alleged violations referred to the commission by the assignee. ~~No local government may~~

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~~charge a tax or fee to conduct inspections or monitoring of oil and gas operations with regard to matters that are subject to rule, regulation, order, or permit condition administered by the commission. Nothing in this subsection (15) shall affect the ability of a local government to charge a reasonable and nondiscriminatory fee for inspection and monitoring for road damage and compliance with local fire codes, land use permit conditions, and local building codes:~~

(18) THE COMMISSION SHALL PROMULGATE RULES TO ENSURE PROPER WELLBORE INTEGRITY OF ALL OIL AND GAS PRODUCTION WELLS. IN PROMULGATING THE RULES, THE COMMISSION SHALL CONSIDER INCORPORATING RECOMMENDATIONS FROM THE STATE OIL AND GAS REGULATORY EXCHANGE AND SHALL INCLUDE PROVISIONS TO:

(a) ADDRESS THE PERMITTING, CONSTRUCTION, OPERATION, AND CLOSURE OF PRODUCTION WELLS;

(b) REQUIRE THAT WELLS ARE CONSTRUCTED USING CURRENT PRACTICES AND STANDARDS THAT PROTECT WATER ZONES AND PREVENT BLOWOUTS;

(c) ENHANCE SAFETY AND ENVIRONMENTAL PROTECTIONS DURING OPERATIONS SUCH AS DRILLING AND HYDRAULIC FRACTURING;

(d) REQUIRE REGULAR INTEGRITY ASSESSMENTS FOR ALL OIL AND GAS PRODUCTION WELLS, SUCH AS SURFACE PRESSURE MONITORING DURING PRODUCTION; AND

(e) ADDRESS THE USE OF NONDESTRUCTIVE TESTING OF WELD JOINTS.

(19) THE COMMISSION SHALL REVIEW AND AMEND ITS FLOWLINE AND INACTIVE, TEMPORARILY ABANDONED, AND SHUT-IN WELL RULES TO THE EXTENT NECESSARY TO ENSURE THAT THE RULES PROTECT AND MINIMIZE ADVERSE IMPACTS TO PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT, INCLUDING BY:

(a) ALLOWING PUBLIC DISCLOSURE OF FLOWLINE INFORMATION AND EVALUATING AND DETERMINING WHEN A DEACTIVATED FLOWLINE MUST BE INSPECTED BEFORE BEING REACTIVATED; AND

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(b) EVALUATING AND DETERMINING WHEN INACTIVE, TEMPORARILY ABANDONED, AND SHUT-IN WELLS MUST BE INSPECTED BEFORE BEING PUT INTO PRODUCTION OR USED FOR INJECTION.

(20) THE COMMISSION SHALL ADOPT RULES TO REQUIRE CERTIFICATION FOR WORKERS IN THE FOLLOWING FIELDS:

(a) COMPLIANCE OFFICERS WITH REGARD TO THE FEDERAL "OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970", 29 U.S.C. SEC. 651 ET SEQ., INCLUDING SPECIFICALLY WORKING IN CONFINED SPACES;

(b) COMPLIANCE OFFICERS WITH REGARD TO CODES PUBLISHED BY THE AMERICAN PETROLEUM INSTITUTE AND AMERICAN SOCIETY OF MECHANICAL ENGINEERS, OR THEIR SUCCESSOR ORGANIZATIONS;

(c) THE HANDLING OF HAZARDOUS MATERIALS;

(d) WELDERS WORKING ON OIL AND GAS PROCESS LINES, INCLUDING:

(I) KNOWLEDGE OF THE FLOWLINE RULES PROMULGATED PURSUANT TO SUBSECTION (19) OF THIS SECTION;

(II) A MINIMUM OF SEVEN THOUSAND HOURS OF DOCUMENTED ON-THE-JOB TRAINING, WHICH REQUIREMENT CAN BE MET BY AN EMPLOYEE WORKING UNDER THE SUPERVISION OF A PERSON WITH THE REQUISITE SEVEN THOUSAND HOURS OF TRAINING; AND

(III) PASSAGE OF THE INTERNATIONAL CODE COUNCIL EXAM F31, NATIONAL STANDARD JOURNEYMAN MECHANICAL, OR AN ANALOGOUS SUCCESSOR EXAM, FOR ANY PERSON WORKING ON PRESSURIZED PROCESS LINES IN UPSTREAM AND MIDSTREAM OPERATIONS.

SECTION 13. In Colorado Revised Statutes, 34-60-108, **add** (9) as follows:

34-60-108. Rules - hearings - process. (9) WHENEVER ANY HEARING OR OTHER PROCEEDING IS ASSIGNED TO AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR INDIVIDUAL COMMISSIONER FOR HEARING, THE ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COMMISSIONER, AFTER THE CONCLUSION OF THE HEARING, SHALL PROMPTLY TRANSMIT TO THE

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COMMISSION AND THE PARTIES THE RECORD AND EXHIBITS OF THE PROCEEDING AND A WRITTEN RECOMMENDED DECISION THAT CONTAINS THE FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDED ORDER. A PARTY MAY FILE AN EXCEPTION TO THE RECOMMENDED ORDER; BUT IF NO EXCEPTIONS ARE FILED WITHIN TWENTY DAYS AFTER SERVICE UPON THE PARTIES, OR UNLESS THE COMMISSION STAYS THE RECOMMENDED ORDER WITHIN THAT TIME UPON ITS OWN MOTION, THE RECOMMENDED ORDER BECOMES THE DECISION OF THE COMMISSION AND SUBJECT TO SECTION 34-60-111. THE COMMISSION UPON ITS OWN MOTION MAY AND, WHERE EXCEPTIONS ARE FILED SHALL, CONDUCT A DE NOVO REVIEW OF THE MATTER UPON THE SAME RECORD, AND THE RECOMMENDED ORDER IS STAYED PENDING THE COMMISSION'S FINAL DETERMINATION OF THE MATTER. THE COMMISSION MAY ADOPT, REJECT, OR MODIFY THE RECOMMENDED ORDER.

SECTION 14. In Colorado Revised Statutes, 34-60-116, **amend** (1), (3), (6), (7)(a)(II), (7)(a)(III), (7)(c), and (7)(d)(I); and **add** (7)(a)(IV) as follows:

34-60-116. Drilling units - pooling interests. (1) (a) To prevent or to assist in preventing waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the commission, upon its own motion or on a proper application of an interested party, but after notice and hearing as provided in this section, may establish one or more drilling units of specified size and shape covering any pool or portion of a pool.

(b) THE APPLICATION MUST INCLUDE PROOF THAT EITHER:

(I) THE APPLICANT HAS FILED AN APPLICATION WITH THE LOCAL GOVERNMENT HAVING JURISDICTION TO APPROVE THE SITING OF THE PROPOSED OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT'S DISPOSITION OF THE APPLICATION; OR

(II) THE LOCAL GOVERNMENT HAVING JURISDICTION DOES NOT REGULATE THE SITING OF OIL AND GAS LOCATIONS.

(3) The order establishing a drilling unit:

(a) IS SUBJECT TO SECTION 34-60-106 (2.5); AND

(b) May authorize one or more wells to be drilled and produced

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from the common source of supply on a drilling unit.

(6) (a) When two or more separately owned tracts are embraced within a drilling unit, or when there are separately owned interests in all or a part of the drilling unit, then persons owning ~~such~~ THE interests may pool their interests for the development and operation of the drilling unit.

(b) (I) In the absence of voluntary pooling, the commission, upon the application of ~~any interested person~~ A PERSON WHO OWNS, OR HAS SECURED THE CONSENT OF THE OWNERS OF, MORE THAN FORTY-FIVE PERCENT OF THE MINERAL INTERESTS TO BE POOLED, may enter an order pooling all interests in the drilling unit for the development and operation ~~thereof~~. ~~Each such~~ OF THE DRILLING UNIT. MINERAL INTERESTS THAT ARE OWNED BY A PERSON WHO CANNOT BE LOCATED THROUGH REASONABLE DILIGENCE ARE EXCLUDED FROM THE CALCULATION.

(II) THE pooling order shall be made after notice and A hearing and ~~shall~~ MUST be upon terms and conditions that are just and reasonable and that afford to the owner of each tract or interest in the drilling unit the opportunity to recover or receive, without unnecessary expense, ~~his~~ A just and equitable share.

(c) Operations incident to the drilling of a well upon any portion of a unit covered by a pooling order shall be deemed for all purposes to be the conduct of ~~such~~ operations upon each separately owned tract in the unit by the several owners ~~thereof~~ OF EACH SEPARATELY OWNED TRACT. That portion of the production allocated or applicable to each tract included in a unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from ~~such~~ THE tract by a well drilled ~~thereon~~ ON IT.

(7) (a) Each pooling order must:

(II) Determine the interest of each owner in the unit and provide that each consenting owner is entitled to receive, subject to royalty or similar obligations, the share of the production from the wells applicable to the owner's interest in the wells and, unless the owner has agreed otherwise, a proportionate part of the nonconsenting owner's share of the production until costs are recovered and that each nonconsenting owner is entitled to own and to receive the share of the production applicable to the owner's

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interest in the unit after the consenting owners have recovered the nonconsenting owner's share of the costs out of production; ~~and~~

(III) Specify that a nonconsenting owner is immune from liability for costs arising from spills, releases, damage, or injury resulting from oil and gas operations on the drilling unit; AND

(IV) PROHIBIT THE OPERATOR FROM USING THE SURFACE OWNED BY A NONCONSENTING OWNER WITHOUT PERMISSION FROM THE NONCONSENTING OWNER.

(c) (I) A nonconsenting owner of a tract in a drilling unit that is not subject to any lease or other contract for ~~the development thereof~~ for oil and gas DEVELOPMENT shall be deemed to have a landowner's proportionate royalty of:

(A) ~~twelve and one-half~~ FOR A GAS WELL, THIRTEEN percent until ~~such time as~~ the consenting owners recover, only out of the nonconsenting owner's proportionate ~~seven-eighths~~ EIGHTY-SEVEN-PERCENT share of production, the costs specified in subsection (7)(b) of this section; OR

(B) FOR AN OIL WELL, SIXTEEN PERCENT UNTIL THE CONSENTING OWNERS RECOVER, ONLY OUT OF THE NONCONSENTING OWNER'S PROPORTIONATE EIGHTY-FOUR-PERCENT SHARE OF PRODUCTION, THE COSTS SPECIFIED IN SUBSECTION (7)(b) OF THIS SECTION.

(II) After recovery of the costs, the nonconsenting owner then owns his or her full proportionate share of the wells, surface facilities, and production and then is liable for further costs as if the NONCONSENTING owner had originally agreed to drilling of the wells.

(d) (I) THE COMMISSION SHALL NOT ENTER an order pooling an unleased nonconsenting mineral owner ~~shall not be entered by the commission~~ under subsection (6) of this section over protest of the owner unless the commission has received evidence that the unleased mineral owner has been tendered, no less than sixty days before the hearing, a reasonable offer, MADE IN GOOD FAITH, to lease upon terms no less favorable than those currently prevailing in the area at the time application for the order is made and that ~~such~~ THE unleased mineral owner has been furnished in writing the owner's share of the estimated drilling and

completion cost of the wells, the location and objective depth of the wells, and the estimated spud date for the wells or range of time within which spudding is to occur. The offer must include a copy of or link to a brochure supplied by the commission that clearly and concisely describes the pooling procedures specified in this section and the mineral owner's options pursuant to those procedures.

SECTION 15. In Colorado Revised Statutes, 34-60-122, amend (1)(b) as follows:

34-60-122. Expenses - fund created. (1) (b) On and after July 1, 2014 2019, the commission shall ensure that the ~~two-year average of the~~ unobligated portion of the fund does not exceed ~~six million dollars~~ FIFTY PERCENT OF TOTAL APPROPRIATIONS FROM THE FUND FOR THE UPCOMING FISCAL YEAR and that there is an adequate balance in the ~~environmental response account created pursuant to subsection (5) of this section~~ FUND TO SUPPORT THE OPERATIONS OF THE COMMISSION AND to address environmental response needs.

SECTION 16. In Colorado Revised Statutes, 34-60-128, amend (3)(b); and **repeal** (4) as follows:

34-60-128. Habitat stewardship - rules. (3) In order to minimize adverse impacts to wildlife resources, the commission shall:

(b) Provide for commission consultation and consent of the affected surface owner, or the surface owner's appointed tenant, on permit-specific conditions for wildlife habitat protection THAT DIRECTLY IMPACT THE AFFECTED SURFACE OWNER'S PROPERTY OR USE OF THAT PROPERTY. Such PERMIT-SPECIFIC conditions FOR WILDLIFE HABITAT PROTECTION shall be discontinued when final reclamation has occurred. PERMIT-SPECIFIC CONDITIONS FOR WILDLIFE HABITAT PROTECTION THAT DO NOT DIRECTLY IMPACT THE AFFECTED SURFACE OWNER'S PROPERTY OR USE OF THAT PROPERTY, SUCH AS OFF-SITE COMPENSATORY MITIGATION REQUIREMENTS, DO NOT REQUIRE THE CONSENT OF THE SURFACE OWNER OR THE SURFACE OWNER'S APPOINTED TENANT.

(4) ~~Nothing in this section shall establish, alter, impair, or negate the authority of local and county governments to regulate land use related to oil and gas operations.~~

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SECTION 17. In Colorado Revised Statutes, **add** 34-60-131 as follows:

34-60-131. No land use preemption. LOCAL GOVERNMENTS AND STATE AGENCIES, INCLUDING THE COMMISSION AND AGENCIES LISTED IN SECTION 34-60-105 (1)(b), HAVE REGULATORY AUTHORITY OVER OIL AND GAS DEVELOPMENT, INCLUDING AS SPECIFIED IN SECTION 34-60-105 (1)(b). A LOCAL GOVERNMENT'S REGULATIONS MAY BE MORE PROTECTIVE OR STRICTER THAN STATE REQUIREMENTS.

SECTION 18. Appropriation. (1) For the 2019-20 state fiscal year, \$851,010 is appropriated to the department of natural resources. This appropriation consists of \$763,180 cash funds from the oil and gas conservation and environmental response fund created in section 34-60-122 (5)(a), C.R.S., and \$87,830 cash funds from the wildlife cash fund created in section 33-1-112 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$535,508 from the oil and gas conservation and environmental response fund for use by the oil and gas conservation commission for program costs, which amount is based on an assumption that the oil and gas conservation commission will require an additional 5.0 FTE;

(b) \$83,930 from the wildlife cash fund for wildlife operations, which amount is based on an assumption that the division of parks and wildlife will require an additional 1.0 FTE;

(c) \$6,038, which consists of \$3,900 from the wildlife cash fund and \$2,138 from the oil and gas conservation and environmental response fund, for vehicle lease payments;

(d) \$39,000 from the oil and gas conservation and environmental response fund for leased space; and

(e) \$186,534 from the oil and gas conservation and environmental response fund for the purchase of legal services.

(2) For the 2019-20 state fiscal year, \$186,534 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1)(e) of this

section and is based on an assumption that the department of law will require an additional 1.0 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of natural resources.

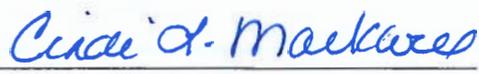
SECTION 19. Applicability. This act applies to conduct occurring on or after the effective date of this act, including determinations of applications pending on the effective date.

SECTION 20. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

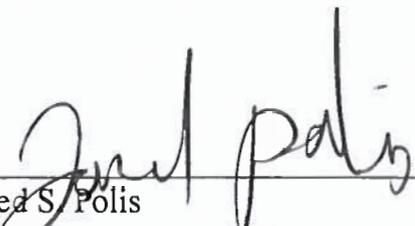

Leroy M. Garcia
PRESIDENT OF
THE SENATE


KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED April 16, 2019 at 4:08 p.m.
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 19-185

BY SENATOR(S) Fields and Lundeen, Bridges, Court, Crowder, Danielson, Foote, Gardner, Ginal, Hisey, Lee, Moreno, Pettersen, Smallwood, Story, Tate, Todd, Williams A., Winter, Woodward, Zenzinger; also REPRESENTATIVE(S) Landgraf and Roberts, Arndt, Baisley, Bird, Buckner, Buentello, Caraveo, Carver, Catlin, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Geitner, Gonzales-Gutierrez, Gray, Hansen, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Neville, Pelton, Ransom, Saine, Sandridge, Singer, Sirota, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Wilson.

CONCERNING PROTECTIONS FOR MINOR HUMAN TRAFFICKING VICTIMS, AND,
IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW
OF THE IMPLEMENTATION OF THIS ACT.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Human trafficking is a serious problem in Colorado and across the nation;

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) Among the diverse populations affected by human trafficking, minors, especially homeless and runaway youth, are particularly at risk of being trafficked for sex and involuntary labor;

(c) Minors who are forced into involuntary servitude and commercial sexual activity are more properly identified as victims and not as criminals; and

(d) Human trafficking in all forms creates a cycle of violence and impacts victims, families, and communities.

(2) The general assembly further finds and declares that:

(a) As a result of the diverse systems that touch these minors' lives, professionals in the child welfare, law enforcement, treatment, nonprofit, and faith-based communities must collaborate to develop a multidisciplinary approach to protect children and youth who are victims of human trafficking. This multidisciplinary approach needs to emphasize prevention, protection, prosecution, and partnerships.

(b) Protecting minors who are victims of human trafficking from further trauma by recognizing them as victims rather than criminals is beneficial for the minors involved and therefore in the public interest.

(3) It is therefore the intent of the general assembly to:

(a) Offer pathways that direct victimized minors away from juvenile delinquency by making available to those minors appropriate and comprehensive rehabilitative services;

(b) Offer protection and provide consistency in the treatment, care, and support of minors who are victims of human trafficking so they may continue to heal from the traumatic environment of being trafficked in a restorative justice manner; and

(c) Help create a safe haven for minors who are victims of human trafficking to come forward without fear and identify their traffickers and perpetrators.

(4) Therefore, the general assembly declares that the general assembly joins the federal government and other states around the nation in passing legislation to further combat human trafficking and protect minors who are victims of human trafficking.

SECTION 2. In Colorado Revised Statutes, 19-1-103, **amend** (1)(a) introductory portion, (1)(a)(VIII), and (23.5); and **add** (62.5) and (62.6) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this ~~title~~ TITLE 19, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(VIII) Any case in which a child is subjected to HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, OR human trafficking of a minor for sexual servitude, as described in ~~section 18-3-504, C.R.S.~~ SECTION 18-3-504 (2).

(23.5) "~~Commercial sexual exploitation of children" involves crimes~~ A CHILD" MEANS A CRIME of a sexual nature committed against ~~juvenile victims~~ A CHILD for financial or other economic reasons.

(62.5) "HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-503.

(62.6) "HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-504 (2).

SECTION 3. In Colorado Revised Statutes, **add** 18-7-209 as follows:

18-7-209. Immunity from prostitution-related offenses - victims - human trafficking of a minor for involuntary servitude - human trafficking of a minor for sexual servitude. IF PROBABLE CAUSE EXISTS TO BELIEVE THAT A MINOR CHARGED WITH A PROSTITUTION-RELATED ACTIVITY PURSUANT TO SECTION 18-7-201, 18-7-202, 18-7-204, OR 18-7-207 OR A PROSTITUTION-RELATED OFFENSE PURSUANT TO A COUNTY OR MUNICIPAL

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ORDINANCE WAS A VICTIM OF HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, PURSUANT TO SECTION 18-3-503 (2), OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, PURSUANT TO SECTION 18-3-504 (2), AT THE TIME OF THE OFFENSE BEING CHARGED, THE MINOR IS IMMUNE FROM CRIMINAL LIABILITY OR JUVENILE DELINQUENCY PROCEEDINGS FOR SUCH CHARGES.

SECTION 4. In Colorado Revised Statutes, 18-3-504, **amend** (1)(a), (2)(a), and (2.5) as follows:

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude. (1) (a) A person ~~who~~ **COMMITS HUMAN TRAFFICKING FOR SEXUAL SERVITUDE IF THE PERSON** knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the person to engage in commercial sexual activity. ~~commits human trafficking for sexual servitude.~~

(2)(a) A person ~~who~~ **COMMITS HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE IF THE PERSON:**

(I) Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity; ~~commits human trafficking of a minor for sexual servitude.~~ OR

(II) ~~A person who~~ Knowingly advertises, offers to sell, or sells travel services that facilitate an activity prohibited pursuant to subsection (2)(a)(I) of this section. ~~commits human trafficking of a minor for sexual servitude.~~

(2.5) It is an affirmative defense to a charge pursuant to subsection (2) of this section if the person being charged can demonstrate by a preponderance of the evidence that, at the time of the offense, he or she was a victim of human trafficking for sexual servitude who was forced or coerced into engaging in the human trafficking of minors for sexual servitude pursuant to subsection (2) of this section.

SECTION 5. In Colorado Revised Statutes, **add** 18-1-713 as follows:

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18-1-713. Victims of human trafficking of a minor for involuntary servitude or sexual servitude - affirmative defenses.

(1) EXCEPT AS PROVIDED IN SECTION 18-7-209, IT IS AN AFFIRMATIVE DEFENSE TO ANY CHARGE, OTHER THAN A CLASS 1 FELONY, IF THE MINOR BEING CHARGED PROVES, BY A PREPONDERANCE OF THE EVIDENCE, THAT HE OR SHE WAS, AT THE TIME OF THE OFFENSE:

(a) A VICTIM OF HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE PURSUANT TO SECTION 18-3-503 OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504; AND

(b) FORCED OR COERCED INTO ENGAGING IN THE CRIMINAL ACT CHARGED.

SECTION 6. In Colorado Revised Statutes, **add** 18-7-201.4 as follows:

18-7-201.4. Victim of human trafficking of a minor for sexual servitude - provision of services - reporting. IF A LAW ENFORCEMENT OFFICER ENCOUNTERS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AND WHO IS ENGAGING IN ANY CONDUCT THAT WOULD BE A VIOLATION OF SECTION 18-7-201, 18-7-202, 18-7-204, OR 18-7-207 OR A PROSTITUTION-RELATED OFFENSE PURSUANT TO A COUNTY OR MUNICIPAL ORDINANCE AND THERE IS PROBABLE CAUSE TO BELIEVE THAT THE MINOR IS A VICTIM OF HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504, THE LAW ENFORCEMENT OFFICER OR AGENCY SHALL IMMEDIATELY REPORT A SUSPECTED VIOLATION OF HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE TO THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR THE CHILD ABUSE REPORTING HOTLINE SYSTEM CREATED PURSUANT TO SECTION 26-5-111. THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL SUBSEQUENTLY FOLLOW THE REPORTING REQUIREMENTS SET FORTH IN SECTION 19-3-308 (4)(c).

SECTION 7. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado general assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act.

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SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

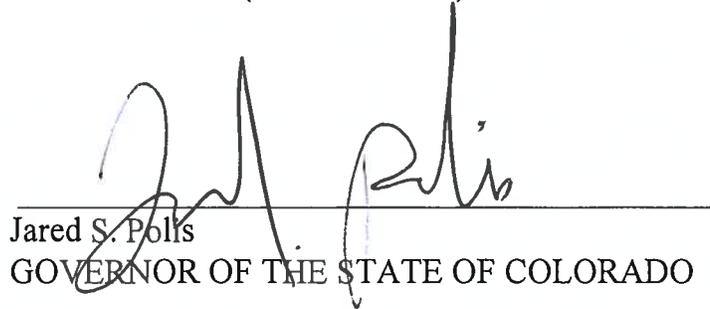

Leroy M. Garcia
PRESIDENT OF
THE SENATE


KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 6, 2019 at 3:30 p.m.
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 19-232

BY SENATOR(S) Foote, Bridges, Court, Donovan, Fenberg, Fields, Gonzales, Pettersen, Rodriguez, Story, Winter;
also REPRESENTATIVE(S) Weissman, Arndt, Duran, Froelich, Galindo, Gonzales-Gutierrez, Jackson, Kennedy, Kipp, Lontine, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Valdez A.

CONCERNING THE CODIFICATION OF THE RULES OF THE SECRETARY OF STATE
ADDRESSING THE PROCEDURES FOR THE ENFORCEMENT OF STATE
LAWS GOVERNING CAMPAIGN FINANCE.

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

SECTION 1. In Colorado Revised Statutes, add 1-45-111.7 as follows:

1-45-111.7. Campaign finance complaints - initial review - curing violations - investigation and enforcement - hearings - advisory opinions - document review - collection of debts resulting from campaign finance penalties - definitions. (1) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ARTICLE XXVIII" MEANS ARTICLE XXVIII OF THE STATE

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.

CONSTITUTION.

(b) "DEPUTY SECRETARY" MEANS THE DEPUTY SECRETARY OF STATE APPOINTED PURSUANT TO SECTION 24-21-105 OR THE DEPUTY SECRETARY'S DESIGNEE.

(c) "DIVISION" MEANS THE DIVISION WITHIN THE OFFICE OF THE SECRETARY RESPONSIBLE FOR ADMINISTERING THE STATE'S LAWS GOVERNING CAMPAIGN AND POLITICAL FINANCE.

(d) "HEARING OFFICER" MEANS A PERSON AUTHORIZED TO CONDUCT A HEARING UNDER SECTION 24-4-105 (3).

(e) "RULES" MEANS THE RULES OF THE SECRETARY CONCERNING CAMPAIGN AND POLITICAL FINANCE.

(f) "SECRETARY" MEANS THE SECRETARY OF STATE OR THE SECRETARY'S DESIGNATE.

(2) **Filing complaints.** (a) ANY PERSON WHO BELIEVES THAT A VIOLATION HAS OCCURRED OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES MAY FILE A COMPLAINT WITH THE SECRETARY.

(b) A COMPLAINT MUST BE FILED NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH THE COMPLAINANT EITHER KNEW OR SHOULD HAVE KNOWN, BY THE EXERCISE OF REASONABLE DILIGENCE, OF THE ALLEGED VIOLATION.

(c) ANY COMPLAINT MUST BE FILED IN WRITING AND SIGNED BY THE COMPLAINANT ON THE FORM PROVIDED BY THE SECRETARY. THE COMPLAINT MUST IDENTIFY ONE OR MORE RESPONDENTS AND INCLUDE THE INFORMATION REQUIRED TO BE PROVIDED ON THE FORM.

(d) UPON RECEIPT OF A COMPLAINT, THE DIVISION SHALL NOTIFY THE RESPONDENT OF THE COMPLAINT BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE.

(e) THE DIVISION SHALL FORWARD ANY COMPLAINT MADE AGAINST A CANDIDATE FOR SECRETARY OR THE SECRETARY TO THE DEPARTMENT OF LAW FOR THE REVIEW OF THE COMPLAINT BY THE ATTORNEY GENERAL TO

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ACT ON BEHALF OF THE DIVISION IN ACCORDANCE WITH APPLICABLE REQUIREMENTS OF THIS SECTION.

(3) **Initial review.** (a) THE DIVISION SHALL CONDUCT AN INITIAL REVIEW OF A COMPLAINT FILED UNDER SUBSECTION (2) OF THIS SECTION TO DETERMINE WHETHER THE COMPLAINT:

(I) WAS TIMELY FILED UNDER SUBSECTION (2)(b) OF THIS SECTION;

(II) SPECIFICALLY IDENTIFIES ONE OR MORE VIOLATIONS OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES; AND

(III) ALLEGES SUFFICIENT FACTS TO SUPPORT A FACTUAL AND LEGAL BASIS FOR THE VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT.

(b) WITHIN TEN BUSINESS DAYS OF RECEIVING A COMPLAINT, THE DIVISION SHALL TAKE ONE OR MORE OF THE ACTIONS SPECIFIED IN THIS SUBSECTION (3)(b):

(I) IF THE DIVISION MAKES AN INITIAL DETERMINATION THAT THE COMPLAINT WAS NOT TIMELY FILED, HAS NOT SPECIFICALLY IDENTIFIED ONE OR MORE VIOLATIONS OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES, OR DOES NOT ASSERT FACTS SUFFICIENT TO SUPPORT A FACTUAL OR LEGAL BASIS FOR AN ALLEGED VIOLATION, THE DIVISION SHALL PREPARE AND FILE WITH THE DEPUTY SECRETARY A MOTION TO DISMISS THE COMPLAINT. THE DEPUTY SECRETARY SHALL MAKE A DETERMINATION ON THE MOTION TO DISMISS WITHIN FIVE BUSINESS DAYS, WHICH MUST BE PROVIDED TO THE COMPLAINANT AND THE RESPONDENT BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE. IF THE DEPUTY SECRETARY DENIES THE MOTION, THE DIVISION SHALL DETERMINE WHETHER TO CONDUCT A REVIEW UNDER SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS SECTION. THE FINAL DETERMINATION BY THE DEPUTY SECRETARY ON THE MOTION TO DISMISS CONSTITUTES FINAL AGENCY ACTION AND IS SUBJECT TO JUDICIAL REVIEW BY A STATE DISTRICT COURT UNDER SECTION 24-4-106.

(II) IF THE DIVISION MAKES AN INITIAL DETERMINATION THAT THE COMPLAINT ALLEGES ONE OR MORE CURABLE VIOLATIONS AS ADDRESSED IN SUBSECTION (4) OF THIS SECTION, THE DIVISION SHALL NOTIFY THE RESPONDENT AND PROVIDE THE RESPONDENT AN OPPORTUNITY TO CURE THE VIOLATIONS.

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(III) IF THE DIVISION MAKES AN INITIAL DETERMINATION THAT THE COMPLAINT HAS SPECIFICALLY IDENTIFIED ONE OR MORE VIOLATIONS OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES, AND HAS ALLEGED FACTS SUFFICIENT TO SUPPORT A FACTUAL OR LEGAL BASIS FOR EACH ALLEGED VIOLATION, AND THAT EITHER A FACTUAL FINDING OR A LEGAL INTERPRETATION IS REQUIRED, THE DIVISION SHALL CONDUCT ADDITIONAL REVIEW UNDER SUBSECTION (5) OF THIS SECTION WITHIN THIRTY DAYS TO DETERMINE WHETHER TO FILE A COMPLAINT WITH A HEARING OFFICER.

(4) **Curing violations.** (a) UPON THE DIVISION'S INITIAL DETERMINATION THAT A COMPLAINT ALLEGES A FAILURE TO FILE OR OTHERWISE DISCLOSE REQUIRED INFORMATION, OR ALLEGES ANOTHER CURABLE VIOLATION, THE DIVISION SHALL NOTIFY THE RESPONDENT BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE OF THE CURABLE DEFICIENCIES ALLEGED IN THE COMPLAINT.

(b) THE RESPONDENT HAS TEN BUSINESS DAYS FROM THE DATE THE NOTICE IS E-MAILED OR MAILED TO FILE AN AMENDMENT TO ANY RELEVANT REPORT THAT CURES ANY DEFICIENCIES SPECIFIED IN THE NOTICE.

(c) THE RESPONDENT SHALL PROVIDE THE DIVISION WITH NOTICE OF THE RESPONDENT'S INTENT TO CURE ON THE FORM PROVIDED BY THE SECRETARY AND INCLUDE A COPY OF ANY AMENDMENTS TO ANY REPORT CONTAINING ONE OR MORE DEFICIENCIES.

(d) UPON RECEIPT OF THE RESPONDENT'S NOTICE OF AN INTENT TO CURE, THE DIVISION MAY ASK THE RESPONDENT TO PROVIDE ADDITIONAL INFORMATION AND MAY GRANT THE RESPONDENT AN EXTENSION OF TIME TO FILE AN AMENDED NOTICE OF INTENT TO CURE IN ORDER TO RESPOND TO ANY SUCH REQUEST.

(e) (I) AFTER THE PERIOD FOR CURE HAS EXPIRED, THE DIVISION SHALL DETERMINE WHETHER THE RESPONDENT HAS CURED ANY VIOLATION ALLEGED IN THE COMPLAINT AND, IF SO, WHETHER THE RESPONDENT HAS SUBSTANTIALLY COMPLIED WITH ITS LEGAL OBLIGATIONS UNDER ARTICLE XXVIII, THIS ARTICLE 45, AND THE RULES IN ACCORDANCE WITH SUBSECTION (4)(f) OF THIS SECTION.

(II) IF THE DIVISION DETERMINES THAT THE RESPONDENT HAS SUBSTANTIALLY COMPLIED WITH ITS LEGAL OBLIGATIONS, THE DIVISION

SHALL PREPARE AND FILE WITH THE DEPUTY SECRETARY A MOTION TO DISMISS THE COMPLAINT. THE MOTION MUST BE ACCOMPANIED BY A DRAFT ORDER SPECIFYING THE MANNER IN WHICH THE RESPONDENT HAS SATISFIED THE FACTORS SPECIFIED IN SUBSECTION (4)(f) OF THIS SECTION. THE DEPUTY SECRETARY SHALL MAKE A DETERMINATION ON THE MOTION TO DISMISS, WHICH MUST BE PROVIDED TO THE COMPLAINANT AND THE RESPONDENT BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE. IF THE DEPUTY SECRETARY DENIES THE MOTION, THE DIVISION SHALL DETERMINE WHETHER TO CONDUCT A REVIEW UNDER SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS SECTION. THE DETERMINATION BY THE DEPUTY SECRETARY UNDER THIS SUBSECTION (4)(e)(II) IS FINAL AGENCY ACTION AND IS SUBJECT TO JUDICIAL REVIEW BY A STATE DISTRICT COURT UNDER SECTION 24-4-106.

(III) IF THE DIVISION DETERMINES THAT THE RESPONDENT HAS FAILED TO SUBSTANTIALLY COMPLY UNDER SUBSECTION (4)(f) OF THIS SECTION, THE DIVISION SHALL CONDUCT AN ADDITIONAL REVIEW UNDER SUBSECTION (5)(a) OF THIS SECTION TO DETERMINE WHETHER TO FILE THE COMPLAINT WITH A HEARING OFFICER.

(f) IN DETERMINING WHETHER AN ENTITY SUBSTANTIALLY COMPLIED WITH ITS LEGAL OBLIGATIONS UNDER ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES THE DIVISION MUST CONSIDER:

(I) THE EXTENT OF THE RESPONDENT'S NONCOMPLIANCE;

(II) THE PURPOSE OF THE PROVISION VIOLATED AND WHETHER THAT PURPOSE WAS SUBSTANTIALLY ACHIEVED DESPITE THE NONCOMPLIANCE; AND

(III) WHETHER THE NONCOMPLIANCE MAY PROPERLY BE VIEWED AS AN INTENTIONAL ATTEMPT TO MISLEAD THE ELECTORATE OR ELECTION OFFICIALS.

(g) IF THE DIVISION DETERMINES THAT THE RESPONDENT FAILED TO CURE ANY ALLEGED DEFICIENCY, THE DIVISION SHALL CONDUCT AN ADDITIONAL REVIEW UNDER SUBSECTION (5)(a) OF THIS SECTION TO DETERMINE WHETHER TO FILE A COMPLAINT WITH A HEARING OFFICER.

(5) Investigations and enforcement. (a) (I) THE DIVISION SHALL INVESTIGATE EACH COMPLAINT THAT WAS NOT DISMISSED DURING EITHER

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ITS INITIAL REVIEW OR BY MEANS OF THE CURE PROCEEDINGS IN ACCORDANCE WITH SUBSECTION (3) OR (4) OF THIS SECTION TO DETERMINE WHETHER TO FILE A COMPLAINT WITH A HEARING OFFICER. THE DIVISION MAY ALSO INITIATE AN INVESTIGATION UNDER SUBSECTION (7)(b) OF THIS SECTION.

(II) FOR THE PURPOSE OF AN INVESTIGATION RELATING TO A COMPLAINT FILED UNDER SUBSECTION (2)(a) OF THIS SECTION OR AN INVESTIGATION INITIATED BY THE DIVISION UNDER SUBSECTION (7)(b) OF THIS SECTION, THE DIVISION MAY REQUEST THE PRODUCTION OF ANY DOCUMENTS OR OTHER TANGIBLE THINGS THAT ARE BELIEVED TO BE RELEVANT OR MATERIAL TO THE INVESTIGATION, AND SHALL ESTABLISH THE RELEVANCE AND MATERIALITY IN WRITING. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DOCUMENTS OR OTHER TANGIBLE THINGS PROVIDED TO THE DIVISION DURING THE COURSE OF AN INVESTIGATION UNDER THIS SUBSECTION (5) ARE NOT SUBJECT TO INSPECTION OR COPYING UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DOCUMENTS OR OTHER TANGIBLE THINGS PROVIDED TO THE DIVISION DURING THE COURSE OF AN INVESTIGATION UNDER THIS SUBSECTION (5) AND OTHER MATERIALS PREPARED OR ASSEMBLED TO ASSIST THE SECRETARY'S DESIGNEE IN REACHING A DECISION ARE WORK PRODUCT AS DEFINED IN SECTION 24-72-202 (6.5)(a) AND ARE NOT PUBLIC RECORDS SUBJECT TO INSPECTION UNDER PART 2 OF ARTICLE 72 OF TITLE 24.

(III) IF THE DIVISION RECEIVES A PERSON'S MEMBERSHIP LIST OR DONOR LIST DURING THE COURSE OF THE DIVISION'S INITIAL REVIEW UNDER SUBSECTION (3) OF THIS SECTION, INVESTIGATION UNDER THIS SUBSECTION (5), OR THE CURE PROCESS, INCLUDING THE DETERMINATION OF SUBSTANTIAL COMPLIANCE, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THE DIVISION SHALL NOT DISCLOSE SUCH LIST OR THE IDENTITY OF ANY MEMBER OR DONOR TO ANY PERSON. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY SUCH MEMBERSHIP OR DONOR LIST IS NOT A PUBLIC RECORD SUBJECT TO INSPECTION, COPYING, OR ANY OTHER FORM OF REPRODUCTION UNDER PART 2 OF ARTICLE 72 OF TITLE 24.

(IV) THE DIVISION SHALL DETERMINE WHETHER IT WILL FILE A COMPLAINT WITH A HEARING OFFICER WITHIN THIRTY DAYS AFTER INITIATING AN INVESTIGATION. IF THE DIVISION MAKES A DETERMINATION THAT A COMPLAINT SHOULD NOT BE FILED WITH A HEARING OFFICER

BECAUSE THERE IS NOT SUFFICIENT INFORMATION TO SUPPORT THE ALLEGATIONS CONTAINED IN THE COMPLAINT OR FOR ANY OTHER REASON, IT SHALL PREPARE AND FILE WITH THE DEPUTY SECRETARY A MOTION TO DISMISS THE COMPLAINT. THE DEPUTY SECRETARY SHALL MAKE A DETERMINATION ON THE MOTION TO DISMISS WITHIN THIRTY-FIVE DAYS OF THE INITIAL DETERMINATION OF THE DIVISION UNDER THIS SUBSECTION (5)(a)(IV), OR THE INITIATION OF AN INVESTIGATION BY THE DIVISION UNDER SUBSECTION (7)(b) OF THIS SECTION, WHICH MUST BE PROVIDED TO THE COMPLAINANT AND THE RESPONDENT BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE. IF THE DEPUTY SECRETARY DENIES THE MOTION, THE DIVISION HAS FOURTEEN BUSINESS DAYS TO FILE A COMPLAINT WITH A HEARING OFFICER UNDER THIS SUBSECTION (5).

(V) IF THE DIVISION FILES A COMPLAINT WITH A HEARING OFFICER UNDER THIS SUBSECTION (5), IT IS RESPONSIBLE FOR CONDUCTING SUCH DISCOVERY AS MAY BE NECESSARY FOR EFFECTIVELY PROSECUTING THE COMPLAINT, SUPPLEMENTING OR AMENDING THE COMPLAINT WITH SUCH ADDITIONAL OR ALTERNATIVE CLAIMS OR ALLEGATIONS AS MAY BE SUPPORTED BY THE DIVISION'S INVESTIGATION, AMENDING THE COMPLAINT TO STRIKE ALLEGATIONS OR CLAIMS THAT ARE NOT SUPPORTED BY THE DIVISION'S INVESTIGATION, AND IN ALL OTHER RESPECTS PROSECUTING THE COMPLAINT.

(b) A COMPLAINANT OR ANY OTHER NONRESPONDENT IS NOT A PARTY TO THE DIVISION'S INITIAL REVIEW, CURE PROCEEDINGS, INVESTIGATION, OR ANY PROCEEDINGS BEFORE A HEARING OFFICER AS DESCRIBED IN THIS SECTION. A COMPLAINANT MAY SEEK PERMISSION FROM THE HEARING OFFICER TO FILE A BRIEF AS AN AMICUS CURIAE. A PERSON'S STATUS AS A COMPLAINANT IS NOT SUFFICIENT TO ESTABLISH THAT HE OR SHE MAY BE AFFECTED OR AGGRIEVED BY THE SECRETARY'S ACTION ON THE COMPLAINT. TO THE EXTENT THIS SUBSECTION (5)(b) CONFLICTS IN ANY RESPECT WITH SECTION 24-4-105 OR 24-4-106, THIS SUBSECTION (5)(b) CONTROLS. A COMPLAINANT MAY ALSO SEEK JUDICIAL REVIEW BY A STATE DISTRICT COURT OF A FINAL AGENCY ACTION UNDER SECTION 24-4-106.

(6) Conduct of hearings. (a) ANY HEARING CONDUCTED BY A HEARING OFFICER UNDER THIS SECTION MUST BE IN ACCORDANCE WITH SECTION 24-4-105; EXCEPT THAT A HEARING OFFICER SHALL SCHEDULE A HEARING WITHIN THIRTY DAYS OF THE FILING OF THE COMPLAINT, WHICH HEARING MAY BE CONTINUED UPON THE MOTION OF ANY PARTY FOR UP TO

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THIRTY DAYS OR A LONGER EXTENSION OF TIME UPON A SHOWING OF GOOD CAUSE.

(b) ANY INITIAL DETERMINATION MADE BY A HEARING OFFICER MUST BE MADE IN ACCORDANCE WITH SECTION 24-4-105 AND IS SUBJECT TO REVIEW BY THE DEPUTY SECRETARY. THE FINAL AGENCY DECISION IS SUBJECT TO REVIEW UNDER SECTION 24-4-106.

(7) **Document review.** (a) IN ADDITION TO ANY OTHER POWERS AND DUTIES IT POSSESSES UNDER LAW, THE DIVISION MAY ALSO REVIEW ANY DOCUMENT THE SECRETARY RECEIVES FOR FILING UNDER ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES.

(b) IN CONNECTION WITH THE REVIEW OF OTHER AVAILABLE INFORMATION REGARDING A POTENTIAL VIOLATION UNDER THIS SUBSECTION (7):

(I) IF THE DIVISION DETERMINES THAT A PERSON VIOLATED OR POTENTIALLY VIOLATED ANY OF THE PROVISIONS OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES, THE DIVISION SHALL EITHER NOTIFY THE PERSON OF HIS OR HER OPPORTUNITY TO CURE THE IDENTIFIED DEFICIENCIES IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION OR NOTIFY THE PERSON THAT THE DIVISION IS INITIATING AN INVESTIGATION UNDER SUBSECTION (5) OF THIS SECTION. THE DIVISION SHALL SEND THE NOTIFICATION BY E-MAIL OR BY REGULAR MAIL IF E-MAIL IS UNAVAILABLE.

(II) IF THE DIVISION INITIATES AN INVESTIGATION OR FILES A COMPLAINT WITH A HEARING OFFICER IN CONNECTION WITH ITS REVIEW, THE PROCEDURES DESCRIBED IN SUBSECTIONS (5) AND (6) OF THIS SECTION APPLY.

(c) AS USED IN THIS SUBSECTION (7), "REVIEW" MEANS THE FACTUAL INSPECTION OF ANY DOCUMENT REQUIRED TO BE FILED WITH THE SECRETARY FOR CAMPAIGN FINANCE REGISTRATION, REPORTING, OR DISCLOSURE IN ORDER TO ASSESS THE DOCUMENT'S ACCURACY AND COMPLETENESS AND THE TIMELINESS OF THE DOCUMENT'S FILING.

(8) **Advisory opinions.** (a) ANY PERSON SEEKING GUIDANCE ON THE APPLICATION OF ARTICLE XXVIII, THIS ARTICLE 45, OR THE RULES MAY REQUEST THAT THE SECRETARY ISSUE AN ADVISORY OPINION REGARDING

THAT PERSON'S SPECIFIC ACTIVITY.

(b) THE SECRETARY SHALL DETERMINE, AT THE SECRETARY'S DISCRETION, WHETHER TO ISSUE AN ADVISORY OPINION UNDER SUBSECTION (8)(a) OF THIS SECTION. IN MAKING THIS DETERMINATION, THE SECRETARY SHALL CONSIDER FACTORS INCLUDING WHETHER:

(I) THE ADVISORY OPINION WILL TERMINATE A CONTROVERSY OR REMOVE ONE OR MORE UNCERTAINTIES AS TO THE APPLICATION OF THE LAW TO THE REQUESTOR'S SITUATION;

(II) THE REQUEST INVOLVES A SUBJECT, QUESTION, OR ISSUE THAT CONCERNS A FORMAL OR INFORMAL MATTER OR INVESTIGATION CURRENTLY PENDING BEFORE THE SECRETARY OR A COURT; AND

(III) THE REQUEST SEEKS A RULING ON A MOOT OR HYPOTHETICAL QUESTION.

(c) A PERSON MAY RELY ON AN ADVISORY OPINION ISSUED BY THE SECRETARY AS AN AFFIRMATIVE DEFENSE TO ANY COMPLAINT FILED UNDER THIS SECTION.

(d) A REFUSAL BY THE SECRETARY TO ISSUE AN ADVISORY OPINION DOES NOT CONSTITUTE A FINAL AGENCY ACTION THAT IS SUBJECT TO APPEAL.

(9) **Miscellaneous matters - debt collection - municipal complaints.** (a) THE SECRETARY MAY SEND TO THE STATE CONTROLLER FOR COLLECTION ANY OUTSTANDING DEBT RESULTING FROM A CAMPAIGN FINANCE PENALTY THAT THE SECRETARY DEEMS COLLECTIBLE.

(b) ANY COMPLAINT ARISING OUT OF A MUNICIPAL CAMPAIGN FINANCE MATTER MUST BE EXCLUSIVELY FILED WITH THE CLERK OF THE APPLICABLE MUNICIPALITY.

SECTION 2. In Colorado Revised Statutes, 1-45-103.7, **amend** (7)(a) as follows:

1-45-103.7. Contribution limits - treatment of independent expenditure committees - contributions from limited liability

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companies - voter instructions on spending limits - definitions.

~~(7) (a) Any person who believes that a violation of subsection (5) or (6) SUBSECTION (1.5), (5), OR (6) of this section has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The complaint shall be subject to all applicable procedures specified in section 9 (2) of article XXVIII of the state constitution IN ACCORDANCE WITH SECTION 1-45-111.7.~~

SECTION 3. In Colorado Revised Statutes, 1-45-109, repeal (4)(b), (4)(c), (11), and (12) as follows:

1-45-109. Filing - where to file - timeliness - definition.

~~(4) (b) Any report that is deemed incomplete by the appropriate officer must be accepted and the committee must be notified of the deficiency. If an e-mail address is on file with the secretary of state, the secretary of state may provide such notification by e-mail. The committee has thirty calendar days from the date such notice is sent, whether electronically or by United States mail, to file an addendum that cures the deficiencies:~~

~~(c) (I) Upon receipt of a complaint brought under section 9 (2)(a) of article XXVIII of the state constitution alleging a failure to file other information required to be filed or disclosed pursuant to article XXVIII of the state constitution or this article 45, the secretary of state shall give notice to the committee by e-mail, or by regular mail if an e-mail address is not known, of the deficiencies alleged in the complaint. Service of the notice does not toll or otherwise affect the three-day period during which the secretary of state is required to refer a complaint to an administrative law judge pursuant to section 9 (2)(a) of article XXVIII of the state constitution. Upon receipt of the notice from the secretary of state, the committee may request from the appropriate officer a postponement of the hearing brought under section 9 (2)(a) of article XXVIII of the state constitution and, if such request is timely submitted, has fifteen business days from the date of the notice to file an addendum to the relevant report that cures any such deficiencies in the disclosure specified in the notice. The committee shall also provide the complainant notice of the entity's intent to cure and a copy of the addendum on the same day that the addendum is filed with the secretary of state. Where the committee files an addendum that cures all deficiencies alleged in the complaint before the expiration of the fifteen-day period specified in this subsection (4)(c)(I), the appropriate officer shall not assess a penalty against the committee that otherwise would have been~~

assessed for the deficiencies for the period from the first date of the alleged violation through the expiration of the cure period.

~~(H) Upon filing an addendum to the relevant report by the committee that cures all such deficiencies in accordance with subsection (4)(c)(I) of this section, the appropriate officer shall set a hearing within thirty days of the notice to determine whether all issues raised by the complaint have been resolved. If the committee fails to cure any such deficiency, any penalty imposed for the deficiency continues to accrue until further resolution of the matter. Notwithstanding any other provision of law, subsection (4)(c)(I) of this section only applies in the case of a good faith effort by a committee to make a timely disclosure in accordance with article XXVIII of the state constitution or this article 45 or where the disclosure made by the committee is in substantial compliance with such legal requirements. The committee has the burden of demonstrating good faith or substantial compliance under this subsection (4)(c)(H) by a preponderance of the evidence in the hearing held by the appropriate officer under section 9 (2)(a) of article XXVIII of the state constitution. Where the committee fails to satisfy its burden of demonstrating either good faith or substantial compliance, the administrative law judge shall enter or impose a civil penalty in accordance with the following:~~

~~(A) If the amount of the penalty that has accrued to that point in time is less than five thousand dollars, the administrative law judge shall impose a penalty in the amount of the penalty that has accrued to that point in time.~~

~~(B) If the amount of the civil penalty that has accrued to that point in time is five thousand or more dollars, the administrative law judge shall impose a penalty, in his or her discretion, in an amount that is not less than five thousand dollars.~~

~~(11) Notwithstanding any other provision of this section, during the period commencing May 25, 2010, and continuing through December 31, 2010, any report, statement, or other document required to be filed under section 1-45-107.5 that is to be filed electronically with the secretary of state's office pursuant to this section may be filed manually or by means of a portable document format file acceptable to the secretary.~~

~~(12) For purposes of subsection (4)(c) of this section, "appropriate~~

~~officer" means a hearing officer or an administrative law judge.~~

SECTION 4. In Colorado Revised Statutes, 1-45-111.5, **amend** (1.5)(a), (1.5)(b), (1.5)(c), (1.5)(d), (1.5)(e), (2), (3), and (4)(d)(II); and **repeal** (5) as follows:

1-45-111.5. Duties of the secretary of state - enforcement - sanctions - definitions. (1.5) (a) Any person who believes that a violation of ~~either~~ ARTICLE XXVIII OF THE STATE CONSTITUTION, the secretary of state's rules concerning campaign and political finance or this article 45 has occurred may file a written complaint with the secretary of state ~~not later than one hundred eighty days after the date of the occurrence of the alleged violation. The complaint is subject to all applicable procedures specified in section 9 (2) of article XXVIII of the state constitution. The person filing the complaint must serve the complaint on the respondent by certified mail, return receipt requested, on the same day the person files the complaint with the secretary of state. The person filing the complaint must state factual allegations of a violation. For purposes of this section and section 9 (2) of article XXVIII of the state constitution, "complaint" means a signed document that alleges a violation of article XXVIII of the state constitution or of this article 45~~ IN ACCORDANCE WITH SECTION 1-45-111.7.

(b) Any person who commits a violation of either the secretary of state's rules concerning campaign and political finance or this article that is not specifically listed in ~~section 9 (2)(a) of article XXVIII of the state constitution~~ shall be subject to any of the sanctions specified in section 10 of article XXVIII of the state constitution or in this section.

(c) In addition to any other penalty authorized by article XXVIII of the state constitution or this ~~article, an administrative law judge~~ ARTICLE 45, A HEARING OFFICER may impose a civil penalty of fifty dollars per day for each day that a report, statement, or other document required to be filed under this ~~article~~ ARTICLE 45 that is not specifically listed in article XXVIII of the state constitution is not filed by the close of business on the day due. Any person who fails to file three or more successive committee registration reports or reports concerning contributions, expenditures, or donations in accordance with the requirements of section 1-45-107.5 shall be subject to a civil penalty of up to five hundred dollars for each day that a report, statement, or other document required to be filed by an independent expenditure committee is not filed by the close of business on the day due.

PAGE 12-SENATE BILL 19-232

Any person who knowingly and intentionally fails to file three or more reports due under section 1-45-107.5 shall be subject to a civil penalty of up to one thousand dollars per day for each day that the report, statement, or other document is not filed by the close of business on the day due. Imposition of any penalty under this ~~paragraph (c)~~ SUBSECTION (1.5)(c) shall be subject to all applicable requirements specified in section 10 of article XXVIII of the state constitution governing the imposition of penalties.

(d) In connection with a complaint brought to enforce any requirement of article XXVIII of the state constitution or this ~~article, an administrative law judge~~ ARTICLE 45, A HEARING OFFICER may order disclosure of the source and amount of any undisclosed donations or expenditures.

(e) In connection with any action brought to enforce any provision of article XXVIII of the state constitution or this ~~article~~ ARTICLE 45, the membership lists of a MEMBERSHIP ORGANIZATION, A labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, shall not be disclosed by means of discovery or by any other manner.

(2) A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the ~~office of administrative courts~~ HEARING OFFICER that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure. Notwithstanding any other provision of this subsection (2), no attorney fees may be awarded under this subsection (2) unless the court or ~~administrative law judge~~ HEARING OFFICER, as applicable, has first considered and issued written findings regarding the provisions of section 13-17-102 (5) and (6). Either party in an action in which the ~~office of administrative courts~~ HEARING OFFICER awarded attorney fees and costs may apply to a district court to convert an award of attorney fees and costs into a district court judgment. Promptly upon the conversion of the award of attorney fees and

costs into a district court judgment, the clerk of the district court shall mail notice of the filing of the judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed. For purposes of this subsection (2), "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.

(3) Upon a determination by the ~~office of administrative courts~~ HEARING OFFICER that an issue committee failed to file a report required pursuant to section 1-45-108, the ~~administrative law judge~~ HEARING OFFICER shall direct the issue committee to file any such report within ten days containing all required disclosure of any previously unreported contributions or expenditures and may, in addition to any other penalty, impose a penalty not to exceed twenty dollars for each contribution received and expenditure made by the issue committee that was not timely reported.

(4) (d) If the court determines that the subpoenaed witness or party is required to comply with the administrative subpoena:

(II) The ~~administrative law judge~~ HEARING OFFICER shall schedule a hearing on the complaint to occur on a day after the occurrence of the required deposition and such other discovery as may be warranted due to such deposition.

(5) ~~Not later than December 1, 2016, the secretary of state shall create and post on the secretary's official website a campaign finance training course that offers sufficient content to satisfy the training requirements for administrative law judges that is required by section 24-30-1003 (6), C.R.S.~~

SECTION 5. In Colorado Revised Statutes, 24-30-1003, **repeal** (6) as follows:

24-30-1003. Administrative law judges - appointment - qualifications - standards of conduct. (6) ~~On and after January 1, 2017;~~

~~before hearing a complaint that has been filed with the office of administrative courts in accordance with section 9 (2) of article XXVIII of the state constitution, an administrative law judge shall complete four credit hours of continuing legal education courses that have been certified by the Colorado supreme court. The four credit hours of legal education must be substantially related to election or campaign finance law. An administrative law judge who hears campaign finance complaints must obtain the four credit hours on an annual basis. An administrative law judge may satisfy the requirements of this subsection (6) by completing the campaign finance training course that is offered on the secretary of state's website pursuant to section 1-45-111.5 (5), C.R.S.~~

SECTION 6. Effective date - applicability. (1) This act takes effect July 1, 2019, and applies to complaints filed with the secretary of state on or after said date.

(2) Section 1-45-103.7 (7)(a), Colorado Revised Statutes, as amended in section 1 of House Bill 19-1007, does not take effect if this act, Senate Bill 19-232, becomes law.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Leroy M. Garcia
PRESIDENT OF
THE SENATE



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

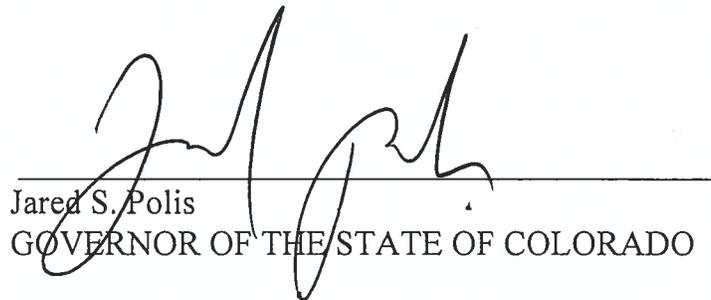


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 29, 2019 at 11:29 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 19-240

BY SENATOR(S) Marble and Fenberg, Gonzales, Woodward;
also REPRESENTATIVE(S) McLachlan and Saine, Arndt, Bird, Catlin,
Duran, Herod, Hooton, Lontine, McCluskie, Pelton, Roberts, Snyder,
Titone, Valdez A., Valdez D., Will.

CONCERNING THE REGULATION OF COMMERCIAL PRODUCTS CONTAINING
INDUSTRIAL HEMP.

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

SECTION 1. In Colorado Revised Statutes, 25-5-426, **amend** (4)(b)(II) and (4)(b)(III); and **add** (4)(b)(IV) and (7) as follows:

25-5-426. Wholesale food manufacturing and storage - definitions - legislative declaration - fees - cash fund. (4) (b) In addition to the application fee a facility is required to pay pursuant to subsection (4)(a) of this section, the schedule for annual registration fees for wholesale food manufacturers or storage facilities is as follows:

(II) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(IV) OF THIS SECTION, a wholesale food manufacturer or storage facility with gross annual sales of less than one hundred fifty thousand dollars shall pay the

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.

department a registration fee of sixty dollars.

(III) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(IV) OF THIS SECTION, a wholesale food manufacturer or storage facility with gross annual sales of one hundred fifty thousand dollars or more shall pay the department a registration fee of three hundred dollars.

(IV) A WHOLESALE FOOD MANUFACTURER THAT PRODUCES AN INDUSTRIAL HEMP PRODUCT SHALL PAY THE DEPARTMENT A REGISTRATION FEE OF THREE HUNDRED DOLLARS, REGARDLESS OF ITS GROSS ANNUAL SALES.

(7) (a) IF SENATE BILL 19-220 IS ENACTED IN 2019, THE DEPARTMENT, IN CONJUNCTION WITH THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE OR THE COMMISSIONER'S DESIGNEE, SHALL PARTICIPATE IN ANY STAKEHOLDER PROCESS CONVENED PURSUANT TO SENATE BILL 19-220 TO DEVELOP THE STATE'S HEMP MANAGEMENT PLAN IN ACCORDANCE WITH THE FEDERAL "AGRICULTURAL IMPROVEMENT ACT OF 2018".

(b) (I) ADDITIONALLY, THE DEPARTMENT MAY CONVENE A STAKEHOLDER WORK GROUP TO STUDY THE REGULATION OF INDUSTRIAL HEMP PRODUCTS. IN ADDITION TO REPRESENTATIVES FROM THE DEPARTMENT, THE DEPARTMENT SHALL INVITE REPRESENTATIVES OF THE FOLLOWING GROUPS TO PARTICIPATE IN THE STAKEHOLDER WORK GROUP:

(A) INDUSTRIAL HEMP PROCESSORS;

(B) MARIJUANA PROCESSORS;

(C) SUPPLEMENTS RETAILERS;

(D) LEGAL EXPERTS ON THE SALE OF PRODUCTS CONTAINING CANNABIDIOL AND THC;

(E) ORGANIZATIONS WITH SPECIFIC EXPERTISE IN THE FEDERAL SUPPLEMENTS REGULATORY FRAMEWORK;

(F) CONSUMER ADVOCATES;

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(G) HEMP GROWERS;

(H) HEMP SEED PRODUCERS;

(I) ANYONE ELSE INVOLVED IN THE HEMP INDUSTRY;

(J) LICENSED MARIJUANA RETAILERS; AND

(K) ANY OTHER GROUP THE DEPARTMENT DETERMINES WOULD FACILITATE AN UNDERSTANDING OF THE LEGAL, PRACTICAL, OR BUSINESS CONSIDERATIONS OF REGULATING INDUSTRIAL HEMP PRODUCTS IN COLORADO AND IN COORDINATION WITH FEDERAL AUTHORITY.

(II) THE STAKEHOLDER WORK GROUP SHALL HAVE ITS FIRST MEETING AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7). ON OR BEFORE DECEMBER 1, 2019, THE STAKEHOLDER WORK GROUP SHALL PREPARE A WRITTEN SUMMARY OF ITS CONCLUSIONS, INCLUDING ANY RECOMMENDATIONS FOR LEGISLATION, AND FURNISH COPIES OF THE WRITTEN SUMMARY TO THE LEGISLATIVE COMMITTEES WITH JURISDICTION OVER AGRICULTURAL MATTERS.

(III) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

SECTION 2. In Colorado Revised Statutes, 30-15-401, **add** (1.7) as follows:

30-15-401. General regulations - definitions. (1.7) IN ADDITION TO ANY OTHER POWERS, A BOARD OF COUNTY COMMISSIONERS MAY CHARGE A FEE FOR A LOCAL LICENSE AND ADOPT RESOLUTIONS OR ORDINANCES TO ESTABLISH REQUIREMENTS ON BUSINESSES ENGAGED IN THE STORAGE, EXTRACTION, PROCESSING, OR MANUFACTURING OF INDUSTRIAL HEMP, AS DEFINED IN SECTION 35-61-101 (7), OR INDUSTRIAL HEMP PRODUCTS, AS DEFINED IN SECTION 25-5-426 (2)(g.5). A COUNTY SHALL NOT IMPOSE ADDITIONAL FOOD PRODUCTION REGULATIONS ON INDUSTRIAL HEMP PROCESSORS OR PRODUCTS IF THE REGULATIONS CONFLICT WITH STATE LAW.

SECTION 3. In Colorado Revised Statutes, 31-15-501, **add** (1)(r) as follows:

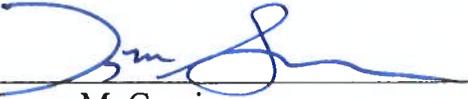
PAGE 3-SENATE BILL 19-240

31-15-501. Powers to regulate businesses. (1) The governing bodies of municipalities have the following powers to regulate businesses:

(r) TO CHARGE A FEE FOR A LOCAL LICENSE AND ESTABLISH LICENSING REQUIREMENTS ON BUSINESSES ENGAGED IN THE STORAGE, EXTRACTION, PROCESSING, OR MANUFACTURING OF INDUSTRIAL HEMP, AS DEFINED IN SECTION 35-61-101 (7), OR INDUSTRIAL HEMP PRODUCTS, AS DEFINED IN SECTION 25-5-426 (2)(g.5). A MUNICIPALITY SHALL NOT IMPOSE ADDITIONAL FOOD PRODUCTION REGULATIONS ON INDUSTRIAL HEMP PROCESSORS OR PRODUCTS IF THE REGULATIONS CONFLICT WITH STATE LAW.

SECTION 4. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

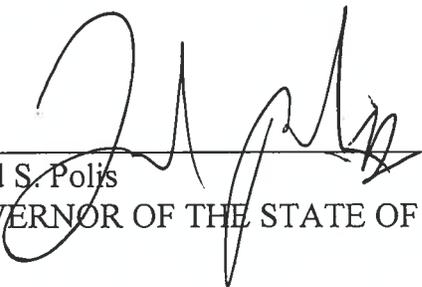

Leroy M. Garcia
PRESIDENT OF
THE SENATE


KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 29, 2019 at 5:41 P.M.
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 19-255

BY SENATOR(S) Court and Tate, Bridges, Cooke, Coram, Donovan, Fields, Ginal, Hisey, Lee, Lundeen, Priola, Rankin, Rodriguez, Smallwood, Story, Todd, Winter, Zenzinger, Garcia;
also REPRESENTATIVE(S) Herod and Esgar, Bockenfeld, Catlin, Garnett, Gray, Hansen, Hooton, Neville, Valdez D., Van Winkle, Becker.

CONCERNING THE ESTABLISHMENT OF THE RATIO OF VALUATION FOR ASSESSMENT FOR RESIDENTIAL REAL PROPERTY.

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

SECTION 1. In Colorado Revised Statutes, 39-1-104.2, **amend** (3)(p); and **add** (3)(q) as follows:

39-1-104.2. Adjustment of residential rate - legislative declaration - definitions. (3) (p) Based on the determination by the administrator that the target percentage is 45.76 percent, the ratio of valuation for assessment for residential real property is 7.2 percent of actual value for property tax years commencing on or after January 1, 2017, ~~until the next property tax year that the general assembly adjusts the ratio of valuation for assessment for residential real property~~ BUT BEFORE JANUARY 1, 2019.

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.

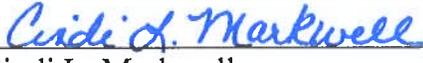
(q) BASED ON THE DETERMINATION BY THE ADMINISTRATOR THAT THE TARGET PERCENTAGE IS 45.69 PERCENT, THE RATIO OF VALUATION FOR ASSESSMENT FOR RESIDENTIAL REAL PROPERTY IS 7.15 PERCENT OF ACTUAL VALUE FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2019, UNTIL THE NEXT PROPERTY TAX YEAR THAT THE GENERAL ASSEMBLY ADJUSTS THE RATIO OF VALUATION FOR ASSESSMENT FOR RESIDENTIAL REAL PROPERTY.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

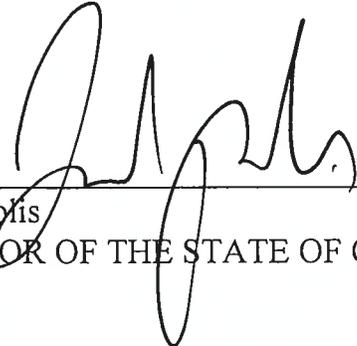

Leroy M. Garcia
PRESIDENT OF
THE SENATE


KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED June 3, 2019 at 3:14 p.m.
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1033

BY REPRESENTATIVE(S) Tipper and Kennedy, Arndt, Bird, Caraveo, Duran, Galindo, Gonzales-Gutierrez, Jaquez Lewis, Kipp, Lontine, McCluskie, Mullica, Roberts, Becker, Froelich, Snyder; also SENATOR(S) Fields and Priola, Court, Gonzales.

CONCERNING A LOCAL GOVERNMENT'S AUTHORITY TO REGULATE PRODUCTS CONTAINING NICOTINE.

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

SECTION 1. In Colorado Revised Statutes, 18-13-121, amend (3) as follows:

18-13-121. Furnishing cigarettes, tobacco products, or nicotine products to minors. (3) Nothing in this section prohibits a statutory or home rule municipality, COUNTY, OR CITY AND COUNTY from enacting an ordinance OR RESOLUTION that prohibits a ~~person under eighteen years of age~~ MINOR from purchasing any cigarettes, tobacco products, or nicotine products or imposes requirements more stringent than provided in this section.

SECTION 2. In Colorado Revised Statutes, 25-14-301, amend

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.

(3)(c) and (4) as follows:

25-14-301. Possession of cigarettes, tobacco products, or nicotine products by a minor prohibited - definitions. (3) As used in this section, unless the context otherwise requires:

(c) "Tobacco product" ~~shall have~~ HAS the same meaning as ~~set forth~~ in "CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT", AS DEFINED IN section 18-13-121 (5). ~~C.R.S.~~

(4) Nothing in this section ~~shall be construed to prohibit any~~ PROHIBITS A statutory or home rule municipality, COUNTY, OR CITY AND COUNTY from enacting an ordinance OR RESOLUTION that prohibits the possession of cigarettes, ~~or tobacco products, OR NICOTINE PRODUCTS~~ by a ~~person who is under eighteen years of age~~ MINOR or imposes requirements more stringent than provided in this section.

SECTION 3. In Colorado Revised Statutes, **add** article 30 to title 29 as follows:

ARTICLE 30
Regulation of Cigarettes, Tobacco Products, and
Nicotine Products

29-30-101. Regulation of cigarettes, tobacco products, and nicotine products. THE CITY COUNCIL OF A STATUTORY OR HOME RULE CITY OR THE TOWN COUNCIL OF A STATUTORY TOWN MAY ADOPT AN ORDINANCE TO REGULATE THE POSSESSION OR PURCHASING OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, AS DEFINED IN SECTION 18-13-121 (5), BY A MINOR OR TO REGULATE THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO MINORS.

SECTION 4. In Colorado Revised Statutes, 30-15-401, **amend** (1.5) as follows:

30-15-401. General regulations - definitions. (1.5) In addition to any other powers, the board of county commissioners has the power to adopt a resolution or an ordinance ~~prohibiting minors from possessing~~ TO REGULATE THE POSSESSION OR PURCHASING OF cigarettes, ~~or tobacco products, OR NICOTINE PRODUCTS~~, as defined by section ~~39-28.5-101 (5)~~,

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~~C.R.S.~~ 18-13-121 (5), BY A MINOR OR TO REGULATE THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO MINORS.

SECTION 5. In Colorado Revised Statutes, 39-22-623, amend (1) introductory portion and (1)(a)(II)(A) as follows:

39-22-623. Disposition of collections - definition. (1) The proceeds of all ~~moneys~~ MONEY collected under this ~~article~~ ARTICLE 22, less the reserve retained for refunds, shall be credited as follows:

(a) (II) (A) Effective July 1, 1987, an amount equal to twenty-seven percent of the gross state cigarette tax shall be apportioned to incorporated cities and incorporated towns ~~which~~ THAT levy taxes and adopt formal budgets and to counties. For the purposes of this section, a city and county ~~shall be~~ IS considered as a city. The city or town share shall be apportioned according to the percentage of state sales tax revenues collected by the department of revenue in an incorporated city or town as compared to the total state sales tax collections that may be allocated to all political subdivisions in the state; the county share shall be the same as that which the percentage of state sales tax revenues collected in the unincorporated area of the county bears to total state sales tax revenues ~~which~~ THAT may be allocated to all political subdivisions in the state. The department of revenue shall certify to the state treasurer, at least annually, the percentage for allocation to each city, town, and county, and ~~such~~ THE DEPARTMENT SHALL APPLY THE percentage for allocation so certified ~~shall be applied by said department~~ in all distributions to cities, towns, and counties until changed by certification to the state treasurer. In order to qualify for distributions of state income tax ~~moneys~~ MONEY, units of local government are prohibited from imposing ~~fees, licenses, or taxes~~ on any person as a condition for engaging in the business of selling cigarettes. ~~or from attempting in any manner to impose a tax on cigarettes.~~ For purposes of this paragraph (a) SUBSECTION (1)(a)(II), the "gross state cigarette tax" means the total tax before the discount provided for in section 39-28-104 (1) FOR ANY CITY, TOWN, OR COUNTY THAT WAS PREVIOUSLY DISQUALIFIED FROM THE APPORTIONMENT SET FORTH IN THIS SUBSECTION (1)(a)(II)(A) BY REASON OF IMPOSING A FEE OR LICENSE RELATED TO THE SALE OF CIGARETTES, THE CITY, TOWN, OR COUNTY IS ELIGIBLE FOR ANY ALLOCATION OF MONEY THAT IS BASED ON AN APPORTIONMENT MADE ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(a)(II)(A), AS AMENDED, BUT NOT FOR AN ALLOCATION OF MONEY THAT IS BASED ON AN APPORTIONMENT MADE

PAGE 3-HOUSE BILL 19-1033

BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(a)(II)(A), AS AMENDED.

SECTION 6. In Colorado Revised Statutes, amend 39-28-112 as follows:

39-28-112. Taxation of cigarettes, tobacco products, or nicotine products by municipalities, counties, and city and counties - definitions.

(1) ~~No provision of This article shall be construed to~~ ARTICLE 28 DOES NOT prevent the A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY IN THIS STATE FROM imposing, levying, and collecting of any SPECIAL SALES tax upon sales of cigarettes, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, or upon the occupation or privilege of selling cigarettes, ~~by any city or town in this state~~ TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, nor ~~shall the provisions of~~ DOES this article be interpreted to ARTICLE 28 affect any existing authority of local ~~municipalities~~ GOVERNMENTS to impose a SPECIAL SALES tax on cigarettes, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS to be used for local and ~~municipal~~ GOVERNMENTAL purposes.

(2) (a) EACH COUNTY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, ENFORCE, AND ADMINISTER A COUNTY SPECIAL SALES TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS UNDER THE FOLLOWING CIRCUMSTANCES:

(I) A COUNTY MAY LEVY, COLLECT, ENFORCE, AND ADMINISTER A COUNTY SPECIAL SALES TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS PURSUANT TO THIS SUBSECTION (2) IN THE UNINCORPORATED AREAS OF THE COUNTY;

(II) A COUNTY MAY LEVY, COLLECT, ENFORCE, AND ADMINISTER A COUNTY SPECIAL SALES TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS PURSUANT TO THIS SUBSECTION (2) IN THE MUNICIPALITIES WITHIN THE BOUNDARIES OF THE COUNTY, IN WHOLE OR IN PART, THAT DO NOT LEVY A MUNICIPAL SPECIAL SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS. THE COUNTY MAY LEVY A SPECIAL SALES TAX IN A MUNICIPALITY PURSUANT TO THIS SUBSECTION (2)(a)(II) ONLY UNTIL THE MUNICIPALITY OBTAINS VOTER APPROVAL TO LEVY A MUNICIPAL SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS. IF THE MUNICIPALITY OBTAINS

SUCH VOTER APPROVAL, THE COUNTY SPECIAL SALES TAX AUTHORIZED BY THIS SUBSECTION (2)(a)(II) IS INVALID WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY UNLESS THE COUNTY ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE MUNICIPALITY PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION THAT AUTHORIZES THE COUNTY TO CONTINUE TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY.

(III) A COUNTY MAY LEVY, COLLECT, ENFORCE, AND ADMINISTER A COUNTY SPECIAL SALES TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS PURSUANT TO THIS SUBSECTION (2) IN EACH MUNICIPALITY WITHIN THE BOUNDARIES OF THE COUNTY, IN WHOLE OR IN PART, THAT LEVIES A MUNICIPAL SPECIAL SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, IF THE GOVERNING BODY OF THE COUNTY AND THE GOVERNING BODY OF THE MUNICIPALITY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT PERTAINING TO THE COUNTY'S LEVY, COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF A COUNTY SPECIAL SALES TAX UPON ALL SALES OF ALL CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY. AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO THIS SUBSECTION (2)(a)(III) MAY INCLUDE A PROVISION FOR THE APPORTIONMENT OF A SPECIFIED PERCENTAGE OF THE GROSS COUNTY CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS SPECIAL SALES TAX REVENUE COLLECTED BY THE COUNTY TO THE MUNICIPALITY.

(b) NOTWITHSTANDING SECTION 29-2-103 (2), A COUNTY MAY LEVY, COLLECT, ENFORCE, AND ADMINISTER A SPECIAL SALES TAX PURSUANT TO THIS SUBSECTION (2) IN LESS THAN THE ENTIRE COUNTY WHEN THE COUNTY SATISFIES ONE OR MORE OF THE CONDITIONS OF THIS SUBSECTION (2).

(c) NO SPECIAL SALES TAX SHALL BE LEVIED PURSUANT TO THIS SUBSECTION (2) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY IN ACCORDANCE WITH ARTICLE 2 OF TITLE 29. ANY PROPOSAL FOR THE LEVY OF A SPECIAL SALES TAX IN ACCORDANCE WITH THIS SUBSECTION (2) SHALL BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE COUNTY ONLY ON THE DATE OF THE STATE GENERAL ELECTION OR ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR. ANY ELECTION ON THE PROPOSAL MUST BE

CONDUCTED BY THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1.

(3) IF A COUNTY LEVIES, COLLECTS, ENFORCES, AND ADMINISTERS A SPECIAL SALES TAX IN A MUNICIPALITY THAT HAS ALREADY OBTAINED VOTER APPROVAL TO LEVY A MUNICIPAL SPECIAL SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, THE COUNTY SPECIAL SALES TAX IS INVALID WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY UNLESS THE COUNTY ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE MUNICIPALITY PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION THAT AUTHORIZES THE COUNTY TO CONTINUE TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY.

(4) (a) EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, ENFORCE, AND ADMINISTER A MUNICIPAL SPECIAL SALES TAX UPON ALL SALES OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS.

(b) A SPECIAL SALES TAX SHALL NOT BE LEVIED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE MUNICIPALITY IN ACCORDANCE WITH ARTICLE 10 OF TITLE 31. ANY PROPOSAL FOR THE LEVY OF A SPECIAL SALES TAX IN ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION MUST BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE MUNICIPALITY ON THE DATE OF THE STATE GENERAL ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, OR ON THE DATE OF A MUNICIPAL BIENNIAL ELECTION. ANY ELECTION ON THE PROPOSAL MUST BE CONDUCTED BY THE CLERK OF THE MUNICIPALITY IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31.

(5) IF A COUNTY OR MUNICIPALITY OBTAINED APPROVAL FROM THE ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (5), TO LEVY, COLLECT, ENFORCE, AND ADMINISTER A SPECIAL SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, THE SPECIAL SALES TAX IS VALID AND THE COUNTY OR MUNICIPALITY IS AUTHORIZED TO CONTINUE TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX; EXCEPT THAT, IN THE CASE OF A COUNTY, THE COUNTY IS AUTHORIZED TO CONTINUE

TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX SO LONG AS THE COUNTY COMPLIES WITH SUBSECTION (2) OF THIS SECTION. IF A COUNTY LEVIES, COLLECTS, ENFORCES, AND ADMINISTERS A SPECIAL SALES TAX IN A MUNICIPALITY THAT HAS ALREADY OBTAINED VOTER APPROVAL TO LEVY A MUNICIPAL SPECIAL SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, THE COUNTY SPECIAL SALES TAX IS INVALID WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY UNLESS THE COUNTY ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE MUNICIPALITY PURSUANT TO SUBSECTION (3) OF THIS SECTION THAT AUTHORIZES THE COUNTY TO CONTINUE TO LEVY, COLLECT, ENFORCE, AND ADMINISTER THE SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY.

(6) (a) NOTWITHSTANDING ARTICLE 2 OF TITLE 29, A SPECIAL SALES TAX IMPOSED BY A COUNTY OR MUNICIPALITY PURSUANT TO THIS SECTION SHALL NOT BE COLLECTED, ADMINISTERED, OR ENFORCED BY THE DEPARTMENT OF REVENUE, BUT SHALL INSTEAD BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE COUNTY OR MUNICIPALITY IMPOSING THE SPECIAL SALES TAX.

(b) A COUNTY OR MUNICIPALITY IN WHICH A SPECIAL SALES TAX IS IMPOSED PURSUANT TO THIS SECTION MAY AUTHORIZE A RETAILER SELLING CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO RETAIN A PERCENTAGE OF THE SPECIAL SALES TAX COLLECTED PURSUANT TO THIS SECTION TO COVER THE EXPENSES OF COLLECTING AND REMITTING THE SPECIAL SALES TAX TO THE COUNTY OR MUNICIPALITY. THE COUNTY OR MUNICIPALITY SHALL DETERMINE THE PERCENTAGE THAT A RETAILER MAY RETAIN PURSUANT TO THIS SUBSECTION (6)(b).

(7) A COUNTY OR MUNICIPALITY IN WHICH THE ELIGIBLE ELECTORS HAVE APPROVED A SPECIAL SALES TAX PURSUANT TO THIS SECTION MAY CREDIT THE REVENUES COLLECTED FROM THE SPECIAL SALES TAX TO THE GENERAL FUND OF THE COUNTY OR MUNICIPALITY OR TO ANY SPECIAL FUND CREATED IN THE COUNTY'S OR MUNICIPALITY'S TREASURY. THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY USE REVENUES COLLECTED FROM THE SPECIAL SALES TAX IMPOSED PURSUANT TO THIS SECTION FOR ANY PURPOSE AS DETERMINED BY THE GOVERNING BODY.

(8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

REQUIRES:

(a) "CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-13-121 (5).

(b) "SPECIAL SALES TAX" MEANS A SALES TAX IMPOSED BY A LOCAL GOVERNMENT THAT IS SEPARATE FROM A GENERAL SALES TAX IMPOSED PURSUANT TO SECTION 29-2-102 OR 29-2-103, AS APPLICABLE, AND MAY BE IMPOSED IN ADDITION TO THE TAXES IMPOSED PURSUANT TO THIS PART 1.

SECTION 7. In Colorado Revised Statutes, amend 39-28.5-109 as follows:

39-28.5-109. Taxation by cities and towns. ~~No provision of This article shall be construed to~~ ARTICLE 28.5 DOES NOT prevent the A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND COUNTY FROM imposing, levying, and collecting ~~of any SPECIAL SALES tax upon sales of CIGARETTES, tobacco products, OR NICOTINE PRODUCTS, AS THAT TERM IS DEFINED IN SECTION 18-13-121 (5), or upon the occupation or privilege of selling such CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE products. by any city or town in this state, nor shall the provisions of This article be interpreted to~~ ARTICLE 28.5 DOES NOT affect any existing authority of local municipalities GOVERNMENTS to impose a SPECIAL SALES tax on CIGARETTES, tobacco products, OR NICOTINE PRODUCTS, IN ACCORDANCE WITH SECTION 39-28-112, to be used for local and municipal GOVERNMENTAL purposes.

SECTION 8. Effective date. This act takes effect July 1, 2019.

SECTION 9. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

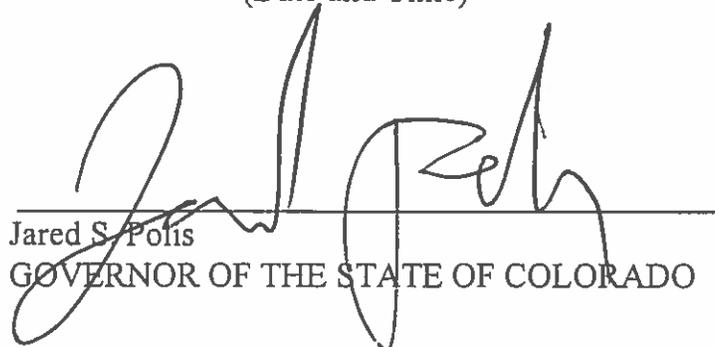


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED March 28, 2019 at 2:35 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1035

BY REPRESENTATIVE(S) Rich and Roberts, Arndt, Beckman, Buentello, Galindo, Jaquez Lewis, Kipp, Liston, McCluskie, McLachlan, Soper, Titone, Valdez D.;
also SENATOR(S) Woodward and Ginal, Crowder, Donovan, Hisey, Moreno, Priola, Rankin, Scott, Smallwood, Tate.

CONCERNING AN INCREASE IN THE FLEXIBILITY TO SET FEES FOR ELECTRICAL INSPECTIONS THAT ARE NOT CONDUCTED BY THE STATE.

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

SECTION 1. In Colorado Revised Statutes, 12-23-117, **amend** (2) as follows:

12-23-117. Permit fees. (2) (a) ~~Because electrical inspections are matters of statewide concern,~~ The maximum ~~fees~~ FEE, established annually, chargeable for electrical inspections by any city, town, county, city and county, or qualified state institution of higher education ~~shall~~ **MUST** not be more than ~~fifteen percent above those provided for in this section, and no such~~ ONE HUNDRED TWENTY DOLLARS, AS ADJUSTED ANNUALLY, STARTING JANUARY 1, 2021, BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS

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.

CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX. ADDITIONALLY, A LOCAL GOVERNMENT DESCRIBED IN THIS SUBSECTION (2) OR A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION MAY ADJUST THE FEE BY IMPOSING AN ADDITIONAL TIERED CHARGE BASED ON SIZE OR VALUATION OF THE IMPROVEMENT AND A MULTIPLIER OF EIGHT PERCENT OF THE FEE. NEITHER A local government or DESCRIBED IN THIS SUBSECTION (2) NOR A qualified state institution of higher education shall impose or collect any other fee or charge related to electrical inspections or permits.

(b) A qualified state institution of higher education may choose not to require fees as part of the permitting process. A documented permitting and inspection system must be instituted by each qualified state institution of higher education as a tracking system that is available to the board for the purpose of investigating any alleged violation of this ~~article~~ ARTICLE 23. The permitting and inspection system must include information specifying the project, the name of the inspector, the date of the inspection, the job-site address, the scope of the project, the type of the inspection, the result of the inspection, the reason and applicable code sections for partially passed or failed inspections, and the names of the contractors on the project who are subject to inspection.

SECTION 2. In Colorado Revised Statutes, 12-115-121, **amend as relocated by House Bill 19-1172 (2)** as follows:

12-115-121. Inspection fees. (2) (a) ~~Because electrical inspections are matters of statewide concern,~~ The maximum ~~fees~~ FEE, established annually, chargeable for electrical inspections by any city, town, county, city and county, or qualified state institution of higher education shall not be more than ~~fifteen percent above those provided for in this section, and no such~~ ONE HUNDRED TWENTY DOLLARS, AS ADJUSTED ANNUALLY, STARTING JANUARY 1, 2021, BASED ON THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX. ADDITIONALLY, A LOCAL GOVERNMENT DESCRIBED IN THIS SUBSECTION (2) OR A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION MAY ADJUST THE FEE BY IMPOSING AN ADDITIONAL TIERED CHARGE BASED ON SIZE OR VALUATION OF THE IMPROVEMENT AND

A MULTIPLIER OF EIGHT PERCENT OF THE FEE. NEITHER A local government or DESCRIBED IN THIS SUBSECTION (2) NOR A qualified state institution of higher education shall impose or collect any other fee or charge related to electrical inspections or permits.

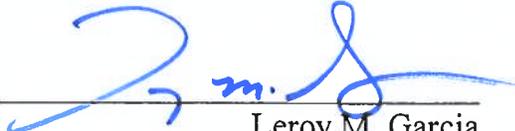
(b) A qualified state institution of higher education may choose not to require fees as part of the permitting process. A documented permitting and inspection system must be instituted by each qualified state institution of higher education as a tracking system that is available to the board for the purpose of investigating any alleged violation of this article 115. The permitting and inspection system must include information specifying the project, the name of the inspector, the date of the inspection, the job-site address, the scope of the project, the type of the inspection, the result of the inspection, the reason and applicable code sections for partially passed or failed inspections, and the names of the contractors on the project who are subject to inspection.

SECTION 3. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 2 of this act takes effect only if House Bill 19-1172 becomes law, in which case section 2 takes effect October 1, 2019.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

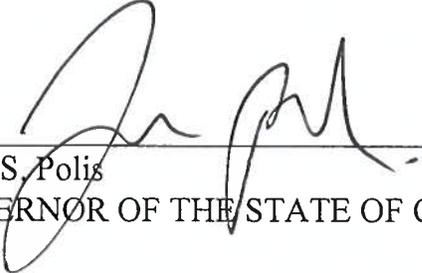


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED April 10, 2019 at 2:34 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1076

BY REPRESENTATIVE(S) Michaelson Jenet and Larson, Caraveo, Cutter, Jackson, Mullica, Arndt, Buentello, Duran, Exum, Galindo, Garnett, Herod, Kipp, McCluskie, Roberts, Snyder, Tipper, Titone, Becker, Bird, Buckner, Hansen, Jaquez Lewis, Kennedy, Landgraf, Lontine;
also SENATOR(S) Priola and Donovan, Ginal, Court, Fields, Foote, Gonzales, Moreno, Pettersen, Story, Tate, Todd, Williams A., Garcia.

CONCERNING UPDATES TO THE "COLORADO CLEAN INDOOR AIR ACT", AND,
IN CONNECTION THEREWITH, REMOVING CERTAIN EXCEPTIONS AND
ADDING PROVISIONS RELEVANT TO THE USE OF ELECTRONIC SMOKING
DEVICES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 25-14-202 as follows:

25-14-202. Legislative declaration. (1) The general assembly hereby finds and determines that:

(a) It is in the best interest of the people of this state to protect ~~nonsmokers~~ THE PUBLIC from involuntary exposure to ~~environmental~~

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.

~~tobacco and marijuana~~ EMISSIONS FROM SECONDHAND smoke AND ELECTRONIC SMOKING DEVICES (ESD) in most indoor areas open to the public, IN public meetings, IN food service establishments, and IN places of employment; ~~The general assembly further finds and determines that~~ AND

(b) ~~A balance should be struck between the health concerns of nonconsumers of tobacco products and combustible marijuana and the need to minimize unwarranted governmental intrusion into, and regulation of, private spheres of conduct and choice with respect to the use or nonuse of tobacco products, and combustible marijuana in certain designated public areas and in private places~~ ESD EMISSIONS CONSIST OF ULTRAFINE PARTICLES THAT ARE SIGNIFICANTLY MORE HIGHLY CONCENTRATED THAN PARTICLES WITHIN CONVENTIONAL TOBACCO SMOKE. THERE IS CONCLUSIVE EVIDENCE THAT MOST ESDS CONTAIN AND EMIT NOT ONLY NICOTINE BUT ALSO MANY OTHER POTENTIALLY TOXIC SUBSTANCES AND THAT ESDS INCREASE AIRBORNE CONCENTRATIONS OF PARTICULATE MATTER AND NICOTINE IN INDOOR ENVIRONMENTS. IN ADDITION, STUDIES SHOW THAT PEOPLE EXPOSED TO ESD EMISSIONS ABSORB NICOTINE AT LEVELS COMPARABLE TO THE LEVELS EXPERIENCED BY PASSIVE SMOKERS. MANY OF THE ELEMENTS IDENTIFIED IN ESD EMISSIONS ARE KNOWN TO CAUSE RESPIRATORY DISTRESS AND DISEASE, AND ESD EXPOSURE DAMAGES LUNG TISSUES. FOR EXAMPLE, HUMAN LUNG CELLS THAT ARE EXPOSED TO ESD AEROSOL AND FLAVORINGS SHOW INCREASED OXIDATIVE STRESS AND INFLAMMATORY RESPONSES.

(2) Therefore, the general assembly hereby declares that the purpose of this part 2 is to preserve and improve the health, comfort, and environment of the people of this state by ~~limiting exposure to tobacco and marijuana smoke~~ PROTECTING THE RIGHT OF PEOPLE TO BREATHE CLEAN, SMOKE-FREE AIR. NOTHING IN THIS PART 2 IS INTENDED TO INHIBIT A PERSON'S ABILITY TO TAKE MEDICINE USING AN INHALER OR SIMILAR DEVICE, NOR TO PREVENT AN EMPLOYER OR BUSINESS OWNER FROM MAKING REASONABLE ACCOMMODATION FOR THE MEDICAL NEEDS OF AN EMPLOYEE, CUSTOMER, OR OTHER PERSON IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET SEQ.

SECTION 2. In Colorado Revised Statutes, 25-14-203, **amend** (7), (16), and (18); **repeal** (1); and **add** (4.5) as follows:

25-14-203. Definitions. As used in this part 2, unless the context otherwise requires:

(1) ~~"Airport smoking concession" means a bar or restaurant, or both, in a public airport with regularly scheduled domestic and international commercial passenger flights, in which bar or restaurant smoking is allowed in a fully enclosed and independently ventilated area by the terms of the concession.~~

(4.5) "ELECTRONIC SMOKING DEVICE" OR "ESD":

(a) MEANS ANY PRODUCT, OTHER THAN A PRODUCT DESCRIBED IN SUBSECTION (4.5)(c) OF THIS SECTION, THAT CONTAINS OR DELIVERS NICOTINE OR ANY OTHER SUBSTANCE INTENDED FOR HUMAN CONSUMPTION AND THAT CAN BE USED BY A PERSON TO ENABLE THE INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT;

(b) INCLUDES ANY PRODUCT DESCRIBED IN SUBSECTION (4.5)(a) OF THIS SECTION AND ANY SIMILAR PRODUCT OR DEVICE, WHETHER MANUFACTURED, DISTRIBUTED, MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, E-HOOKAH, OR VAPE PEN OR UNDER ANY OTHER PRODUCT NAME OR DESCRIPTOR; AND

(c) DOES NOT INCLUDE:

(I) A HUMIDIFIER OR SIMILAR DEVICE THAT EMITS ONLY WATER VAPOR; OR

(II) AN INHALER, NEBULIZER, OR VAPORIZER THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE DELIVERY OF MEDICATION.

(7) "Entryway" means the outside of the front or main doorway leading into a building or facility that is not exempted from this part 2 under section 25-14-205. "Entryway" also includes the area of public or private property within a specified radius outside of the doorway. The specified radius ~~shall~~ MAY be determined by the local authority ~~or~~ PURSUANT TO SECTION 25-14-207 (2)(a), BUT MUST BE AT LEAST TWENTY-FIVE FEET UNLESS SECTION 25-14-207 (2)(a)(II)(B) OR (2)(a)(II)(C) APPLIES. If the local authority has not acted, the specified radius ~~shall be fifteen~~ IS

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TWENTY-FIVE feet.

(16) "Smoking" means ~~the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or marijuana~~ INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR HEATED CIGAR, CIGARETTE, OR PIPE OR ANY OTHER LIGHTED OR HEATED TOBACCO OR PLANT PRODUCT INTENDED FOR INHALATION, INCLUDING MARIJUANA, WHETHER NATURAL OR SYNTHETIC, IN ANY MANNER OR IN ANY FORM. "SMOKING" ALSO INCLUDES THE USE OF AN ESD.

(18) "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, INCLUDING ESDS, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

SECTION 3. In Colorado Revised Statutes, 25-14-204, **amend** (1) introductory portion, (1)(k), (1)(u)(I), (1)(bb), (1)(cc), and (2); **repeal** (1)(q); and **add** (1)(dd), (1)(ee), (1)(ff), and (3) as follows:

25-14-204. General smoking restrictions. (1) Except as provided in section 25-14-205, ~~and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke,~~ smoking shall IS not be permitted and ~~no~~ A person shall NOT smoke in any indoor area, including: but not limited to:

(k) (I) Any place of employment that is not exempted, WHETHER OR NOT OPEN TO THE PUBLIC AND REGARDLESS OF THE NUMBER OF EMPLOYEES.

(II) In the case of employers who own facilities otherwise exempted from this part 2, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe ~~environmental tobacco~~ SECONDHAND smoke ~~Every employee shall have a right to work in an area free of environmental tobacco smoke~~ AND EMISSIONS FROM ELECTRONIC SMOKING DEVICES.

(q) ~~Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;~~

(u) (I) The common areas of retirement facilities, publicly owned housing facilities, and ~~except as specified in section 25-14-205 (1)(k);~~ nursing homes, but not including any resident's private residential quarters. ~~or areas of assisted living facilities specified in section 25-14-205 (1)(k);~~

(bb) Other educational and vocational institutions; ~~and~~

(cc) ~~The entryways of all buildings and facilities listed in paragraphs (a) to (bb) of this subsection (1).~~ AIRPORTS;

(dd) HOTEL AND MOTEL ROOMS;

(ee) ASSISTED LIVING FACILITIES, INCLUDING NURSING FACILITIES AS DEFINED IN SECTION 25.5-4-103 AND ASSISTED LIVING RESIDENCES AS DEFINED IN SECTION 25-27-102; AND

(ff) THE ENTRYWAYS OF ALL BUILDINGS AND FACILITIES LISTED IN SUBSECTIONS (1)(a) TO (1)(ee) OF THIS SECTION.

(2) A cigar-tobacco bar:

(a) Shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005; ~~A cigar-tobacco bar~~ AND

(b) Shall PROHIBIT ENTRY BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE AND SHALL display signage in at least one conspicuous place and at least four inches by six inches in size stating: "Smoking allowed. Children under eighteen years of age ~~must be accompanied by a parent or guardian~~ MAY NOT ENTER."

(3) A RETAIL TOBACCO BUSINESS:

(a) SHALL PROHIBIT ENTRY BY ANY PERSON UNDER EIGHTEEN YEARS OF AGE; AND

(b) SHALL DISPLAY SIGNAGE IN AT LEAST ONE CONSPICUOUS PLACE AND AT LEAST FOUR INCHES BY SIX INCHES IN SIZE STATING EITHER:

(I) "SMOKING ALLOWED. CHILDREN UNDER EIGHTEEN YEARS OF AGE

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MAY NOT ENTER."; OR

(II) IN THE CASE OF A RETAIL TOBACCO BUSINESS THAT DESIRES TO ALLOW THE USE OF ESDS BUT NOT OTHER FORMS OF SMOKING ON THE PREMISES, "VAPING ALLOWED. CHILDREN UNDER EIGHTEEN YEARS OF AGE MAY NOT ENTER."

SECTION 4. In Colorado Revised Statutes, 25-14-205, **amend** (1) introductory portion, (1)(d), (1)(g), and (1)(i); and **repeal** (1)(c), (1)(f), (1)(h), and (1)(k) as follows:

25-14-205. Exceptions to smoking restrictions. (1) This part 2 ~~shall~~ DOES not apply to:

~~(c) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent;~~

(d) Any retail tobacco business; EXCEPT THAT THE REQUIREMENTS IN SECTION 25-14-204 (3) AND ANY RELATED PENALTIES APPLY TO A RETAIL TOBACCO BUSINESS;

~~(f) An airport smoking concession;~~

(g) The outdoor area of any business; OR

~~(h) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees;~~

(i) A private, nonresidential building on a farm or ranch, as defined in section 39-1-102, C.R.S., that has annual gross income of less than five hundred thousand dollars. ~~or~~

~~(k) (I) The areas of assisted living facilities:~~

~~(A) That are designated for smoking for residents;~~

~~(B) That are fully enclosed and ventilated; and~~

~~(C) To which access is restricted to the residents or their guests.~~

~~(II) As used in this paragraph (k), "assisted living facility" means a nursing facility, as that term is defined in section 25.5-4-103, C.R.S., and an assisted living residence, as that term is defined in section 25-27-102.~~

SECTION 5. In Colorado Revised Statutes, 25-14-206, **amend** (1); and **repeal** (2) as follows:

25-14-206. Optional prohibitions. (1) The owner or manager of any place ~~not specifically listed in section 25-14-204, including a place~~ otherwise exempted under section 25-14-205 may post signs prohibiting smoking. ~~or providing smoking and nonsmoking areas.~~ Such posting shall have the effect of including such place ~~or the designated nonsmoking portion thereof,~~ in the places where smoking is prohibited or restricted pursuant to this part 2.

~~(2) If the owner or manager of a place not specifically listed in section 25-14-204, including a place otherwise exempted under section 25-14-205, is an employer and receives a request from an employee to create a smoke-free work area as contemplated by section 25-14-204 (1)(k)(II), the owner or manager shall post a sign or signs in the smoke-free work area as provided in subsection (1) of this section.~~

SECTION 6. In Colorado Revised Statutes, 25-14-207, **amend** (2)(a) as follows:

25-14-207. Other applicable regulations of smoking - local counterpart regulations authorized. (2) (a) (I) A local authority may, pursuant to article 16 of title 31, ~~C.R.S.~~, a municipal home rule charter, or article 15 of title 30, ~~C.R.S.~~, enact, adopt, and enforce smoking regulations that cover the same subject matter as the various provisions of this part 2; ~~No~~ EXCEPT THAT, UNLESS OTHERWISE AUTHORIZED UNDER SUBSECTION (2)(a)(II)(B) OR (2)(a)(II)(C) OF THIS SECTION, A local authority may NOT adopt ~~any~~ A local regulation of smoking that is less stringent than the provisions of this part 2. ~~except that~~

(II) (A) A local authority ~~may~~ IS SPECIFICALLY AUTHORIZED TO specify a radius of ~~less~~ MORE than ~~fifteen~~ TWENTY-FIVE feet for the area included within an entryway.

(B) A LOCAL REGULATION THAT WAS ADOPTED BY A LOCAL

PAGE 7-HOUSE BILL 19-1076

AUTHORITY BEFORE JANUARY 1, 2019, AND THAT SPECIFIES A RADIUS OF LESS THAN TWENTY-FIVE FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY REMAINS VALID AND MUST BE GIVEN EFFECT AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED.

(C) IF A PERSON OWNS OR LEASES BUSINESS PREMISES THAT WERE UNDER CONSTRUCTION OR RENOVATION ON JULY 1, 2019, AND THAT COMPLIED WITH A LOCAL REGULATION OF SMOKING THAT SPECIFIED A RADIUS OF LESS THAN TWENTY-FIVE FEET FOR THE AREA INCLUDED WITHIN AN ENTRYWAY, AND, AS OF JULY 1, 2019, HAS APPLIED FOR OR RECEIVED FROM THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY IN WHICH THE PREMISES ARE LOCATED, A CERTIFICATE OF OCCUPANCY FOR THE STRUCTURE TO BE USED FOR THE BUSINESS PREMISES, THE PERSON IS DEEMED IN COMPLIANCE WITH ALL LOCAL REGULATIONS SPECIFYING THE RADIUS OF THE AREA INCLUDED WITHIN AN ENTRYWAY.

SECTION 7. In Colorado Revised Statutes, 25-14-208, **amend** (3) as follows:

25-14-208. Unlawful acts - penalty - disposition of fines and surcharges. (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-14-208.5, a person who violates this part 2 is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation.

SECTION 8. In Colorado Revised Statutes, **add** 25-14-208.5 as follows:

25-14-208.5. Signage violations - limitation on fines. (1) FOR A VIOLATION OF SECTION 25-14-204 (2) OR (3), THE PENALTY SHALL BE AS FOLLOWS:

(a) A WRITTEN WARNING FOR A FIRST VIOLATION COMMITTED WITHIN A TWENTY-FOUR-MONTH PERIOD; AND

(b) FINES AS SPECIFIED IN SECTION 25-14-208 (3) FOR A SECOND OR

SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR-MONTH PERIOD.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO FINE FOR A VIOLATION OF SECTION 25-14-204 (2) OR (3) SHALL BE IMPOSED UPON A PERSON THAT CAN ESTABLISH AS AN AFFIRMATIVE DEFENSE THAT, PRIOR TO THE DATE OF THE VIOLATION, IT:

(a) HAD ADOPTED AND ENFORCED A WRITTEN POLICY AGAINST ALLOWING PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER THE PREMISES;

(b) HAD INFORMED ITS EMPLOYEES OF THE APPLICABLE LAWS REGARDING THE PROHIBITION OF PERSONS UNDER EIGHTEEN YEARS OF AGE TO ENTER OR REMAIN IN AREAS WHERE SMOKING IS PERMITTED;

(c) REQUIRED EMPLOYEES TO VERIFY THE AGE OF PERSONS ON THE PREMISES BY WAY OF PHOTOGRAPHIC IDENTIFICATION; AND

(d) HAD ESTABLISHED AND IMPOSED DISCIPLINARY SANCTIONS FOR NONCOMPLIANCE.

(3) THE AFFIRMATIVE DEFENSE ESTABLISHED IN SUBSECTION (2) OF THIS SECTION MAY BE USED ONLY TWICE AT EACH LOCATION WITHIN ANY TWENTY-FOUR-MONTH PERIOD.

SECTION 9. In Colorado Revised Statutes, 30-15-401, **amend** (1.5) as follows:

30-15-401. General regulations - definitions. (1.5) In addition to any other powers, the board of county commissioners has the power to adopt a resolution or an ordinance:

(a) Prohibiting minors from possessing cigarettes or tobacco products, as defined by section 39-28.5-101 (5); ~~C.R.S.~~ AND

(b) LIMITING SMOKING, AS DEFINED IN SECTION 25-14-203 (16), IN ANY MANNER THAT IS NO LESS RESTRICTIVE THAN THE LIMITATIONS SET FORTH IN THE "COLORADO CLEAN INDOOR AIR ACT", PART 2 OF ARTICLE 14 OF TITLE 25.

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SECTION 10. Effective date. (1) Except as provided in subsection (2) of this section, this act takes effect July 1, 2019.

(2) Section 25-14-204 (2) and (3), as amended and enacted, respectively, in section 3 of this act, take effect October 1, 2019.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 29 2019 at 12:25 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1084

BY REPRESENTATIVE(S) Gray, Arndt, Bird, Bockenfeld, Catlin, Exum, Galindo, Hansen, Kipp, Neville, Roberts, Saine, Sandridge, Snyder, Soper, Sullivan, Titone, Valdez D. ;
also SENATOR(S) Zenzinger, Bridges, Court, Fenberg, Moreno, Pettersen, Williams A., Garcia.

CONCERNING A REQUIREMENT THAT NOTICE OF A DETERMINATION ON WHETHER A PARTICULAR LAND AREA IS BLIGHTED BE GIVEN TO OWNERS OF PRIVATE PROPERTY WITHIN THE AREA.

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

SECTION 1. In Colorado Revised Statutes, 31-25-107, **amend** (1)(b) as follows:

31-25-107. Approval of urban renewal plans by local governing body - definitions. (1) (b) Notwithstanding ~~any other provision of this part 1, and in addition to any other notice required by law, within thirty days of the commissioning of a study to determine whether an area is a slum, blighted area, or a combination thereof in accordance with the requirements of paragraph (a) of this subsection~~ (1) SUBSECTION (1)(a) OF THIS SECTION, the authority shall provide notice to any owner of private property located

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.

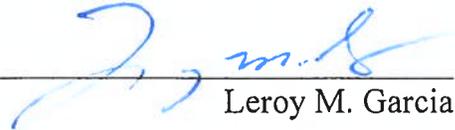
in the area that is the subject of the study by mailing notice to the owner by regular mail at the last-known address of record. The notice shall state that the authority is commencing a study necessary for making a determination as to whether the area in which the owner owns property is a slum or a blighted area. ~~Where the authority makes a determination that the area is not a slum, blighted area, or a combination thereof, within thirty~~ WITHIN SEVEN days of making such determination, the authority OR THE MUNICIPALITY, AS APPLICABLE, shall also ~~send~~ PROVIDE notice of ~~such~~ THE determination to any owner of private property located in the area that is the subject of the study by mailing notice to the owner by regular mail at the last-known address of record. For purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b), "private property" means, as applied to real property, only a fee ownership interest.

SECTION 2. Act subject to petition - effective date. This act takes effect September 1, 2019; 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

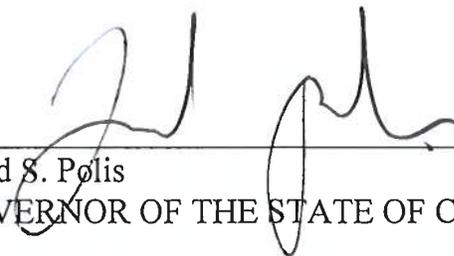


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED March 21, 2019 at 4:29
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1086

BY REPRESENTATIVE(S) Duran, Bird, Esgar, Galindo, Gonzales-Gutierrez, Hooton, Jaquez Lewis, Kennedy, Lontine, Melton, Michaelson Jenet, Mullica, Snyder, Sullivan, Benavidez, Kraft-Tharp, Weissman;
also SENATOR(S) Pettersen, Bridges, Fenberg, Winter, Zenzinger.

CONCERNING THE CONDUCT OF PLUMBING INSPECTIONS TO ENSURE COMPLIANCE WITH THE PLUMBING LAW.

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

SECTION 1. In Colorado Revised Statutes, 12-58-108, **amend** (2); and **add** (3) as follows:

12-58-108. Renewal - reinstatement - rules. (2) (a) Any license or registration that has lapsed is ~~deemed to have~~ expired.

(b) (I) Prior to reinstatement OF AN EXPIRED LICENSE OR REGISTRATION, the board ~~is authorized to~~ MAY require the licensee OR REGISTRANT to demonstrate competency.

(II) THIS SUBSECTION (2)(b)(II) DOES NOT APPLY TO WATER

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.

CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS. TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR TWO OR MORE YEARS, A PERSON MUST DEMONSTRATE COMPETENCY BY:

(A) PROVIDING VERIFICATION OF A LICENSE IN GOOD STANDING FROM ANOTHER STATE AND PROOF OF ACTIVE PRACTICE IN THAT STATE FOR THE YEAR PREVIOUS TO THE DATE OF RECEIPT OF THE REINSTATEMENT APPLICATION;

(B) SATISFACTORILY PASSING THE STATE PLUMBING EXAMINATION IN ACCORDANCE WITH SECTION 12-58-107; OR

(C) ANY OTHER MEANS APPROVED BY THE BOARD.

(III) TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR LESS THAN TWO YEARS, A PERSON MUST COMPLY WITH SUBSECTION (3)(a) OF THIS SECTION; EXCEPT THAT THIS SUBSECTION (2)(b)(III) DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS.

(c) Licenses and registrations ~~shall be renewed or reinstated pursuant to~~ ARE SUBJECT TO RENEWAL OR REINSTATEMENT IN ACCORDANCE WITH a schedule established by the director of the division of professions and occupations within the department of regulatory agencies and pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director ~~of the division of professions and occupations within the department of regulatory agencies~~ may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~

(d) If a person fails to renew his or her license or registration pursuant to the schedule established by the director, ~~of the division of professions and occupations~~, the license or registration ~~shall expire~~ EXPIRES. Any person whose license or registration has expired is subject to the penalties provided in this ~~article~~ ARTICLE 58 or section 24-34-102 (8). ~~C.R.S.~~

(3) (a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR REINSTATEMENT. THIS

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SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING EXAMINATION PURSUANT TO SECTION 12-58-107.

(b) ON OR BEFORE JULY 1, 2020, THE BOARD, IN COLLABORATION WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING EDUCATION REQUIREMENTS AND STANDARDS. THE REQUIREMENTS AND STANDARDS MUST INCLUDE COURSE WORK RELATED TO THE CODE, INCLUDING CORE COMPETENCIES, AS DETERMINED BY THE BOARD. THE BOARD MAY COUNT A LICENSED PLUMBER'S ENROLLMENT IN A COURSE DESIGNED TO HELP THE PLUMBER ATTAIN NATIONALLY RECOGNIZED PLUMBING AND BUILDING INSPECTION CERTIFICATIONS TOWARDS THE PLUMBER'S CONTINUING EDUCATION REQUIREMENTS. A RENEWAL OR REINSTATEMENT LICENSE APPLICANT MUST FURNISH, OR CAUSE TO BE FURNISHED, TO THE BOARD, IN A FORM AND MANNER DETERMINED BY THE BOARD, DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION (3) AND RULES PROMULGATED TO IMPLEMENT THIS SUBSECTION (3).

(c) TO ENSURE CONSUMER PROTECTION, THE BOARD'S RULES MAY INCLUDE AUDIT STANDARDS FOR LICENSEE COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS AND REQUIREMENTS PERTAINING TO THE TESTING OF LICENSEES BY THE CONTINUING EDUCATION VENDOR.

SECTION 2. In Colorado Revised Statutes, 12-58-114.5, **add** (10) as follows:

12-58-114.5. Inspection - application - standards. (10) (a) AN INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION, REFERRED TO IN THIS SUBSECTION (10) AS AN "INSPECTING ENTITY", SHALL VERIFY COMPLIANCE WITH THIS ARTICLE 58.

(b) (I) INSPECTIONS PERFORMED BY AN INSPECTING ENTITY MUST INCLUDE, FOR EACH PROJECT, A CONTEMPORANEOUS REVIEW TO ENSURE COMPLIANCE WITH SECTIONS 12-58-105 AND 12-58-117. A CONTEMPORANEOUS REVIEW MAY INCLUDE A FULL OR PARTIAL REVIEW OF

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THE PLUMBERS AND APPRENTICES WORKING AT A JOB SITE BEING INSPECTED.

(II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH SECTIONS 12-58-105 AND 12-58-117 AT ANY TIME. EACH INSPECTING ENTITY'S PROCEDURES MUST INCLUDE PROVISIONS THAT ALLOW FOR INSPECTORS TO CONDUCT OCCASIONAL, RANDOM, ON-SITE INSPECTIONS WHILE ACTUAL PLUMBING WORK IS BEING CONDUCTED, WITH A FOCUS ON LARGE COMMERCIAL AND MULTI-FAMILY RESIDENTIAL PROJECTS PERMITTED BY THE INSPECTING ENTITY. EACH INSPECTING ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE, SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS WITH A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES HAVE BEEN POSTED OR, IF AN INSPECTING ENTITY DOES NOT HAVE A WEBSITE, PROVIDE ITS CURRENT PROCEDURES TO THE DIRECTOR FOR POSTING ON THE BOARD'S WEBSITE.

(III) AN INSPECTOR MAY FILE A COMPLAINT WITH THE BOARD FOR ANY VIOLATION OF THIS ARTICLE 58.

(c) THE BOARD SHALL ENSURE COMPLIANCE WITH THIS SECTION. IF THE BOARD DETERMINES, AS A RESULT OF A FORMAL COMPLAINT, THAT AN INSPECTING ENTITY IS CONDUCTING PLUMBING INSPECTIONS THAT DO NOT COMPLY WITH THIS SECTION, THE BOARD MAY ISSUE TO THE INSPECTING ENTITY AN ORDER TO SHOW CAUSE, IN ACCORDANCE WITH SECTION 12-58-104 (1)(m), AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE INSPECTING ENTITY TO CEASE AND DESIST CONDUCTING PLUMBING INSPECTIONS UNTIL THE INSPECTING ENTITY COMES INTO COMPLIANCE TO THE SATISFACTION OF THE BOARD. IF THE USE OF STATE PLUMBING INSPECTORS IS REQUIRED AFTER THE ISSUANCE OF A FINAL CEASE-AND-DESIST ORDER PURSUANT TO THIS SUBSECTION (10)(c), THE INSPECTING ENTITY SHALL REIMBURSE THE BOARD FOR ANY EXPENSES INCURRED IN PERFORMING THE INSPECTING ENTITY'S INSPECTIONS, IN ADDITION TO TRANSMITTING THE REQUIRED PERMIT FEES.

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SECTION 3. In Colorado Revised Statutes, 12-155-112, amend as relocated by House Bill 19-1172 (2); and add (3) as follows:

12-155-112. License renewal - fees - reinstatement - rules.

(2) (a) Licenses and registrations issued pursuant to this article 155 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license or registration has expired is subject to the penalties provided in this article 155 or section 12-20-202 (1).

(b) THIS SUBSECTION (2)(b) DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS. TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR TWO OR MORE YEARS, A PERSON MUST DEMONSTRATE COMPETENCY BY:

(I) PROVIDING VERIFICATION OF A LICENSE IN GOOD STANDING FROM ANOTHER STATE AND PROOF OF ACTIVE PRACTICE IN THAT STATE FOR THE YEAR PREVIOUS TO THE DATE OF RECEIPT OF THE REINSTATEMENT APPLICATION;

(II) SATISFACTORILY PASSING THE STATE PLUMBING EXAMINATION IN ACCORDANCE WITH SECTION 12-58-107; OR

(III) ANY OTHER MEANS APPROVED BY THE BOARD.

(c) TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR LESS THAN TWO YEARS, A PERSON MUST COMPLY WITH SUBSECTION (3)(a) OF THIS SECTION; EXCEPT THAT THIS SUBSECTION (2)(c) DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS.

(3) (a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR REINSTATEMENT. THIS SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING EXAMINATION PURSUANT TO SECTION 12-155-110.

(b) ON OR BEFORE JULY 1, 2020, THE BOARD, IN COLLABORATION WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING EDUCATION REQUIREMENTS AND STANDARDS. THE REQUIREMENTS AND STANDARDS MUST INCLUDE COURSE WORK RELATED TO THE CODE, INCLUDING CORE COMPETENCIES, AS DETERMINED BY THE BOARD. THE BOARD MAY COUNT A LICENSED PLUMBER'S ENROLLMENT IN A COURSE DESIGNED TO HELP THE PLUMBER ATTAIN NATIONALLY RECOGNIZED PLUMBING AND BUILDING INSPECTION CERTIFICATIONS TOWARDS THE PLUMBER'S CONTINUING EDUCATION REQUIREMENTS. A RENEWAL OR REINSTATEMENT LICENSE APPLICANT MUST FURNISH, OR CAUSE TO BE FURNISHED, TO THE BOARD, IN A FORM AND MANNER DETERMINED BY THE BOARD, DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION (3) AND RULES PROMULGATED TO IMPLEMENT THIS SUBSECTION (3).

(c) TO ENSURE CONSUMER PROTECTION, THE BOARD'S RULES MAY INCLUDE AUDIT STANDARDS FOR LICENSEE COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS AND REQUIREMENTS PERTAINING TO THE TESTING OF LICENSEES BY THE CONTINUING EDUCATION VENDOR.

SECTION 4. In Colorado Revised Statutes, 12-155-120, **add as relocated by House Bill 19-1172** (10) as follows:

12-155-120. Inspection - application - standards. (10) (a) AN INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION, REFERRED TO IN THIS SUBSECTION (10) AS AN "INSPECTING ENTITY", SHALL VERIFY COMPLIANCE WITH THIS ARTICLE 155.

(b) (I) INSPECTIONS PERFORMED BY AN INSPECTING ENTITY MUST INCLUDE, FOR EACH PROJECT, A CONTEMPORANEOUS REVIEW TO ENSURE COMPLIANCE WITH SECTIONS 12-155-108 AND 12-155-124. A CONTEMPORANEOUS REVIEW MAY INCLUDE A FULL OR PARTIAL REVIEW OF THE PLUMBERS AND APPRENTICES WORKING AT A JOB SITE BEING INSPECTED.

(II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO

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CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH SECTIONS 12-155-108 AND 12-155-124 AT ANY TIME. EACH INSPECTING ENTITY'S PROCEDURES MUST INCLUDE PROVISIONS THAT ALLOW FOR INSPECTORS TO CONDUCT OCCASIONAL, RANDOM, ON-SITE INSPECTIONS WHILE ACTUAL PLUMBING WORK IS BEING CONDUCTED, WITH A FOCUS ON LARGE COMMERCIAL AND MULTI-FAMILY RESIDENTIAL PROJECTS PERMITTED BY THE INSPECTING ENTITY. EACH INSPECTING ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE, SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE THE DIRECTOR WITH A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES HAVE BEEN POSTED OR, IF AN INSPECTING ENTITY DOES NOT HAVE A WEBSITE, PROVIDE ITS CURRENT PROCEDURES TO THE DIRECTOR FOR POSTING ON THE BOARD'S WEBSITE.

(III) AN INSPECTOR MAY FILE A COMPLAINT WITH THE BOARD FOR ANY VIOLATION OF THIS ARTICLE 155.

(c) THE BOARD SHALL ENSURE COMPLIANCE WITH THIS SECTION. IF THE BOARD DETERMINES, AS A RESULT OF A FORMAL COMPLAINT, THAT AN INSPECTING ENTITY IS CONDUCTING PLUMBING INSPECTIONS THAT DO NOT COMPLY WITH THIS SECTION, THE BOARD MAY ISSUE TO THE INSPECTING ENTITY AN ORDER TO SHOW CAUSE, IN ACCORDANCE WITH SECTION 12-155-105 (1)(m), AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE INSPECTING ENTITY TO CEASE AND DESIST CONDUCTING PLUMBING INSPECTIONS UNTIL THE INSPECTING ENTITY COMES INTO COMPLIANCE TO THE SATISFACTION OF THE BOARD. IF THE USE OF STATE PLUMBING INSPECTORS IS REQUIRED AFTER THE ISSUANCE OF A FINAL CEASE-AND-DESIST ORDER PURSUANT TO THIS SUBSECTION (10)(c), THE INSPECTING ENTITY SHALL REIMBURSE THE BOARD FOR ANY EXPENSES INCURRED IN PERFORMING THE INSPECTING ENTITY'S INSPECTIONS, IN ADDITION TO TRANSMITTING THE REQUIRED PERMIT FEES.

SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect January 1, 2020; 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) (a) Sections 1 and 2 of this act take effect only if House Bill 19-1172 does not become law.

(b) Sections 3 and 4 of this act take effect only if House Bill 19-1172 becomes law.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

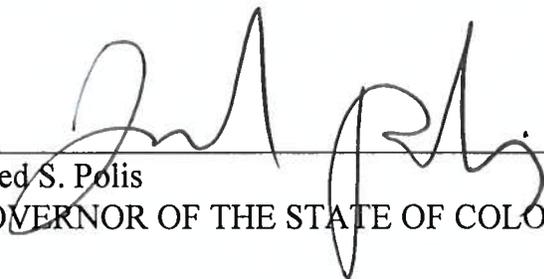


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED April 16, 2019 at 12:37 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 19-1087

BY REPRESENTATIVE(S) Soper and Hansen, Coleman, McKean, Snyder, Williams D., Bockenfeld, Gray, Jaquez Lewis, Kipp, Rich, Tipper, Titone, Weissman;
also SENATOR(S) Woodward and Bridges, Gonzales, Hisey, Moreno, Todd.

CONCERNING ONLINE NOTICE OF PUBLIC MEETINGS OF A LOCAL GOVERNMENTAL ENTITY.

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

SECTION 1. In Colorado Revised Statutes, 24-6-402, **amend** (2)(c) as follows:

24-6-402. Meetings - open to public - legislative declaration - definitions. (2) (c) (I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the

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.

local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT LOCAL GOVERNMENTS TRANSITION FROM POSTING PHYSICAL NOTICES OF PUBLIC MEETINGS IN PHYSICAL LOCATIONS TO POSTING NOTICES ON A WEBSITE, SOCIAL MEDIA ACCOUNT, OR OTHER OFFICIAL ONLINE PRESENCE OF THE LOCAL GOVERNMENT TO THE GREATEST EXTENT PRACTICABLE;

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RELIEVE A LOCAL GOVERNMENT OF THE REQUIREMENT TO PHYSICALLY POST MEETING NOTICES, WITH CERTAIN EXCEPTIONS, IF THE LOCAL GOVERNMENT COMPLIES WITH THE REQUIREMENTS OF ONLINE POSTED NOTICES OF MEETINGS;

(C) A NUMBER OF FACTORS MAY AFFECT THE ABILITY OF SOME LOCAL GOVERNMENTS TO EASILY ESTABLISH A WEBSITE, POST MEETING NOTICES ONLINE, AND OTHERWISE BENEFIT FROM HAVING AN ONLINE PRESENCE, INCLUDING THE AVAILABILITY OF BROADBAND OR RELIABLE BROADBAND, THE LACK OF CELLULAR TELEPHONE AND DATA SERVICES, AND FISCAL OR STAFFING CONSTRAINTS OF THE LOCAL GOVERNMENT;

(D) LOCAL GOVERNMENTS ARE ENCOURAGED TO AVAIL THEMSELVES OF EXISTING FREE RESOURCES FOR CREATING A WEBSITE AND RECEIVING CONTENT MANAGEMENT ASSISTANCE FROM THE COLORADO STATEWIDE INTERNET PORTAL AUTHORITY AND STATEWIDE ASSOCIATIONS REPRESENTING LOCAL GOVERNMENTAL ENTITIES; AND

(E) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CLOSELY MONITOR THE TRANSITION TO PROVIDING NOTICES OF PUBLIC MEETINGS ONLINE OVER THE NEXT TWO YEARS AND, IF SIGNIFICANT PROGRESS IS NOT MADE, TO BRING LEGISLATION MANDATING IN STATUTE THAT ALL NOTICES BE POSTED ONLINE EXCEPT IN VERY NARROW CIRCUMSTANCES THAT ARE BEYOND THE CONTROL OF A LOCAL GOVERNMENT.

(III) ON AND AFTER JULY 1, 2019, A LOCAL PUBLIC BODY SHALL BE

DEEMED TO HAVE GIVEN FULL AND TIMELY NOTICE OF A PUBLIC MEETING IF THE LOCAL PUBLIC BODY POSTS THE NOTICE, WITH SPECIFIC AGENDA INFORMATION IF AVAILABLE, NO LESS THAN TWENTY-FOUR HOURS PRIOR TO THE HOLDING OF THE MEETING ON A PUBLIC WEBSITE OF THE LOCAL PUBLIC BODY. THE NOTICE MUST BE ACCESSIBLE AT NO CHARGE TO THE PUBLIC. THE LOCAL PUBLIC BODY SHALL, TO THE EXTENT FEASIBLE, MAKE THE NOTICES SEARCHABLE BY TYPE OF MEETING, DATE OF MEETING, TIME OF MEETING, AGENDA CONTENTS, AND ANY OTHER CATEGORY DEEMED APPROPRIATE BY THE LOCAL PUBLIC BODY AND SHALL CONSIDER LINKING THE NOTICES TO ANY APPROPRIATE SOCIAL MEDIA ACCOUNTS OF THE LOCAL PUBLIC BODY. A LOCAL PUBLIC BODY THAT PROVIDES NOTICE ON A WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL PROVIDE THE ADDRESS OF THE WEBSITE TO THE DEPARTMENT OF LOCAL AFFAIRS FOR INCLUSION IN THE INVENTORY MAINTAINED PURSUANT TO SECTION 24-32-116. A LOCAL PUBLIC BODY THAT POSTS A NOTICE OF A PUBLIC MEETING ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) MAY IN ITS DISCRETION ALSO POST A NOTICE BY ANY OTHER MEANS INCLUDING IN A DESIGNATED PUBLIC PLACE PURSUANT TO SUBSECTION (2)(c)(I) OF THIS SECTION; EXCEPT THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE SUCH OTHER POSTING. A LOCAL PUBLIC BODY THAT POSTS NOTICES OF PUBLIC MEETINGS ON A PUBLIC WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL DESIGNATE A PUBLIC PLACE WITHIN THE BOUNDARIES OF THE LOCAL PUBLIC BODY AT WHICH IT MAY POST A NOTICE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO A MEETING IF IT IS UNABLE TO POST A NOTICE ONLINE IN EXIGENT OR EMERGENCY CIRCUMSTANCES SUCH AS A POWER OUTAGE OR AN INTERRUPTION IN INTERNET SERVICE THAT PREVENTS THE PUBLIC FROM ACCESSING THE NOTICE ONLINE.

(IV) FOR PURPOSES OF THIS SECTION, "LOCAL PUBLIC BODY" INCLUDES MUNICIPALITIES, COUNTIES, SCHOOL BOARDS, AND SPECIAL DISTRICTS.

SECTION 2. In Colorado Revised Statutes, 32-1-903, **amend** (2) as follows:

32-1-903. Meetings. (2) Notice of time and place designated for all regular AND SPECIAL meetings shall be ~~posted in at least three public places within the limits of the special district, and, in addition, one such notice shall be posted in the office of the county clerk and recorder in the county or counties in which the special district is located.~~ Such notices shall remain

PAGE 3-HOUSE BILL 19-1087

~~posted and shall be changed in the event that the time or place of such regular meetings is changed~~ PROVIDED IN ACCORDANCE WITH SECTION 24-6-402. Special meetings may be called by any director by informing the other directors of the date, time, and place of such special meeting, and the purpose for which it is called, and by ~~posting~~ PROVIDING notice ~~as provided in this section at least seventy-two hours prior to said meeting~~ IN ACCORDANCE WITH SECTION 24-6-402. All official business of the board shall be conducted only during said regular or special meetings at which a quorum is present, and all said meetings shall be open to the public.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



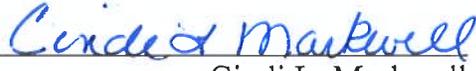
KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

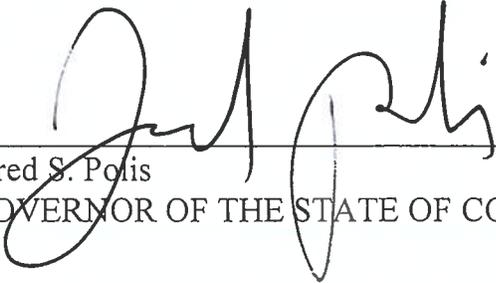


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED April 25, 2019 at 1:45 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1119

BY REPRESENTATIVE(S) Coleman, Herod, Exum, Benavidez, Gonzales-Gutierrez, Lontine, Duran, Galindo, Melton, Sirota, Snyder, Weissman;
also SENATOR(S) Foote, Gonzales, Moreno.

CONCERNING PUBLIC DISCLOSURE OF A COMPLETED PEACE OFFICER
INTERNAL INVESTIGATION FILE.

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

SECTION 1. In Colorado Revised Statutes, 24-72-303, **add** (4) and (5) as follows:

24-72-303. Records of official actions required - open to inspection - applicability. (4) (a) UPON COMPLETION OF AN INTERNAL INVESTIGATION, INCLUDING ANY APPEALS PROCESS, THAT EXAMINES THE IN-UNIFORM OR ON-DUTY CONDUCT OF A PEACE OFFICER, AS DESCRIBED IN PART 1 OF ARTICLE 2.5 OF TITLE 16, RELATED TO A SPECIFIC, IDENTIFIABLE INCIDENT OF ALLEGED MISCONDUCT INVOLVING A MEMBER OF THE PUBLIC, THE ENTIRE INVESTIGATION FILE, INCLUDING THE WITNESS INTERVIEWS, VIDEO AND AUDIO RECORDINGS, TRANSCRIPTS, DOCUMENTARY EVIDENCE, INVESTIGATIVE NOTES, AND FINAL DEPARTMENTAL DECISION IS OPEN FOR

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.

PUBLIC INSPECTION UPON REQUEST; EXCEPT THAT THE CUSTODIAN MAY FIRST PROVIDE THE REQUESTER WITH A SUMMARY OF THE INVESTIGATION FILE AND IF, AFTER REVIEWING THE SUMMARY, THE REQUESTER REQUESTS ACCESS TO THE INVESTIGATION FILE, THE CUSTODIAN SHALL PROVIDE ACCESS TO THE ENTIRE INVESTIGATION FILE SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4)(b), (4)(c), AND (4)(d) OF THIS SECTION.

(b) PRIOR TO PROVIDING ACCESS TO THE INTERNAL INVESTIGATION FILE PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE CUSTODIAN SHALL REDACT OR REMOVE THE FOLLOWING INFORMATION FROM THE DISCLOSED RECORDS:

(I) ANY PERSONAL IDENTIFYING INFORMATION AS DEFINED BY SECTION 6-1-713 (2)(b);

(II) ANY IDENTIFYING OR CONTACT INFORMATION RELATED TO CONFIDENTIAL INFORMANTS, WITNESSES, OR VICTIMS;

(III) THE HOME ADDRESS, PERSONAL PHONE NUMBER, AND PERSONAL E-MAIL ADDRESS OF A PEACE OFFICER;

(IV) ANY INFORMATION PROHIBITED FOR PUBLIC RELEASE BY STATE OR FEDERAL LAW; EXCEPT THAT INTERNAL INVESTIGATION RECORDS EXAMINING IN-UNIFORM OR ON-DUTY CONDUCT OF A PEACE OFFICER DURING AN ALLEGED INCIDENT OF OFFICE MISCONDUCT WHILE INTERACTING WITH A MEMBER OF THE PUBLIC DOES NOT FALL WITHIN THE DEFINITION OF "PERSONNEL FILES" IN SECTION 24-72-202 (4.5);

(V) ANY MEDICAL OR MENTAL HEALTH INFORMATION;

(VI) ANY IDENTIFYING INFORMATION RELATED TO A JUVENILE; AND

(VII) ANY NONFINAL DISCIPLINARY RECOMMENDATIONS.

(c)(I) IN ADDITION TO THE INFORMATION REQUIRED TO BE REDACTED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, PRIOR TO PROVIDING ACCESS TO THE INTERNAL INVESTIGATION FILE PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE CUSTODIAN MAY ALSO REDACT ONLY THE FOLLOWING FROM DISCLOSED RECORDS:

(A) ANY COMPELLED STATEMENTS MADE BY PEACE OFFICERS WHO ARE THE SUBJECT OF A CRIMINAL INVESTIGATION OR A FILED CRIMINAL CASE DIRECTLY RELATED TO CONDUCT UNDERLYING THE INTERNAL INVESTIGATION;

(B) ANY VIDEO INTERVIEWS IF AN OFFICIAL TRANSCRIPT OF THE INTERVIEW IS PRODUCED, UNLESS, AFTER RECEIVING THE TRANSCRIPT, THE REQUESTER REQUESTS THE VIDEO;

(C) ANY VIDEO OR PHOTOGRAPH THAT RAISES SUBSTANTIAL PRIVACY CONCERNS FOR CRIMINAL DEFENDANTS, VICTIMS, WITNESSES, OR INFORMANTS, INCLUDING VIDEO REFLECTING NUDITY, A MEDICAL EMERGENCY, A MENTAL HEALTH CRISIS, A VICTIM INTERVIEW, OR THE INTERIOR OF A HOME OR TREATMENT FACILITY. WHENEVER POSSIBLE, THE VIDEO SHOULD BE REDACTED OR BLURRED TO PROTECT THE PRIVACY INTEREST WHILE STILL ALLOWING PUBLIC RELEASE.

(D) THE IDENTITY OF OFFICERS WHO VOLUNTEERED INFORMATION RELATED TO THE INTERNAL INVESTIGATION BUT WHO ARE NOT A SUBJECT OF THE INTERNAL INVESTIGATION; AND

(E) SPECIFIC INFORMATION THAT WOULD REVEAL CONFIDENTIAL INTELLIGENCE INFORMATION, CONFIDENTIAL SECURITY PROCEDURES OF A LAW ENFORCEMENT AGENCY OR THAT, IF DISCLOSED, WOULD COMPROMISE THE SAFETY OF A PEACE OFFICER, WITNESS, OR INFORMANT. HOWEVER, NOTHING IN THIS SUBSECTION (4)(c)(I)(E) JUSTIFIES OR PERMITS THE REDACTION OR WITHHOLDING OF INFORMATION DESCRIBING OR DEPICTING USE OF FORCE BY A PEACE OFFICER ON A MEMBER OF THE PUBLIC.

(II) IF A RECORD CONTAINS INFORMATION REDACTED PURSUANT TO THIS SUBSECTION (4)(c), THE APPLICANT MAY REQUEST A WRITTEN EXPLANATION OF THE REASONS FOR THE REDACTION.

(d) A WITNESS, VICTIM, OR CRIMINAL DEFENDANT MAY WAIVE IN WRITING THE INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY PUBLIC RELEASE. UPON RECEIPT OF SUCH A WRITTEN WAIVER, ACCOMPANIED BY A REQUEST FOR RELEASE OF THE RECORDS, THE CUSTODIAN SHALL NOT REDACT, REMOVE, OR WITHHOLD RECORDS TO PROTECT THE WAIVED PRIVACY INTEREST.

(e) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION, THE CUSTODIAN OF AN INTERNAL INVESTIGATION FILE AS DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION MAY DENY INSPECTION OF THE FILE IF THERE IS AN ONGOING CRIMINAL INVESTIGATION OR CRIMINAL CASE AGAINST A PEACE OFFICER RELATED TO THE SUBJECT OF THE INTERNAL INVESTIGATION. THE INVESTIGATION FILE MUST BE OPEN FOR PUBLIC INSPECTION UPON THE DISMISSAL OF ALL CHARGES OR UPON A SENTENCE FOR A CONVICTION.

(f) ANY PERSON WHO HAS BEEN DENIED ACCESS TO ANY INFORMATION IN A COMPLETED INTERNAL AFFAIRS INVESTIGATION FILE MAY FILE AN APPLICATION IN THE DISTRICT COURT IN THE COUNTY WHERE THE RECORDS ARE LOCATED FOR AN ORDER DIRECTING THE CUSTODIAN THEREOF TO SHOW CAUSE WHY THE WITHHELD OR REDACTED INFORMATION SHOULD NOT BE MADE AVAILABLE TO THE APPLICANT. THE COURT SHALL SET THE HEARING ON THE ORDER TO SHOW CAUSE AT THE EARLIEST PRACTICAL TIME. IF THE COURT DETERMINES, BASED ON ITS INDEPENDENT JUDGMENT, APPLYING DE NOVO REVIEW, THAT ANY PORTION OR PORTIONS OF THE COMPLETED INTERNAL AFFAIRS INVESTIGATION FILE WERE IMPROPERLY WITHHELD PURSUANT TO THIS SECTION, THE COURT SHALL ORDER THE CUSTODIAN TO PROVIDE THE APPLICANT WITH A COPY OF THOSE PORTIONS THAT WERE IMPROPERLY WITHHELD.

(g) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (4)(a) AND (4)(e) OF THIS SECTION, THE CUSTODIAN OF AN INTERNAL INVESTIGATION FILE AS DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION MAY DENY INSPECTION OF THE FILE IF THE INSPECTION IS PROHIBITED BY RULES PROMULGATED BY THE COLORADO SUPREME COURT OR BY A COURT ORDER.

(h) THIS SUBSECTION (4) APPLIES TO INTERNAL INVESTIGATIONS INITIATED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4).

(5) ANY COMPELLED STATEMENT BY A PEACE OFFICER, OR EVIDENCE DERIVED FROM THAT COMPELLED STATEMENT, MAY NOT BE USED AGAINST THAT OFFICER IN A CRIMINAL PROSECUTION.

SECTION 2. In Colorado Revised Statutes, 24-72-305, **amend** (5) as follows:

24-72-305. Allowance or denial of inspection - grounds -

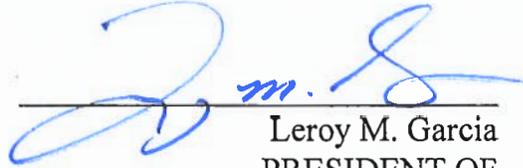
procedure - appeal. (5) On the ground that disclosure would be contrary to the public interest, and unless otherwise provided by law, INCLUDING AS REQUIRED BY SECTION 24-72-303 (4), the custodian may deny access to records of investigations conducted by or of intelligence information or security procedures of any sheriff, district attorney, or police department or any criminal justice investigatory files compiled for any other law enforcement purpose.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



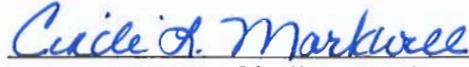
KC Becker
SPEAKER OF THE HOUSE
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Leroy M. Garcia
PRESIDENT OF
THE SENATE

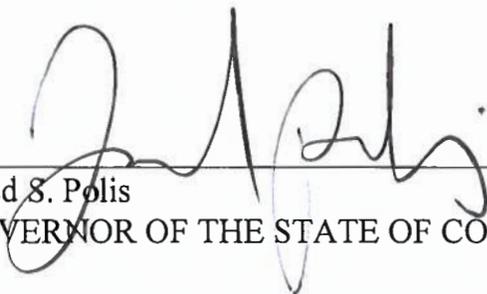


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED APRIL 12^m, 2019 AT 10:57A.M.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1124

BY REPRESENTATIVE(S) Benavidez and Lontine, Buckner, Caraveo, Coleman, Duran, Galindo, Gonzales-Gutierrez, Hooton, Melton, Arndt, Esgar, Herod, Jackson, Jaquez Lewis, Mullica, Singer, Sirota, Tipper, Valdez A., Weissman, Becker;
also SENATOR(S) Foote and Gonzales, Fenberg, Lee.

CONCERNING CLARIFICATION OF THE AUTHORITY OF CRIMINAL JUSTICE OFFICIALS WITH RESPECT TO THE ENFORCEMENT OF CERTAIN FEDERAL CIVIL LAWS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The federal government does not have the authority to command state or local officials to enforce or administer a federal regulatory program, as doing so would violate the tenth amendment of the United States constitution; and

(b) Colorado has the right to be free from mandates or financial obligations to perform the duties of the federal government, or to be

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.

threatened or coerced to do so by withholding federal funding; and

(c) Any requirement that public safety agencies play a role in enforcing federal civil immigration laws can undermine public trust; and

(d) Coloradans have constitutional rights to due process and protection against unlawful detention and seizures; and

(e) The Colorado judicial system serves as a vital forum for ensuring access to justice that is secured by section 6 of article II of the state constitution; and

(f) In times of crisis, Colorado courts are the main points of contact for the most vulnerable, including crime victims, victims of sexual abuse and domestic violence, witnesses to crimes who are aiding law enforcement, limited English speakers, unrepresented litigants, and children and families, who seek justice and due process of law.

(2) Therefore, it is necessary to adopt this act to promote public safety, the protection of civil liberties, and to further the preservation of the peace, health, and safety of Colorado.

SECTION 2. In Colorado Revised Statutes, **add** article 76.6 to title 24 as follows:

ARTICLE 76.6
Prioritizing State Enforcement of
Civil Immigration Law

24-76.6-101. Definitions. AS USED IN THIS ARTICLE 76.6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CIVIL IMMIGRATION DETAINER" MEANS A WRITTEN REQUEST ISSUED BY FEDERAL IMMIGRATION ENFORCEMENT AUTHORITIES PURSUANT TO 8 CFR 287.7 TO LAW ENFORCEMENT OFFICERS TO MAINTAIN CUSTODY OF AN INDIVIDUAL BEYOND THE TIME WHEN THE INDIVIDUAL IS ELIGIBLE FOR RELEASE FROM CUSTODY, INCLUDING ANY REQUEST FOR LAW ENFORCEMENT AGENCY ACTION, WARRANT FOR ARREST OF ALIEN, ORDER TO DETAIN OR RELEASE ALIEN, OR WARRANT OF REMOVAL/DEPORTATION ON ANY FORM PROMULGATED BY FEDERAL IMMIGRATION ENFORCEMENT AUTHORITIES.

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(2) "ELIGIBLE FOR RELEASE FROM CUSTODY" MEANS THAT AN INDIVIDUAL MAY BE RELEASED FROM CUSTODY BECAUSE ONE OF THE FOLLOWING CONDITIONS HAS OCCURRED:

(a) ALL CRIMINAL CHARGES AGAINST THE INDIVIDUAL HAVE BEEN DROPPED OR DISMISSED;

(b) THE INDIVIDUAL HAS BEEN ACQUITTED OF ALL CRIMINAL CHARGES FILED AGAINST HIM OR HER;

(c) THE INDIVIDUAL HAS SERVED ALL THE TIME REQUIRED FOR HIS OR HER SENTENCE;

(d) THE INDIVIDUAL HAS POSTED A BOND OR HAS BEEN RELEASED ON HIS OR HER OWN RECOGNIZANCE;

(e) THE INDIVIDUAL HAS BEEN REFERRED TO PRETRIAL DIVERSION SERVICES; OR

(f) THE INDIVIDUAL IS OTHERWISE ELIGIBLE FOR RELEASE UNDER STATE OR MUNICIPAL LAW.

(3) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER EMPLOYED BY THE COLORADO STATE PATROL, A MUNICIPAL POLICE DEPARTMENT, A TOWN MARSHAL'S OFFICE, OR A COUNTY SHERIFF'S OFFICE.

(4) "PERSONAL INFORMATION" MEANS ANY CONFIDENTIAL IDENTIFYING INFORMATION ABOUT AN INDIVIDUAL, INCLUDING BUT NOT LIMITED TO HOME OR WORK CONTACT INFORMATION; FAMILY OR EMERGENCY CONTACT INFORMATION; PROBATION MEETING DATE AND TIME; COMMUNITY CORRECTIONS LOCATIONS; COMMUNITY CORRECTIONS MEETING DATE AND TIME; OR THE MEETING DATE AND TIME FOR CRIMINAL COURT-ORDERED CLASSES, TREATMENT, AND APPOINTMENTS.

24-76.6-102. Civil immigration detainees - legislative declaration. (1) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) FEDERAL IMMIGRATION AUTHORITIES AT TIMES SUBMIT REQUESTS TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO DETAIN AN INMATE

AFTER THE INMATE IS ELIGIBLE FOR RELEASE FROM CUSTODY. CONTINUED DETENTION OF AN INMATE UNDER A FEDERAL CIVIL IMMIGRATION DETAINER CONSTITUTES A NEW ARREST UNDER STATE LAW AND A SEIZURE UNDER THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

(b) REQUESTS FOR CIVIL IMMIGRATION DETAINERS ARE NOT WARRANTS UNDER COLORADO LAW. A WARRANT IS A WRITTEN ORDER BY A JUDGE DIRECTED TO A LAW ENFORCEMENT OFFICER COMMANDING THE ARREST OF THE PERSON NAMED, AS DEFINED IN SECTION 16-1-104 (18). NONE OF THE CIVIL IMMIGRATION DETAINER REQUESTS RECEIVED FROM THE FEDERAL IMMIGRATION AUTHORITIES ARE REVIEWED, APPROVED, OR SIGNED BY A JUDGE AS REQUIRED BY COLORADO LAW. THE CONTINUED DETENTION OF AN INMATE AT THE REQUEST OF FEDERAL IMMIGRATION AUTHORITIES BEYOND WHEN HE OR SHE WOULD OTHERWISE BE RELEASED CONSTITUTES A WARRANTLESS ARREST, WHICH IS UNCONSTITUTIONAL, *PEOPLE V. BURNS*, 615 P.2d 686, 688 (COLO. 1980).

(2) A LAW ENFORCEMENT OFFICER SHALL NOT ARREST OR DETAIN AN INDIVIDUAL ON THE BASIS OF A CIVIL IMMIGRATION DETAINER REQUEST.

(3) THE AUTHORITY OF LAW ENFORCEMENT IS LIMITED TO THE EXPRESS AUTHORITY GRANTED IN STATE LAW.

(4) NOTHING IN THIS SECTION PRECLUDES ANY LAW ENFORCEMENT OFFICER OR EMPLOYEE FROM COOPERATING OR ASSISTING FEDERAL IMMIGRATION ENFORCEMENT AUTHORITIES IN THE EXECUTION OF A WARRANT ISSUED BY A FEDERAL JUDGE OR MAGISTRATE OR HONORING ANY WRIT ISSUED BY ANY STATE OR FEDERAL JUDGE CONCERNING THE TRANSFER OF A PRISONER TO OR FROM FEDERAL CUSTODY.

(5) NOTHING IN THIS SECTION PRECLUDES ANY LAW ENFORCEMENT OFFICER FROM INVESTIGATING OR ENFORCING ANY CRIMINAL LAW OR FROM PARTICIPATING IN COORDINATED LAW ENFORCEMENT ACTIONS WITH FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENFORCEMENT OF LOCAL, STATE, OR FEDERAL CRIMINAL LAWS.

24-76.6-103. Limitations on providing personal information by probation offices. (1) A PROBATION OFFICER OR PROBATION DEPARTMENT EMPLOYEE SHALL NOT PROVIDE PERSONAL INFORMATION ABOUT AN INDIVIDUAL TO FEDERAL IMMIGRATION AUTHORITIES.

(2) NOTHING IN SECTION 24-76.6-102 PREVENTS LAW ENFORCEMENT OFFICERS FROM COORDINATING TELEPHONE OR VIDEO INTERVIEWS BETWEEN FEDERAL IMMIGRATION AUTHORITIES AND INDIVIDUALS INCARCERATED IN ANY COUNTY OR LOCAL JAIL OR OTHER CUSTODIAL FACILITY, TO THE SAME EXTENT AS TELEPHONE OR VIDEO CONTACT WITH SUCH INDIVIDUALS IS ALLOWED BY THE GENERAL PUBLIC, IF THE INDIVIDUAL HAS BEEN ADVISED, IN THE INDIVIDUAL'S LANGUAGE OF CHOICE, OF CERTAIN INFORMATION IN WRITING, INCLUDING BUT NOT LIMITED TO:

(a) THE INTERVIEW IS BEING SOUGHT BY FEDERAL IMMIGRATION AUTHORITIES;

(b) THE INDIVIDUAL HAS THE RIGHT TO DECLINE THE INTERVIEW AND REMAIN SILENT;

(c) THE INDIVIDUAL HAS THE RIGHT TO SPEAK TO AN ATTORNEY BEFORE SUBMITTING TO THE INTERVIEW; AND

(d) ANYTHING THE INDIVIDUAL SAYS MAY BE USED AGAINST HIM OR HER IN SUBSEQUENT PROCEEDINGS, INCLUDING IN A FEDERAL IMMIGRATION COURT.

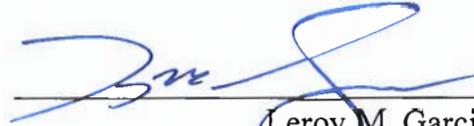
(3) THE WRITTEN ADVISEMENT DESCRIBED IN SUBSECTION (2) OF THIS SECTION MUST BE PROVIDED TO THE INMATE AGAIN WHEN THE INMATE IS RELEASED.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

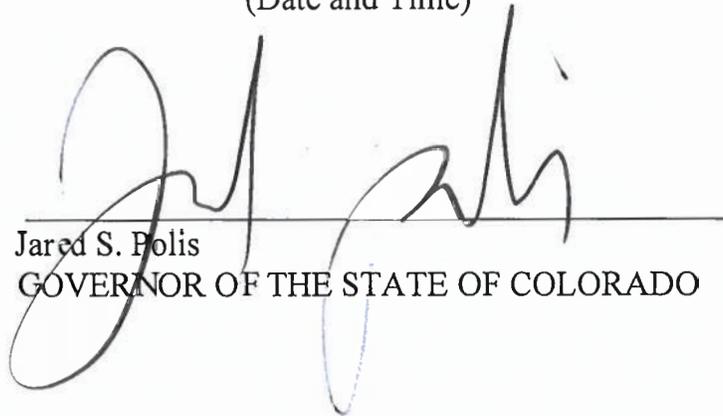


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 28, 2019 at 11:55 A.M.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1177

BY REPRESENTATIVE(S) Sullivan and Garnett, Arndt, Benavidez, Bird, Buckner, Caraveo, Coleman, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Becker;
also SENATOR(S) Court and Pettersen, Bridges, Danielson, Fenberg, Foote, Ginal, Gonzales.

CONCERNING CREATION OF AN EXTREME RISK PROTECTION ORDER, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 14.5 to title 13 as follows:

ARTICLE 14.5 **Extreme Risk Protection Orders**

13-14.5-101. Short title. THE SHORT TITLE OF THIS ARTICLE 14.5 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

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.

13-14.5-102. Definitions. AS USED IN THIS ARTICLE 14.5, UNLESS THE CONTEXT OTHERWISE CLEARLY REQUIRES:

(1) "EXTREME RISK PROTECTION ORDER" MEANS EITHER A TEMPORARY ORDER OR A CONTINUING ORDER GRANTED PURSUANT TO THIS ARTICLE 14.5.

(2) "FAMILY OR HOUSEHOLD MEMBER" MEANS, WITH RESPECT TO A RESPONDENT, ANY:

(a) PERSON RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE RESPONDENT;

(b) PERSON WHO HAS A CHILD IN COMMON WITH THE RESPONDENT, REGARDLESS OF WHETHER SUCH PERSON HAS BEEN MARRIED TO THE RESPONDENT OR HAS LIVED TOGETHER WITH THE RESPONDENT AT ANY TIME;

(c) PERSON WHO REGULARLY RESIDES OR REGULARLY RESIDED WITH THE RESPONDENT WITHIN THE LAST SIX MONTHS;

(d) DOMESTIC PARTNER OF THE RESPONDENT;

(e) PERSON WHO HAS A BIOLOGICAL OR LEGAL PARENT-CHILD RELATIONSHIP WITH THE RESPONDENT, INCLUDING STEPPARENTS AND STEPCHILDREN AND GRANDPARENTS AND GRANDCHILDREN;

(f) PERSON WHO IS ACTING OR HAS ACTED AS THE RESPONDENT'S LEGAL GUARDIAN; AND

(g) A PERSON IN ANY OTHER RELATIONSHIP DESCRIBED IN SECTION 18-6-800.3 (2) WITH THE RESPONDENT.

(3) "FIREARM" HAS THE SAME MEANING AS IN SECTION 18-1-901 (3)(h).

(4) "PETITIONER" MEANS THE PERSON WHO PETITIONS FOR AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5.

(5) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE

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RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

13-14.5-103. Temporary extreme risk protection orders. (1) A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY REQUEST A TEMPORARY EXTREME RISK PROTECTION ORDER WITHOUT NOTICE TO THE RESPONDENT BY INCLUDING IN THE PETITION FOR AN EXTREME RISK PROTECTION ORDER AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, SUPPORTING THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION ORDER THAT SETS FORTH THE FACTS TENDING TO ESTABLISH THE GROUNDS OF THE PETITION OR THE REASON FOR BELIEVING THEY EXIST AND, IF THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER, ATTESTING THAT THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER. THE PETITION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 13-14.5-104 (3). IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY SHALL CONCURRENTLY FILE A SWORN AFFIDAVIT FOR A SEARCH WARRANT PURSUANT TO SECTION 16-3-301.5 TO SEARCH FOR ANY FIREARMS IN THE POSSESSION OR CONTROL OF THE RESPONDENT AT A LOCATION OR LOCATIONS TO BE NAMED IN THE WARRANT. IF A PETITION PURSUANT TO SECTION 27-65-106 IS ALSO FILED AGAINST THE RESPONDENT, A COURT OF COMPETENT JURISDICTION CAN HEAR THAT PETITION AT THE SAME TIME AS THE HEARING FOR A TEMPORARY EXTREME RISK PROTECTION ORDER OR THE HEARING FOR A CONTINUING EXTREME RISK PROTECTION ORDER.

(2) IN CONSIDERING WHETHER TO ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER PURSUANT TO THIS SECTION, THE COURT SHALL CONSIDER ALL RELEVANT EVIDENCE, INCLUDING THE EVIDENCE DESCRIBED IN SECTION 13-14.5-105 (3).

(3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER.

(4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY THE

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PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING THE DAY THE PETITION IS FILED. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING FOR AN EXTREME RISK PROTECTION ORDER.

(5) (a) IN ACCORDANCE WITH SECTION 13-14.5-105 (1), THE COURT SHALL SCHEDULE A HEARING WITHIN FOURTEEN DAYS AFTER THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION ORDER TO DETERMINE IF A THREE-HUNDRED-SIXTY-FOUR-DAY EXTREME RISK PROTECTION ORDER SHOULD BE ISSUED PURSUANT TO THIS ARTICLE 14.5. NOTICE OF THAT HEARING DATE MUST BE INCLUDED WITH THE TEMPORARY EXTREME RISK PROTECTION ORDER THAT IS SERVED ON THE RESPONDENT. THE COURT SHALL PROVIDE NOTICE OF THE HEARING DATE TO THE PETITIONER.

(b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.

(6) A TEMPORARY EXTREME RISK PROTECTION ORDER MUST INCLUDE:

(a) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;

(b) THE DATE AND TIME THE ORDER WAS ISSUED;

(c) THE DATE AND TIME THE ORDER EXPIRES;

(d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE PLEADING SHOULD BE FILED;

(e) THE DATE AND TIME OF THE SCHEDULED HEARING;

(f) THE REQUIREMENTS FOR SURRENDER OF FIREARMS PURSUANT TO SECTION 13-14.5-108; AND

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(g) THE FOLLOWING STATEMENT:

TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES) ALL FIREARMS IN YOUR CUSTODY, CONTROL, OR POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED TO YOU. A HEARING WILL BE HELD ON THE DATE AND AT THE TIME NOTED ABOVE TO DETERMINE IF AN EXTREME RISK PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR AT THAT HEARING MAY RESULT IN A COURT ENTERING AN ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED SIXTY FOUR DAYS. AN ATTORNEY WILL BE APPOINTED TO REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF YOUR OWN ATTORNEY AT YOUR OWN EXPENSE AS TO ANY MATTER CONNECTED WITH THIS ORDER.

(7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF HEARING AND PETITION AND A NOTICE THAT INCLUDES REFERRALS TO APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL HEALTH, AND COUNSELING RESOURCES, IN THE SAME MANNER AS PROVIDED FOR IN SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF HEARING WHERE THE RESPONDENT RESIDES.

(8) (a) IF THE COURT ISSUES A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S ISSUANCE.

(b) IF THE COURT DECLINES TO ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S DENIAL.

13-14.5-104. Petition for extreme risk protection order. (1) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A

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FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. ATTORNEY FEES FOR THE ATTORNEY APPOINTED FOR THE RESPONDENT SHALL BE PAID BY THE COURT.

(2) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MUST BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDES.

(3) A PETITION MUST:

(a) ALLEGE THAT THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM AND MUST BE ACCOMPANIED BY AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THE SPECIFIC STATEMENTS, ACTIONS, OR FACTS THAT GIVE RISE TO A REASONABLE FEAR OF FUTURE DANGEROUS ACTS BY THE RESPONDENT;

(b) IDENTIFY THE NUMBER, TYPES, AND LOCATIONS OF ANY FIREARMS THE PETITIONER BELIEVES TO BE IN THE RESPONDENT'S CURRENT OWNERSHIP, POSSESSION, CUSTODY, OR CONTROL;

(c) IDENTIFY WHETHER THE RESPONDENT IS REQUIRED TO POSSESS, CARRY, OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S CURRENT EMPLOYMENT;

(d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER GOVERNING

THE PETITIONER OR RESPONDENT;

(e) IDENTIFY WHETHER THERE IS A PENDING LAWSUIT, COMPLAINT, PETITION, OR OTHER ACTION BETWEEN THE PARTIES TO THE PETITION; AND

(f) IF THE PETITIONER IS NOT A LAW ENFORCEMENT AGENCY, IDENTIFY WHETHER THE PETITIONER INFORMED A LOCAL LAW ENFORCEMENT AGENCY REGARDING THE RESPONDENT.

(4) THE COURT SHALL VERIFY THE TERMS OF ANY EXISTING ORDER IDENTIFIED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION GOVERNING THE PARTIES. THE COURT MAY NOT DELAY GRANTING RELIEF BECAUSE OF THE EXISTENCE OF A PENDING ACTION BETWEEN THE PARTIES. A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE GRANTED WHETHER OR NOT THERE IS A PENDING ACTION BETWEEN THE PARTIES.

(5) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION, THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

(6) A COURT OR PUBLIC AGENCY SHALL NOT CHARGE A FEE FOR FILING OR SERVICE OF PROCESS TO A PETITIONER SEEKING RELIEF PURSUANT TO THIS ARTICLE 14.5. A PETITIONER OR RESPONDENT MUST BE PROVIDED THE NECESSARY NUMBER OF CERTIFIED COPIES, FORMS, AND INSTRUCTIONAL BROCHURES FREE OF CHARGE.

(7) A PERSON IS NOT REQUIRED TO POST A BOND TO OBTAIN RELIEF IN ANY PROCEEDING PURSUANT TO THIS SECTION.

(8) THE DISTRICT AND COUNTY COURTS OF THE STATE OF COLORADO HAVE JURISDICTION OVER PROCEEDINGS PURSUANT TO THIS ARTICLE 14.5.

13-14.5-105. Hearings on petition - grounds for order issuance.

(1)(a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A HEARING

TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING NOT LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE CONDUCTING A TELEPHONIC HEARING.

(b) BEFORE THE NEXT COURT DAY, THE COURT CLERK SHALL FORWARD A COPY OF THE NOTICE OF HEARING AND PETITION TO THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES FOR SERVICE UPON THE RESPONDENT.

(c) A COPY OF THE NOTICE OF HEARING AND PETITION MUST BE SERVED UPON THE RESPONDENT IN ACCORDANCE WITH THE RULES FOR SERVICE OF PROCESS AS PROVIDED IN RULE 4 OF THE COLORADO RULES OF CIVIL PROCEDURE OR RULE 304 OF THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE. SERVICE ISSUED PURSUANT TO THIS SECTION TAKES PRECEDENCE OVER THE SERVICE OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR EMERGENCY NATURE.

(d) THE COURT MAY, AS PROVIDED IN SECTION 13-14.5-103, ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER PENDING THE HEARING ORDERED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. THE TEMPORARY EXTREME RISK PROTECTION ORDER MUST BE SERVED CONCURRENTLY WITH THE NOTICE OF HEARING AND PETITION.

(2) UPON HEARING THE MATTER, IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THAT THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE AN EXTREME RISK PROTECTION ORDER FOR A PERIOD OF THREE HUNDRED SIXTY-FOUR DAYS.

(3) IN DETERMINING WHETHER GROUNDS FOR AN EXTREME RISK PROTECTION ORDER EXIST, THE COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING BUT NOT LIMITED TO ANY OF THE FOLLOWING:

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(a) A RECENT ACT OR CREDIBLE THREAT OF VIOLENCE BY THE RESPONDENT AGAINST SELF OR OTHERS, WHETHER OR NOT SUCH VIOLENCE OR CREDIBLE THREAT OF VIOLENCE INVOLVES A FIREARM;

(b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST SELF OR OTHERS;

(c) A VIOLATION BY THE RESPONDENT OF A CIVIL PROTECTION ORDER ISSUED PURSUANT TO ARTICLE 14 OF THIS TITLE 13;

(d) A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER ISSUED AGAINST THE RESPONDENT AND A VIOLATION OF A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER;

(e) A CONVICTION OF THE RESPONDENT FOR A CRIME THAT INCLUDED AN UNDERLYING FACTUAL BASIS OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1);

(f) THE RESPONDENT'S OWNERSHIP, ACCESS TO, OR INTENT TO POSSESS A FIREARM;

(g) A CREDIBLE THREAT OF OR THE UNLAWFUL OR RECKLESS USE OF A FIREARM BY THE RESPONDENT;

(h) THE HISTORY OF USE, ATTEMPTED USE, OR THREATENED USE OF UNLAWFUL PHYSICAL FORCE BY THE RESPONDENT AGAINST ANOTHER PERSON, OR THE RESPONDENT'S HISTORY OF STALKING ANOTHER PERSON AS DESCRIBED IN SECTION 18-3-602;

(i) ANY PRIOR ARREST OF THE RESPONDENT FOR A CRIME LISTED IN SECTION 24-4.1-302 (1) OR SECTION 18-9-202;

(j) EVIDENCE OF THE ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL BY THE RESPONDENT;

(k) WHETHER THE RESPONDENT IS REQUIRED TO POSSESS, CARRY, OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S CURRENT EMPLOYMENT; AND

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(1) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR AMMUNITION BY THE RESPONDENT.

(4) THE COURT MAY:

(a) EXAMINE UNDER OATH THE PETITIONER, THE RESPONDENT, AND ANY WITNESSES THEY MAY PRODUCE, OR, IN LIEU OF EXAMINATION, CONSIDER SWORN AFFIDAVITS OF THE PETITIONER, THE RESPONDENT, AND ANY WITNESSES THEY MAY PRODUCE; AND

(b) REQUEST THAT THE COLORADO BUREAU OF INVESTIGATION CONDUCT A CRIMINAL HISTORY RECORD CHECK RELATED TO THE RESPONDENT AND PROVIDE THE RESULTS TO THE COURT UNDER SEAL.

(5) THE COURT SHALL ALLOW THE PETITIONER AND RESPONDENT TO PRESENT EVIDENCE AND CROSS-EXAMINE WITNESSES AND BE REPRESENTED BY AN ATTORNEY AT THE HEARING.

(6) IN A HEARING PURSUANT TO THIS ARTICLE 14.5, THE RULES OF EVIDENCE APPLY TO THE SAME EXTENT AS IN A CIVIL PROTECTION ORDER PROCEEDING PURSUANT TO ARTICLE 14 OF THIS TITLE 13.

(7) DURING THE HEARING, THE COURT SHALL CONSIDER ANY AVAILABLE MENTAL HEALTH EVALUATION OR CHEMICAL DEPENDENCY EVALUATION PROVIDED TO THE COURT.

(8) (a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION AUTHORIZED PURSUANT TO SECTION 27-65-106 (6).

(b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR 27-82-107. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION

ORDER, THE COURT SHALL ORDER AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR 27-82-107.

(9) AN EXTREME RISK PROTECTION ORDER MUST INCLUDE:

(a) A STATEMENT OF THE GROUNDS SUPPORTING THE ISSUANCE OF THE ORDER;

(b) THE DATE AND TIME THE ORDER WAS ISSUED;

(c) THE DATE AND TIME THE ORDER EXPIRES;

(d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE PLEADING SHOULD BE FILED;

(e) THE REQUIREMENTS FOR RELINQUISHMENT OF A FIREARM AND CONCEALED CARRY PERMIT PURSUANT TO SECTION 13-14.5-108; AND

(f) THE FOLLOWING STATEMENT:

TO THE SUBJECT OF THIS EXTREME RISK PROTECTION ORDER: THIS ORDER WILL LAST UNTIL THE DATE AND TIME NOTED ABOVE. IF YOU HAVE NOT DONE SO ALREADY, YOU MUST IMMEDIATELY SURRENDER ANY FIREARMS IN YOUR CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED TO YOU. YOU MAY NOT HAVE IN YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT, STARTING FROM THE DATE OF THIS ORDER AND CONTINUING THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS ORDER.

(10) WHEN THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT HE OR SHE IS ENTITLED TO REQUEST TERMINATION OF THE ORDER IN THE MANNER PRESCRIBED BY SECTION 13-14.5-107. THE COURT SHALL PROVIDE THE RESPONDENT WITH A FORM TO REQUEST A TERMINATION HEARING.

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(11) (a) IF THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S ISSUANCE.

(b) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S DENIAL.

(12) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER BUT ORDERED A TEMPORARY EXTREME RISK PROTECTION ORDER AND A LAW ENFORCEMENT AGENCY TOOK CUSTODY OF THE RESPONDENT'S CONCEALED CARRY PERMIT OR THE RESPONDENT SURRENDERED HIS OR HER CONCEALED CARRY PERMIT AS A RESULT OF THE TEMPORARY EXTREME RISK PROTECTION ORDER, THE SHERIFF WHO ISSUED THE CONCEALED CARRY PERMIT SHALL REISSUE THE CONCEALED CARRY PERMIT TO THE RESPONDENT WITHIN THREE DAYS, AT NO CHARGE TO THE RESPONDENT.

(13) IF COURT ISSUES AN EXTREME RISK PROTECTION ORDER AND THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE PETITIONER SHALL MAKE A GOOD-FAITH EFFORT TO PROVIDE NOTICE OF THE ORDER TO A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT AND TO ANY KNOWN THIRD PARTY WHO MAY BE AT DIRECT RISK OF VIOLENCE. THE NOTICE MUST INCLUDE REFERRALS TO APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL HEALTH, AND COUNSELING RESOURCES.

13-14.5-106. Service of protection orders. (1) AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 14.5.

(2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES SHALL SERVE THE RESPONDENT PERSONALLY.

(3) THE COURT CLERK SHALL FORWARD A COPY OF THE EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 ON OR BEFORE THE NEXT COURT DAY TO THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER FOR SERVICE. SERVICE OF AN ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 TAKES PRECEDENCE OVER THE SERVICE OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR

EMERGENCY NATURE.

(4) IF THE LAW ENFORCEMENT AGENCY CANNOT COMPLETE SERVICE UPON THE RESPONDENT WITHIN FIVE DAYS, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PETITIONER. THE PETITIONER SHALL THEN PROVIDE ANY ADDITIONAL INFORMATION REGARDING THE RESPONDENT'S WHEREABOUTS TO THE LAW ENFORCEMENT AGENCY TO EFFECT SERVICE. THE LAW ENFORCEMENT AGENCY MAY REQUEST ADDITIONAL TIME TO ALLOW FOR THE PROPER AND SAFE PLANNING AND EXECUTION OF THE COURT ORDER.

(5) IF AN EXTREME RISK PROTECTION ORDER ENTERED BY THE COURT STATES THAT THE RESPONDENT APPEARED IN PERSON BEFORE THE COURT, THE NECESSITY FOR FURTHER SERVICE IS WAIVED, AND PROOF OF SERVICE OF THAT ORDER IS NOT NECESSARY.

(6) RETURNS OF SERVICE PURSUANT TO THIS ARTICLE 14.5 MUST BE MADE IN ACCORDANCE WITH THE APPLICABLE COURT RULES.

(7) IF THE RESPONDENT IS A VETERAN AND THERE ARE ANY CRIMINAL CHARGES AGAINST THE RESPONDENT THAT RESULT FROM THE SERVICE OR ENFORCEMENT OF THE EXTREME RISK PROTECTION ORDER, THE JUDGE SHALL REFER THE CASE TO A VETERANS COURT IF THE JURISDICTION HAS A VETERANS COURT AND THE CHARGES ARE VETERANS COURT ELIGIBLE.

13-14.5-107. Termination or renewal of protection orders.

(1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT HE OR SHE NO LONGER POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR

RECEIVING A FIREARM. THE COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

(b) THE COURT MAY CONTINUE THE HEARING IF THE COURT DETERMINES THAT IT CANNOT ENTER A TERMINATION ORDER AT THE HEARING BUT DETERMINES THAT THERE IS A STRONG POSSIBILITY THAT THE COURT COULD ENTER A TERMINATION ORDER AT A FUTURE DATE BEFORE THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER. IF THE COURT CONTINUES THE HEARING, THE COURT SHALL SET THE DATE FOR THE NEXT HEARING PRIOR TO THE DATE FOR THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER.

(2) **Renewal.** (a) THE COURT SHALL NOTIFY THE PETITIONER OF THE IMPENDING EXPIRATION OF AN EXTREME RISK PROTECTION ORDER SIXTY-THREE CALENDAR DAYS BEFORE THE DATE THAT THE ORDER EXPIRES.

(b) A PETITIONER, A FAMILY OR HOUSEHOLD MEMBER OF A RESPONDENT, OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY, BY MOTION, REQUEST A RENEWAL OF AN EXTREME RISK PROTECTION ORDER AT ANY TIME WITHIN SIXTY-THREE CALENDAR DAYS BEFORE THE EXPIRATION OF THE ORDER.

(c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND (1)(c).

(d) IN DETERMINING WHETHER TO RENEW AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL CONSIDER ALL RELEVANT EVIDENCE AND FOLLOW THE SAME PROCEDURE AS PROVIDED IN SECTION 13-14.5-105.

(e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A

FIREARM, THE COURT SHALL RENEW THE ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING THE REASON FOR THE REQUESTED RENEWAL.

(3) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED OR NOT RENEWED FOR ANY REASON, THE LAW ENFORCEMENT AGENCY STORING THE RESPONDENT'S FIREARMS SHALL PROVIDE NOTICE TO THE RESPONDENT REGARDING THE PROCESS FOR THE RETURN OF THE FIREARMS.

13-14.5-108. Surrender of a firearm. (1) (a) UPON ISSUANCE OF AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

(I) SELLING OR TRANSFERRING POSSESSION OF THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION MUST NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM;

(II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL PRESERVE THE FIREARM IN A SUBSTANTIALLY SIMILAR CONDITION THAT THE FIREARM WAS IN WHEN IT WAS SURRENDERED. IF THE RESPONDENT DOES NOT CHOOSE THE OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION, A LOCAL LAW ENFORCEMENT AGENCY SHALL STORE THE FIREARM; OR

(III) ONLY FOR EITHER AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED IN 27 CFR 478.11, AS AMENDED, TRANSFERRING POSSESSION OF THE ANTIQUE FIREARM OR CURIO OR RELIC TO A RELATIVE WHO DOES NOT LIVE WITH THE RESPONDENT AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK, THE RELATIVE IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A

FIREARM UNDER FEDERAL AND STATE LAW.

(b) THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER ANY CONCEALED CARRY PERMIT TO THE LAW ENFORCEMENT OFFICER SERVING THE EXTREME RISK PROTECTION ORDER.

(2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN HIS OR HER CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE RESPONDENT ELECTS TO SELL OR TRANSFER THE FIREARMS TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, THE LAW ENFORCEMENT OFFICER OR AGENCY SHALL MAINTAIN CUSTODY OF THE FIREARMS UNTIL THEY ARE SOLD OR TRANSFERRED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION. THE LAW ENFORCEMENT OFFICER SHALL TAKE POSSESSION OF ALL FIREARMS AND ANY SUCH PERMIT BELONGING TO THE RESPONDENT THAT ARE SURRENDERED, IN PLAIN SIGHT, OR DISCOVERED PURSUANT TO A LAWFUL SEARCH. ALTERNATIVELY, IF PERSONAL SERVICE BY THE LAW ENFORCEMENT AGENCY IS NOT POSSIBLE, OR NOT REQUIRED BECAUSE THE RESPONDENT WAS PRESENT AT THE EXTREME RISK PROTECTION ORDER HEARING, THE RESPONDENT SHALL SURRENDER THE FIREARMS AND ANY CONCEALED CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER BY ALTERNATE SERVICE OR WITHIN TWENTY-FOUR HOURS AFTER THE HEARING AT WHICH THE RESPONDENT WAS PRESENT.

(b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR OFFICER HAS

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CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION 13-14-105.5 (2)(c). THE LAW ENFORCEMENT OFFICER SHALL REQUEST THAT THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH PERMITTED BY LAW FOR THE PERMIT.

(3) AT THE TIME OF SURRENDER OR TAKING CUSTODY PURSUANT TO SECTION 16-3-301.5, A LAW ENFORCEMENT OFFICER TAKING POSSESSION OF A FIREARM OR A CONCEALED CARRY PERMIT SHALL ISSUE A RECEIPT IDENTIFYING ALL FIREARMS AND ANY PERMIT THAT HAVE BEEN SURRENDERED OR TAKEN CUSTODY OF AND PROVIDE A COPY OF THE RECEIPT TO THE RESPONDENT. WITHIN SEVENTY-TWO HOURS AFTER SERVICE OF THE ORDER, THE OFFICER SERVING THE ORDER SHALL FILE THE ORIGINAL RECEIPT WITH THE COURT AND SHALL ENSURE THAT HIS OR HER LAW ENFORCEMENT AGENCY RETAINS A COPY OF THE RECEIPT, OR, IF THE OFFICER DID NOT TAKE CUSTODY OF ANY FIREARMS, SHALL FILE A STATEMENT TO THAT EFFECT WITH THE COURT.

(4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, CONTROL, OR POSSESSION. IF PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE ITEMS TO BE TAKEN INTO CUSTODY.

(5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND HE OR SHE IS DETERMINED BY THE LAW ENFORCEMENT AGENCY TO BE THE LAWFUL OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO HIM OR HER IF:

(a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE THE

FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR CONTROL OF THE FIREARM; AND

(b) THE FIREARM IS NOT OTHERWISE UNLAWFULLY POSSESSED BY THE LAWFUL OWNER.

(6) (a) WITHIN FORTY-EIGHT HOURS AFTER THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER, A RESPONDENT SUBJECT TO THE ORDER MAY EITHER:

(I) FILE WITH THE COURT THAT ISSUED THE ORDER ONE OR MORE PROOFS OF RELINQUISHMENT OR REMOVAL SHOWING THAT ALL FIREARMS PREVIOUSLY IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT, WERE RELINQUISHED TO OR REMOVED BY A LAW ENFORCEMENT AGENCY, AND ATTEST TO THE COURT THAT THE RESPONDENT DOES NOT CURRENTLY HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION, AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY PERMIT; OR

(II) ATTEST TO THE COURT THAT:

(A) AT THE TIME THE ORDER WAS ISSUED, THE RESPONDENT DID NOT HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND DID NOT HAVE A CONCEALED CARRY PERMIT; AND

(B) THE RESPONDENT DOES NOT CURRENTLY HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY PERMIT.

(b) IF TWO FULL COURT DAYS HAVE ELAPSED SINCE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER AND THE RESPONDENT HAS MADE NEITHER THE FILING AND ATTESTATION PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION NOR THE ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION, THE CLERK OF THE COURT FOR THE COURT THAT ISSUED THE ORDER SHALL INFORM THE LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY IN WHICH THE COURT IS LOCATED THAT THE RESPONDENT HAS NOT FILED THE FILING AND ATTESTATION PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION OR THE ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION.

(c) A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A NOTIFICATION PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION SHALL MAKE A GOOD FAITH EFFORT TO DETERMINE WHETHER THERE IS EVIDENCE THAT THE RESPONDENT HAS FAILED TO RELINQUISH ANY FIREARM IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION OR A CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT.

(7) THE PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL DEVELOP MODEL POLICIES AND PROCEDURES BY DECEMBER 1, 2019, REGARDING THE ACCEPTANCE, STORAGE, AND RETURN OF FIREARMS REQUIRED TO BE SURRENDERED PURSUANT TO THIS ARTICLE 14.5 OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 AND SHALL PROVIDE THOSE MODEL POLICIES AND PROCEDURES TO ALL LAW ENFORCEMENT AGENCIES. EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE MODEL POLICIES AND PROCEDURES OR ADOPT THEIR OWN POLICIES AND PROCEDURES BY JANUARY 1, 2020.

13-14.5-109. Firearms - return - disposal. (1) IF AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN SURRENDERED PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY OF A FIREARM, OR A RELATIVE WITH CUSTODY OF AN ANTIQUE FIREARM OR CURIO OR RELIC PURSUANT TO SECTION 13-14.5-108 (1)(a)(III), MUST RETURN THE FIREARM REQUESTED BY A RESPONDENT WITHIN THREE DAYS ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED WITHOUT RENEWAL.

(2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED, WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE DISPOSAL OF

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FIREARMS IN POLICE CUSTODY.

13-14.5-110. Reporting of extreme risk protection orders.

(1) THE COURT CLERK SHALL ENTER ANY EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 INTO A STATEWIDE JUDICIAL INFORMATION SYSTEM ON THE SAME DAY THE ORDER IS ISSUED.

(2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE USED BY LAW ENFORCEMENT AGENCIES. THE ORDER MUST REMAIN IN EACH SYSTEM FOR THE PERIOD STATED IN THE ORDER, AND THE LAW ENFORCEMENT AGENCY SHALL ONLY EXPUNGE ORDERS FROM THE SYSTEMS THAT HAVE EXPIRED OR TERMINATED AND SHALL PROMPTLY REMOVE THE EXPIRED OR TERMINATED ORDERS. ENTRY INTO THE COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

(3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,

ARE NO LONGER IN EFFECT.

(4) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED BEFORE ITS EXPIRATION DATE, THE COURT CLERK SHALL FORWARD, ON THE SAME DAY AS THE TERMINATION ORDER, A COPY OF THE TERMINATION ORDER TO THE COLORADO BUREAU OF INVESTIGATION AND THE APPROPRIATE LAW ENFORCEMENT AGENCY SPECIFIED IN THE TERMINATION ORDER. UPON RECEIPT OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(5) UPON THE EXPIRATION OF A TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER, THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER SHALL PROMPTLY REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(6) AN EXTREME RISK PROTECTION ORDER DOES NOT CONSTITUTE A FINDING THAT A RESPONDENT IS A PROHIBITED PERSON PURSUANT TO 18 U.S.C. SEC. 922 (d)(4) OR (g)(4). THIS SUBSECTION (6) DOES NOT ALTER A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER, AND A RESPONDENT SUBJECT TO A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE LAW. THIS SUBSECTION (6) DOES NOT CHANGE THE DUTY TO ENTER A TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER INTO THE APPROPRIATE DATABASES PURSUANT TO SECTION 13-14.5-110.

13-14.5-111. Penalties. ANY PERSON WHO HAS IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR PURCHASES, POSSESSES, OR RECEIVES A FIREARM WITH KNOWLEDGE THAT HE OR SHE IS PROHIBITED FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

13-14.5-112. Other authority retained. THIS ARTICLE 14.5 DOES NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A

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SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL AUTHORITY.

13-14.5-113. Liability. (1) EXCEPT AS PROVIDED IN SECTION 13-14.5-111, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL OR CIVIL LIABILITY ON ANY PERSON OR ENTITY FOR ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO REPORTING, DECLINING TO REPORT, INVESTIGATING, DECLINING TO INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS ARTICLE 14.5.

(2) A PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR THOSE ACTS.

13-14.5-114. Instructional and informational material - definition. (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES. THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.

(b) THE EXTREME RISK PROTECTION ORDER FORM MUST INCLUDE, IN A CONSPICUOUS LOCATION, NOTICE OF CRIMINAL PENALTIES RESULTING FROM VIOLATION OF THE ORDER AND THE FOLLOWING STATEMENT:

YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN FROM VIOLATING THIS EXTREME RISK PROTECTION ORDER'S PROVISIONS. ONLY THE COURT CAN CHANGE THE ORDER AND ONLY UPON WRITTEN MOTION.

(2) A COURT CLERK FOR EACH JUDICIAL DISTRICT SHALL CREATE A COMMUNITY RESOURCE LIST OF CRISIS INTERVENTION, MENTAL HEALTH,

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SUBSTANCE ABUSE, INTERPRETER, COUNSELING, AND OTHER RELEVANT RESOURCES SERVING THE COUNTY IN WHICH THE COURT IS LOCATED. THE COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE A MASTER COPY OF THE STANDARD PETITION AND EXTREME RISK PROTECTION ORDER FORMS TO ALL COURT CLERKS AND ALL DISTRICT AND COUNTY COURTS.

(4) COURTS SHALL ACCEPT PETITIONS PURSUANT TO SECTIONS 13-14.5-103 AND 13-14.5-104 BEGINNING ON JANUARY 1, 2020.

SECTION 2. In Colorado Revised Statutes, 13-3-101, **add** (13) as follows:

13-3-101. State court administrator. (13) THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL PRESENT AT THE JUDICIAL DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203 STATISTICS RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE 14.5 OF THIS TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF PETITIONS FILED FOR TEMPORARY EXTREME RISK PROTECTION ORDERS, THE NUMBER OF PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION ORDERS RENEWED. THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL ALSO REPORT STATE COURT DATA RELATED TO ALL PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO, WITHIN THIRTY DAYS AFTER THE ISSUANCE OR EXECUTION OF THE PROTECTION ORDER, ARE CHARGED WITH A CRIMINAL OFFENSE. THE REPORT MUST INCLUDE THE NATURE OF THE CRIMINAL OFFENSE, INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR VIOLATION OF THE EMERGENCY RISK PROTECTION ORDER AND THE DISPOSITION OR STATUS OF THAT CRIMINAL OFFENSE.

SECTION 3. In Colorado Revised Statutes, **add** 16-3-301.5 as follows:

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16-3-301.5. Search warrant for firearms possessed by a respondent in an extreme risk protection order. (1) ANY COURT MAY ISSUE A SEARCH WARRANT TO SEARCH FOR AND TAKE CUSTODY OF ANY FIREARM IN THE POSSESSION OF A NAMED RESPONDENT IN AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13 IF THE APPLICATION FOR THE WARRANT COMPLIES WITH ALL REQUIRED PROVISIONS OF SECTION 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY PROBABLE CAUSE:

(a) THAT THE NAMED PERSON IS A NAMED RESPONDENT IN AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13; AND

(b) THAT THE NAMED PERSON IS IN POSSESSION OF ONE OR MORE FIREARMS; AND

(c) THE LOCATION OF SUCH FIREARMS; AND

(d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND RELIABLE.

(2) THE RETURN OR DISPOSAL OF ANY FIREARM TAKEN CUSTODY OF PURSUANT TO THIS SECTION SHALL BE ACCOMPLISHED PURSUANT TO SECTION 13-14.5-109.

SECTION 4. In Colorado Revised Statutes, 18-12-203, **amend** (1)(g)(II) and (1)(g)(III); and **add** (1)(g)(IV) as follows:

18-12-203. Criteria for obtaining a permit. (1) Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(g) Is not subject to:

(II) A permanent protection order issued pursuant to article 14 of title 13; ~~C.R.S.~~; or

(III) A temporary protection order issued pursuant to article 14 of title 13 ~~C.R.S.~~; that is in effect at the time the application is submitted; OR

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(IV) A TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-103 (3) OR AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 (2);

SECTION 5. Appropriation. For the 2019-20 state fiscal year, \$119,392 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for court costs, jury costs, and court-appointed counsel.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

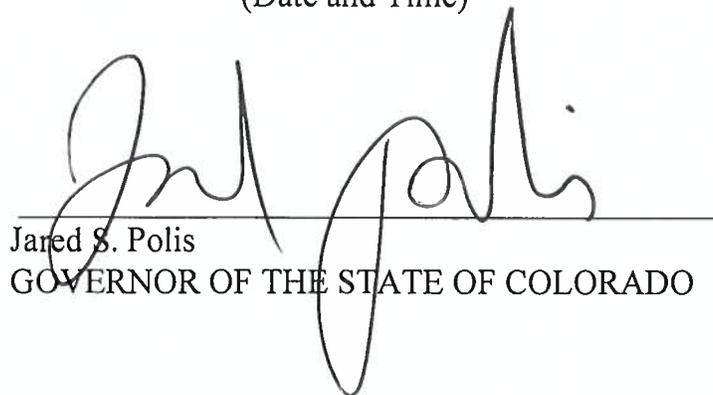


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED APRIL 12, 2019 AT 12:25 P.M.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1179

BY REPRESENTATIVE(S) Gray, Bird, Kraft-Tharp, Titone, Snyder;
also SENATOR(S) Lee, Tate.

CONCERNING THE FINANCIAL RISK PROFILES OF LEGAL INVESTMENTS OF
PUBLIC FUNDS.

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

SECTION 1. In Colorado Revised Statutes, 24-75-601, **add** (4) and (5) as follows:

24-75-601. Definitions. (4) "NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS" OR "NRSRO" MEANS A CREDIT RATING AGENCY THAT IS REGISTERED WITH THE U.S. SECURITIES AND EXCHANGE COMMISSION'S OFFICE OF CREDIT RATINGS.

(5) "NEGOTIABLE CERTIFICATE OF DEPOSIT" MEANS AN UNSECURED, NONCOLLATERALIZED OBLIGATION OF A BANK TO PAY THE HOLDER OF A NEGOTIABLE CERTIFICATE OF DEPOSIT SPECIFIED PRINCIPAL, PLUS INTEREST, UPON A PARTICULAR MATURITY. A NEGOTIABLE CERTIFICATE OF DEPOSIT IS A SECURITY SUBJECT TO FEDERAL SECURITIES LAW AND CAN BE UNIQUELY IDENTIFIED BY A SECURITY IDENTIFIER ISSUED BY THE COMMITTEE ON

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.

UNIFORM SECURITIES IDENTIFICATION PROCEDURES.

SECTION 2. In Colorado Revised Statutes, 24-75-601.1, **amend** (1)(d)(II) introductory portion, (1)(d)(II)(A), (1)(e)(II), (1)(h.5), (1)(k)(III), (1)(l)(I), (1)(m)(I) introductory portion, (1.3)(a) introductory portion, and (1.3)(a)(I); **repeal** (1)(k)(IV); and **add** (1)(m)(I)(C) and (1)(m)(IV) as follows:

24-75-601.1. Legal investments of public funds - definition. (1) It is lawful to invest public funds in any of the following securities:

(d) (II) No security may be purchased pursuant to this ~~paragraph (d)~~ SUBSECTION (1)(d) unless:

(A) At the time of purchase, the security carries at least two credit ratings at or above "~~A~~ A- OR A3" or its equivalent from ~~nationally recognized statistical rating organizations~~ NRSROs if it is a general obligation of this state or of any political subdivision, institution, department, agency, instrumentality, or authority of this state or carries at least two credit ratings at or above "~~AA~~ AA- OR Aa3" or its equivalent from such ~~organizations~~ NRSROs if it is a general obligation of any other governmental entity listed in ~~subparagraph (I) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION;

(e) (II) No security may be purchased pursuant to this ~~paragraph (e)~~ SUBSECTION (1)(e) unless, at the time of purchase, the security carries at least two credit ratings at or above "~~A~~ A- OR A3" or its equivalent from ~~nationally recognized statistical rating organizations~~ NRSROs if it is a revenue obligation of this state or of any political subdivision, institution, department, agency, instrumentality, or authority of this state or carries at least two credit ratings at or above "~~AA~~ AA- OR Aa3" or its equivalent from such ~~organizations~~ NRSROs if it is a revenue obligation of any other governmental entity listed in ~~subparagraph (I) of this paragraph (e)~~ SUBSECTION (1)(e)(I) OF THIS SECTION.

(h.5) Any certificate of participation or other security evidencing rights in payments to be made by a school district under a lease, lease-purchase agreement, or similar arrangement if the security, at the time of purchase, carries at least two credit ratings from ~~nationally recognized statistical rating organizations~~ NRSROs and is rated at or above "~~A~~ A- OR

A3" or its equivalent by all such organizations that have provided a rating;

(k) Any money market fund that is registered as an investment company under the federal "Investment Company Act of 1940", as amended, if, at the time the investing public entity invests in such fund:

~~(III) The investments of The fund consist only of securities with a maximum remaining maturity as specified in OPERATES IN ACCORDANCE WITH rule 2a-7 under the federal "Investment Company Act of 1940", as amended, or any successor regulation under such THAT act regulating money market funds. THE FUND MUST HAVE AN INVESTMENT POLICY OR OBJECTIVE WHICH SEEKS TO MAINTAIN A STABLE NET ASSET VALUE OF ONE DOLLAR PER SHARE. so long as such rule 2a-7 is not amended to, or such successor regulation does not, increase the maximum remaining maturity of such securities to a period that is greater than three years, and if the fund has assets of one billion dollars or more, or has the highest current credit rating from one or more nationally recognized statistical rating organizations:~~

~~(IV) The dollar-weighted average portfolio maturity of the fund meets the requirements specified in rule 2a-7 under the federal "Investment Company Act of 1940", as amended, or any successor regulation under such act regulating money market funds, so long as such rule 2a-7 is not amended to increase the dollar-weighted average portfolio maturity of a fund to a period greater than one hundred eighty days:~~

(l) (I) Any guaranteed investment contract, guaranteed interest contract, annuity contract, or funding agreement if, at the time the contract or agreement is entered into, the long-term credit rating, financial obligations rating, claims paying ability rating, or financial strength rating of the party, or of the guarantor of the party, with whom the public entity enters the contract or agreement is, at the time of issuance, rated in one of the two highest rating categories by two or more nationally recognized statistical rating organizations NRSROs.

(m) (I) Any corporate or bank security that is denominated in United States dollars, that matures within three years from the date of settlement, that at the time of purchase carries at least two credit ratings from any of the nationally recognized statistical ratings organizations NRSROs, and that is not rated below:

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(C) THESE RATING REQUIREMENTS FIRST APPLY TO THE SECURITY BEING PURCHASED AND SECOND, IF THE SECURITY ITSELF IS UNRATED, TO THE ISSUER, PROVIDED THE SECURITY CONTAINS NO PROVISIONS SUBORDINATING IT FROM BEING A SENIOR DEBT OBLIGATION OF THE ISSUER.

(IV) AS USED IN THIS SUBSECTION (1)(m), THE TERM "BANK SECURITY" INCLUDES NEGOTIABLE CERTIFICATES OF DEPOSIT ISSUED BY BANKS ORGANIZED AND CHARTERED WITHIN THE UNITED STATES. PUBLIC ENTITIES MUST CONSIDER THESE BANK SECURITIES AS INVESTMENTS AND NOT DEPOSITS SUBJECT TO THE PROTECTIONS OF THE "PUBLIC DEPOSIT PROTECTION ACT", ARTICLE 10.5 OF TITLE 11, OR INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

(1.3) (a) Except as provided in ~~paragraph (a) of subsection (1) of this section and except as provided in paragraph (b) of this subsection (1.3)~~ SUBSECTIONS (1)(a) AND (1.3)(b) OF THIS SECTION, public funds ~~shall~~ MUST not be invested in any security on which the coupon rate is not fixed, or a schedule of specific fixed coupon rates is not established, from the time the security is settled until its maturity date, other than shares in qualified money market mutual funds, unless the coupon rate is:

(I) ~~Established by reference to the rate on a United States treasury security with a maturity of one year or less or to the United States dollar London interbank offer rate of one year or less maturity, or to~~ THE SECURED OVERNIGHT FINANCING RATE, THE FEDERAL FUNDS RATE, OR OTHER REFERENCE RATES WHICH ARE SIMILAR TO THE UNITED STATES DOLLAR LONDON INTERBANK OFFER RATE, THE SECURED OVERNIGHT FINANCING RATE, THE FEDERAL FUNDS RATE, the cost of funds index, or the prime rate as published by the federal reserve; and

SECTION 3. In Colorado Revised Statutes, 24-75-702, **amend** (1) as follows:

24-75-702. Local governments - authority to pool surplus funds.

(1) In accordance with ~~the provisions of this part 7,~~ it is lawful for any local government to pool any ~~moneys~~ MONEY in its treasury, which ~~are~~ IS not immediately required to be disbursed, with the same ~~such moneys~~ MONEY in the treasury of any other local government and to ~~deposit~~ INVEST such ~~moneys~~ MONEY in a local government investment pool trust fund in order to ~~take advantage of short-term investments and maximize net interest~~

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earnings MORE EFFICIENTLY AND SAFELY INVEST THEIR FUNDS.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

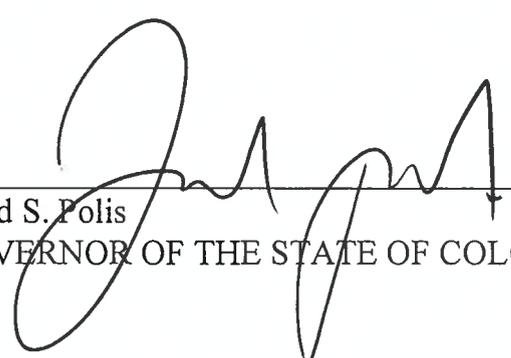


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 23, 2019 at 5:31 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1191

BY REPRESENTATIVE(S) Arndt, Bockenfeld, Buckner, Buentello, Carver, Duran, Esgar, Exum, Gray, Hansen, Kipp, Liston, Lontine, McCluskie, McLachlan, Mullica, Ransom, Roberts, Saine, Sandridge, Singer, Snyder, Tipper, Titone, Valdez A., Valdez D., Becker, Baisley, Bird, Froelich, Herod, Kraft-Tharp, Michaelson Jenet, Sullivan; also SENATOR(S) Donovan, Bridges, Cooke, Crowder, Fields, Gardner, Ginal, Hisey, Lundeen, Marble, Moreno, Priola, Scott, Smallwood, Sonnenberg, Tate, Woodward, Garcia.

CONCERNING THE ABILITY OF A FARM STAND TO BE OPERATED ON A PRINCIPAL USE SITE OF ANY SIZED LAND AREA REGARDLESS OF WHETHER THE SITE HAS BEEN ZONED BY A LOCAL GOVERNMENT FOR AGRICULTURAL OPERATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** article 31 to title 29 as follows:

ARTICLE 31 **Farm Stands**

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.

29-31-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DECLARES, AND DETERMINES THAT:

(a) THE DIRECT MARKETING OF AGRICULTURAL PRODUCTS TO THE PUBLIC THROUGH FARM STANDS BENEFITS THE AGRICULTURAL COMMUNITY AND THE CONSUMER BY, AMONG OTHER BENEFITS, PROVIDING AN ALTERNATIVE METHOD FOR AGRICULTURAL PRODUCERS TO SELL THEIR PRODUCTS WHILE SUPPLYING QUALITY AGRICULTURAL PRODUCTS AT REASONABLE PRICES;

(b) THE DIRECT MARKETING OF AGRICULTURAL PRODUCTS BENEFITS THE AGRICULTURE INDUSTRY BY BRINGING PRODUCERS OF AGRICULTURAL GOODS FACE-TO-FACE WITH CONSUMERS;

(c) THE STATE HAS A COMPELLING INTEREST IN MAXIMIZING THE PROMOTION OF AGRICULTURAL GOODS PRODUCED OR GROWN IN COLORADO AND IN PROMOTING ACCESS TO A WIDE VARIETY OF COLORADO-PRODUCED AGRICULTURAL PRODUCTS;

(d) FARM STANDS ALLOW FARMERS AND OTHER AGRICULTURAL PRODUCERS TO SELL FRESH AGRICULTURAL PRODUCE AND OTHER AGRICULTURAL GOODS GROWN ON THE PRINCIPAL USE SITE ON WHICH THE FARM STAND IS LOCATED AS WELL AS OTHER FOOD PRODUCTS MADE WITH INGREDIENTS PRODUCED ON OR NEAR THE PRINCIPAL USE SITE; AND

(e) IN MANY JURISDICTIONS ACROSS THE STATE, A FARM STAND IS NOT PERMITTED TO OPERATE IF LOCATED ON A PRINCIPAL USE SITE THAT IS SMALLER THAN A CERTAIN ACREAGE SIZE. THESE RESTRICTIONS OPERATE IN THIS MANNER BECAUSE, IN MANY JURISDICTIONS ACROSS THE STATE, A PRINCIPAL USE SITE CANNOT BE CLASSIFIED AS A FARM THAT IS ABLE TO CONDUCT AGRICULTURAL OPERATIONS UNLESS THE SITE EXCEEDS A CERTAIN MINIMUM ACREAGE REQUIREMENT.

(2) BY ENACTING THIS ARTICLE 31 THE GENERAL ASSEMBLY INTENDS TO PROVIDE A UNIFORM AND CONSISTENT PERMISSION ACROSS THE STATE FOR FARM STANDS TO UNDERTAKE AGRICULTURAL OPERATIONS ON PRINCIPAL USE SITES THAT ARE SMALLER THAN A CERTAIN ACREAGE SIZE. SUCH UNIFORMITY IN THE LAW PREVENTS INCONSISTENT APPLICATION OF THE LAW, DEPENDING UPON THE POLITICAL SUBDIVISION IN WHICH A FARM STAND MAY BE OPERATED, AND ASSISTS WITH THE STATE'S EFFORTS TO

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SUPPORT TO THE GREATEST EXTENT POSSIBLE THE MARKETING OF AGRICULTURAL GOODS PRODUCED OR GROWN IN COLORADO AND THE PROMOTION OF A WIDE VARIETY OF COLORADO-PRODUCED AGRICULTURAL PRODUCTS. TOWARD THIS END, THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE MATTERS ADDRESSED IN THIS ARTICLE 31 ARE MATTERS OF STATEWIDE CONCERN.

29-31-102. Definitions. AS USED IN THIS ARTICLE 31, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AGRICULTURAL OPERATIONS" HAS THE SAME MEANING AS SPECIFIED IN SECTION 35-3.5-102 (4).

(2) "FARM STAND" MEANS A TEMPORARY OR PERMANENT STRUCTURE USED FOR THE SALE AND DISPLAY OF AGRICULTURAL PRODUCTS RESULTING FROM AGRICULTURAL OPERATIONS THAT ARE CONDUCTED ON THE PRINCIPAL USE SITE ON WHICH THE FARM STAND IS LOCATED. A FARM STAND MAY SELL AND DISPLAY AGRICULTURAL PRODUCTS RESULTING FROM AGRICULTURAL OPERATIONS NOT CONDUCTED ON THE PRINCIPAL USE SITE TO THE EXTENT PERMITTED BY THE APPLICABLE LOCAL GOVERNMENT.

(3) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, HOME RULE COUNTY, OR CITY AND COUNTY.

(4) "PRINCIPAL USE" MEANS THE PRIMARY PURPOSE FOR WHICH A STRUCTURE OR LOT IS DESIGNED, ARRANGED, OR INTENDED.

(5) "PRINCIPAL USE SITE" MEANS THE PARCEL OF REAL PROPERTY ON WHICH A BUSINESS UNDERTAKES ITS PRINCIPAL USE OF THE PROPERTY.

29-31-103. Farm stands. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FARM STAND MAY BE LOCATED ON A PARCEL OF ANY SIZE. THE RETAIL SALE OF GOODS TO THE PUBLIC BY A FARM STAND MUST INCLUDE GOODS OR OTHER AGRICULTURAL PRODUCTS THAT ARE GROWN OR PRODUCED ON THE PRINCIPAL USE SITE ON WHICH THE FARM STAND IS LOCATED OR MAY INCLUDE AGRICULTURAL PRODUCTS RESULTING FROM AGRICULTURAL OPERATIONS THAT ARE NOT CONDUCTED ON THE PRINCIPAL USE SITE TO THE EXTENT PERMITTED BY THE APPLICABLE LOCAL GOVERNMENT. NOTHING IN THIS ARTICLE 31 PROHIBITS A LOCAL GOVERNMENT FROM REQUIRING THE OPERATOR OF A FARM STAND TO OBTAIN

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A VALID LICENSE OR PERMIT OR TO COMPLY WITH ANY OTHER APPLICABLE LAWS PRIOR TO OPERATING THE FARM STAND BUT IN NO WAY SHALL SUCH LOCAL PERMITTING, LICENSING, OR OTHER APPLICABLE LEGAL REQUIREMENTS DENY THE USE OF THE SITE AS DESCRIBED IN THIS SECTION.

SECTION 2. Effective date. This act takes effect July 1, 2019.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

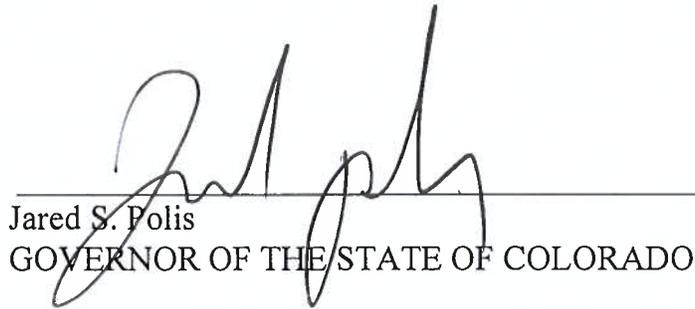


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED APRIL 12, 2019 AT 11:46 A.M.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1210

BY REPRESENTATIVE(S) Melton and Galindo, Arndt, Benavidez, Buckner, Buentello, Caraveo, Coleman, Duran, Exum, Gonzales-Gutierrez, Herod, Jackson, Kennedy, McLachlan, Michaelson Jenet, Mullica, Singer, Sirota, Sullivan, Weissman, Bird, Garnett, Hansen, Hooton, Kipp, Lontine, Valdez A., Cutter, Jaquez Lewis, McCluskie;
also SENATOR(S) Danielson and Moreno, Court, Fields, Foote, Ginal, Gonzales, Lee, Pettersen, Rodriguez, Story, Todd, Zenzinger.

CONCERNING THE REPEAL OF THE PROHIBITIONS ON A LOCAL GOVERNMENT
ESTABLISHING MINIMUM WAGE LAWS WITHIN ITS JURISDICTION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Despite a statewide minimum wage rate, many Colorado workers struggle to afford the basic necessities of life;

(b) The cost of living can vary significantly from one community to another in Colorado;

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.

(c) Addressing the minimum wage needs of workers is a matter of both state and local concern;

(d) Local minimum wage laws that can exceed the minimum wage required by state law offer local governments a way to address the particular minimum wage needs of workers and businesses in their jurisdiction;

(e) Studies of local minimum wage laws have shown that such laws can increase earnings for workers without negatively affecting employment;

(f) While state minimum wage laws can set a useful floor for workers and businesses, local governments should be able to listen to their residents and enact local minimum wage laws that better address their unique needs; and

(g) Ensuring that workers in Colorado can support themselves and their families benefits the larger economy and well-being of the state.

(2) Therefore, it is the intent of the general assembly to address the needs of workers across the state by empowering local governments to adopt local minimum wage laws requiring a higher minimum wage than the state when local governments determine that such laws are in the best interest of their jurisdiction.

SECTION 2. In Colorado Revised Statutes, **add** part 14 to article 1 of title 29 as follows:

PART 14
AUTHORITY OF LOCAL GOVERNMENT
TO ENACT MINIMUM WAGE

29-1-1401. Authority of a local government to enact minimum wage laws - definition. (1) A LOCAL GOVERNMENT MAY ENACT A LAW ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS PERFORMING WORK WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S JURISDICTION IN ACCORDANCE WITH SECTION 8-6-101.

(2) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A:

(a) CITY;

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- (b) HOME RULE CITY;
- (c) TOWN;
- (d) TERRITORIAL CHARTER CITY;
- (e) CITY AND COUNTY;
- (f) COUNTY; OR
- (g) HOME RULE COUNTY.

SECTION 3. In Colorado Revised Statutes, 8-3-102, **amend** (1) introductory portion; and **repeal** (1)(g)(II), (1)(g)(II.5), and (1)(g)(III) as follows:

8-3-102. Legislative declaration. (1) The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this ~~article~~ ARTICLE 3 is enacted, is declared to be as follows:

~~(g) (II) No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide law or ordinance with respect to minimum wages unless specifically authorized to do so by this article; except that a unit of local government may set minimum wages paid to its own employees.~~

~~(II.5) Notwithstanding the provisions of subparagraph (II) of this paragraph (g), any local government regulation or law pertaining to minimum wages in effect as of January 1, 1999, shall remain in full force and effect until such law is repealed by the local government entity that enacted the law.~~

~~(III) If it is determined by the officer or agency responsible for distributing federal moneys to a local government that compliance with this paragraph (g) may cause denial of federal moneys that would otherwise be available or would otherwise be inconsistent with requirements of federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal requirements.~~

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SECTION 4. In Colorado Revised Statutes, 8-6-101, **amend** (3); **repeal** (2); and **add** (4), (5), (6), (7), (8), (9), and (10) as follows:

8-6-101. Legislative declaration - minimum wage of workers - authority of a local government to enact minimum wage laws - enforcement - definition. (2) ~~The general assembly hereby finds and determines that issues related to the wages of workers in Colorado have important statewide ramifications for the labor force in this state. The general assembly, therefore, declares that the minimum wages of workers in this state are a matter of statewide concern:~~

(3) (a) (I) ~~No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide laws with respect to minimum wages, except that a unit of local government may set minimum wages paid to its own employees~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL GOVERNMENT MAY ENACT THROUGH ITS GOVERNING BODY OR, WHEN AVAILABLE, THROUGH ITS INITIATIVE OR REFERENDUM POWERS, A LAW ESTABLISHING MINIMUM WAGES FOR INDIVIDUALS PERFORMING, OR EXPECTED TO PERFORM, FOUR OR MORE HOURS OF WORK FOR AN EMPLOYER IN ANY GIVEN WEEK WITHIN THE GEOGRAPHIC BOUNDARIES OF THE LOCAL GOVERNMENT'S JURISDICTION. MINIMUM WAGES ESTABLISHED IN ACCORDANCE WITH THIS SECTION MAY EXCEED THE STATEWIDE MINIMUM WAGE ESTABLISHED IN ACCORDANCE WITH SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION, ANY OTHER MINIMUM WAGE ESTABLISHED BY STATE LAW, OR ANY MINIMUM WAGE ESTABLISHED BY FEDERAL LAW; EXCEPT THAT A LOCAL GOVERNMENT THAT ENACTS A MINIMUM WAGE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL PROVIDE A TIP OFFSET FOR EMPLOYEES OF ANY BUSINESS OR ENTERPRISE THAT PREPARES AND OFFERS FOR SALE FOOD OR BEVERAGES FOR CONSUMPTION EITHER ON OR OFF THE PREMISES EQUAL TO THE TIP OFFSET PROVIDED IN SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION. THE TIP OFFSET APPLIES ONLY TO EMPLOYEES WHO REGULARLY RECEIVE TIPS AND ONLY WHEN A TIP OFFSET IS PERMITTED BY STATE LAW. A LOCAL GOVERNMENT SHALL NOT INCLUDE IN ITS MINIMUM WAGE LAW TIME SPENT IN THE LOCAL GOVERNMENT'S JURISDICTION BY AN EMPLOYEE SOLELY FOR THE PURPOSE OF TRAVELING THROUGH THE LOCAL GOVERNMENT'S JURISDICTION FROM A POINT OF ORIGIN OUTSIDE OF THE LOCAL GOVERNMENT'S BOUNDARIES TO A DESTINATION OUTSIDE OF THE LOCAL GOVERNMENT'S BOUNDARIES, WITH NO EMPLOYMENT-RELATED OR COMMERCIAL STOPS IN THE LOCAL

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GOVERNMENT'S JURISDICTION, EXCEPT FOR REFUELING OR THE EMPLOYEE'S PERSONAL MEALS OR ERRANDS.

(II) ALL ADULT EMPLOYEES AND EMANCIPATED MINORS, WHETHER EMPLOYED ON AN HOURLY, PIECEWORK, COMMISSION, TIME, TASK, OR OTHER BASIS, SHALL BE PAID NOT LESS THAN THE MINIMUM WAGE ENACTED BY THE LOCAL GOVERNMENT THROUGH ITS GOVERNING BODY OR THROUGH INITIATIVE OR REFERENDUM POWERS.

~~(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), any local government regulation or law pertaining to minimum wages in effect as of January 1, 1999, shall remain in full force and effect until such law is repealed by the local government entity that enacted the law.~~ A LOCAL GOVERNMENT THAT ENACTS A MINIMUM WAGE LAW IN ACCORDANCE WITH THIS SUBSECTION (3) MAY ADOPT PROVISIONS FOR THE LOCAL ENFORCEMENT OF THE LAW, INCLUDING:

(I) A PRIVATE RIGHT OF ACTION TO ENFORCE THE REQUIREMENT IN A COURT OF COMPETENT JURISDICTION;

(II) AT LEVELS THAT MAY EXCEED THOSE SET BY STATE LAW:

(A) FINES AND PENALTIES;

(B) PAYMENT OF UNPAID WAGES OR UNPAID OVERTIME BASED ON THOSE WAGES;

(C) LIQUIDATED DAMAGES;

(D) INTEREST;

(E) COSTS AND ATTORNEY FEES PAYABLE TO ANY AFFECTED PREVAILING EMPLOYEE; AND

(F) COSTS AND ATTORNEY FEES PAYABLE TO THE LOCAL GOVERNMENT OR ITS DESIGNATED ENFORCEMENT DEPARTMENTS;

(III) PROCEDURES FOR THE LOCAL GOVERNMENT TO ORDER ANY APPROPRIATE OR EQUITABLE RELIEF; AND

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(IV) OTHER PROVISIONS NECESSARY FOR THE EFFICIENT AND COST-EFFECTIVE ENFORCEMENT OF A LOCAL MINIMUM WAGE LAW.

~~(c) (I) If it is determined by the officer or agency responsible for distributing federal moneys to a local government that compliance with this subsection (3) may cause denial of federal moneys that would otherwise be available or would otherwise be inconsistent with requirements of federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal requirements. EXCEPT AS PROVIDED IN SUBSECTION (3)(c)(II) OF THIS SECTION, A LOCAL MINIMUM WAGE ADOPTED BY A COUNTY IS ONLY ENFORCEABLE WITHIN THE UNINCORPORATED PORTION OF THE COUNTY.~~

(II) ONE OR MORE CONTIGUOUS COUNTIES AND ANY MUNICIPALITY WITHIN EACH COUNTY MAY ENTER INTO INTERGOVERNMENTAL AGREEMENTS TO ESTABLISH A LOCAL MINIMUM WAGE LAW WITHIN THE UNINCORPORATED PORTION OF EACH COUNTY AND WITHIN EACH MUNICIPALITY. AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO IN ACCORDANCE WITH THIS SUBSECTION (3)(c) MUST ESTABLISH THE MANNER IN WHICH A LOCAL GOVERNMENT MINIMUM WAGE LAW WILL BE ENFORCED AND ADMINISTERED.

(d) BEFORE ENACTING A MINIMUM WAGE LAW, A LOCAL GOVERNMENT SHALL CONSULT WITH SURROUNDING LOCAL GOVERNMENTS AND ENGAGE STAKEHOLDERS, INCLUDING CHAMBERS OF COMMERCE, SMALL AND LARGE BUSINESSES, BUSINESSES THAT EMPLOY TIPPED WORKERS, WORKERS, LABOR UNIONS, AND COMMUNITY GROUPS.

(4) FOR PURPOSES OF THIS SECTION, "LOCAL GOVERNMENT" MEANS A:

- (a) CITY;
- (b) HOME RULE CITY;
- (c) TOWN;
- (d) TERRITORIAL CHARTER CITY;
- (e) CITY AND COUNTY;

(f) COUNTY; OR

(g) HOME RULE COUNTY.

(5) IF ANY PROVISION OF THIS SECTION IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS SECTION ARE VALID, UNLESS IT APPEARS TO THE COURT THAT THE VALID PROVISIONS OF THIS SECTION ARE SO ESSENTIALLY AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT UPON, THE VOID PROVISION THAT IT CANNOT BE PRESUMED THE LEGISLATURE WOULD HAVE ENACTED THE VALID PROVISIONS WITHOUT THE VOID ONE; OR UNLESS THE COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE INCOMPLETE AND ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

(6) A LOCAL GOVERNMENT THAT ENACTS A LOCAL MINIMUM WAGE LAW PURSUANT TO THIS SECTION MUST SPECIFY THAT AN INCREASE IN THE LOCAL MINIMUM WAGE MUST TAKE EFFECT ON THE SAME DATE AS A SCHEDULED INCREASE TO THE STATEWIDE MINIMUM WAGE REQUIRED UNDER SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(7) IF A LOCAL GOVERNMENT ENACTS A LOCAL MINIMUM WAGE LAW REQUIRING A MINIMUM WAGE THAT EXCEEDS THE STATEWIDE MINIMUM WAGE, THE LOCAL GOVERNMENT MAY ONLY INCREASE THE LOCAL MINIMUM WAGE EACH YEAR BY UP TO ONE DOLLAR AND SEVENTY-FIVE CENTS OR FIFTEEN PERCENT, WHICHEVER IS HIGHER, UNTIL THE LOCAL MINIMUM WAGE REACHES THE AMOUNT ENACTED BY THE LOCAL GOVERNMENT.

(8) (a) BY JULY 1, 2021, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL ISSUE A WRITTEN REPORT REGARDING LOCAL MINIMUM WAGE LAWS IN THE STATE. THE REPORT MUST INCLUDE THE LOCATION, NATURE, AND SCOPE OF ENACTED LOCAL MINIMUM WAGE LAWS. TO THE EXTENT FEASIBLE, THE EXECUTIVE DIRECTOR SHALL ALSO INCLUDE IN THE REPORT ECONOMIC DATA, INCLUDING JOBS, EARNINGS, AND SALES TAX REVENUE, IN THE JURISDICTION OF ANY LOCAL GOVERNMENT THAT HAS ENACTED A LOCAL MINIMUM WAGE LAW PURSUANT TO THIS SECTION, AS WELL AS DATA FOR NEIGHBORING JURISDICTIONS, RELEVANT REGIONS, AND THE STATE. THE REPORT MAY INCLUDE RECOMMENDATIONS FOR POSSIBLE IMPROVEMENTS TO THIS SECTION.

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(b) THE EXECUTIVE DIRECTOR SHALL UPDATE THE REPORT BY JULY 1 EACH YEAR THEREAFTER IF AN ADDITIONAL LOCAL GOVERNMENT ENACTS A MINIMUM WAGE LAW AFTER JULY 1 OF THE YEAR PRIOR.

(c) (I) THE EXECUTIVE DIRECTOR SHALL SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (8) TO THE SENATE LOCAL GOVERNMENT COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN THIS SUBSECTION (8) CONTINUES INDEFINITELY.

(9) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IF A LOCAL GOVERNMENT ENACTS A MINIMUM WAGE THAT EXCEEDS THE STATEWIDE MINIMUM WAGE.

(b) IF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING RECEIVES NOTICE PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL, AS SOON AS PRACTICABLE, SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE WITH RECOMMENDATIONS ABOUT WHETHER PROVIDER RATES, WITH THE EXCEPTION OF RATES FOR AN ELIGIBLE NURSING FACILITY PROVIDER AS DEFINED IN SECTION 25.5-6-201 (15.5), NEED TO BE INCREASED TO ACCOMMODATE THE LOCAL GOVERNMENT'S MINIMUM WAGE INCREASE AND IF ESTABLISHING A FUND TO PASS THROUGH THOSE INCREASES TO FACILITIES IN THE JURISDICTION OF THE LOCAL GOVERNMENT THAT HAS RAISED THE MINIMUM WAGE IS NECESSARY.

(c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN THIS SUBSECTION (9) CONTINUES INDEFINITELY.

(10) (a) IF AT ANY POINT TEN PERCENT OF LOCAL GOVERNMENTS IN THE STATE HAVE ENACTED A LOCAL MINIMUM WAGE LAW PURSUANT TO THIS SECTION, A LOCAL GOVERNMENT THAT HAS NOT PREVIOUSLY ENACTED A LOCAL MINIMUM WAGE LAW SHALL NOT ENACT A LOCAL MINIMUM WAGE LAW PURSUANT TO THIS SECTION UNTIL THE GENERAL ASSEMBLY HAS AMENDED THIS SECTION TO AUTHORIZE ADDITIONAL LOCAL GOVERNMENTS TO ENACT LOCAL MINIMUM WAGE LAWS. A LOCAL GOVERNMENT THAT

ENACTED A LOCAL MINIMUM WAGE LAW PRIOR TO THE POINT AT WHICH TEN PERCENT OF LOCAL GOVERNMENTS HAVE ENACTED A LOCAL MINIMUM WAGE LAW MAY CONTINUE TO AMEND THAT LAW.

(b) FOR PURPOSES OF DETERMINING WHETHER TEN PERCENT OF LOCAL GOVERNMENTS IN THE STATE HAVE ENACTED A LOCAL MINIMUM WAGE LAW PURSUANT TO THIS SECTION, WHEN A COUNTY ENACTS A LOCAL MINIMUM WAGE LAW, IF A LOCAL MINIMUM WAGE LAW IS ENACTED BY ANY LOCAL GOVERNMENT LOCATED WITHIN THAT COUNTY, ONLY THE COUNTY'S MINIMUM WAGE LAW COUNTS TOWARD THE CALCULATION OF THE TEN PERCENT. IF LOCAL GOVERNMENTS ENTER INTO AN INTERGOVERNMENTAL AGREEMENT ON THE ENFORCEMENT OR ADMINISTRATION OF LOCAL MINIMUM WAGE POLICIES, THAT WILL ONLY BE COUNTED AS ONE LOCAL MINIMUM WAGE FOR DETERMINING THE CALCULATION OF THE TEN PERCENT.

SECTION 5. In Colorado Revised Statutes, 8-12-102, **repeal** (2) as follows:

8-12-102. Legislative declaration. (2) ~~(a) The general assembly hereby finds and determines that certain issues related to youth employment in Colorado have important statewide ramifications for the labor force in this state. In particular, the general assembly declares that the issue of minimum wages, as it relates to youth employment in this state, is a matter of statewide concern.~~

~~(b) No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide law or ordinance with respect to the minimum wages earned by young people unless otherwise specifically authorized to do so by this article, except that a unit of local government may enact such provisions with respect to its own employees.~~

SECTION 6. In Colorado Revised Statutes, 25.5-6-201, **add** (15.5) and (20.5) as follows:

25.5-6-201. Special definitions relating to nursing facility reimbursement. As used in this part 2, unless the context otherwise requires:

(15.5) "ELIGIBLE NURSING FACILITY PROVIDER" MEANS A NURSING

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FACILITY PROVIDER THAT IS LOCATED:

(a) WITHIN THE JURISDICTION OF A LOCAL GOVERNMENT THAT HAS INCREASED ITS LOCAL MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE; OR

(b) ADJACENT TO A LOCAL GOVERNMENT THAT HAS INCREASED ITS LOCAL MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE AND THE NURSING FACILITY HAS VOLUNTARILY AGREED TO RAISE THE WAGE OF ALL EMPLOYEES TO THE SAME AMOUNT AND IN THE SAME MANNER AS THE ADJACENT LOCAL GOVERNMENT.

(20.5) "LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT" MEANS A SUPPLEMENTAL PAYMENT TO AN ELIGIBLE NURSING FACILITY PROVIDER THAT IS SUBJECT TO AVAILABLE APPROPRIATIONS AND NOT A RATE ENHANCEMENT.

SECTION 7. In Colorado Revised Statutes, add 25.5-6-208 as follows:

25.5-6-208. Nursing facility provider reimbursement - rules - definition. (1) (a) THE EXECUTIVE DIRECTOR SHALL, BY RULE, ESTABLISH A PROCESS FOR ELIGIBLE NURSING FACILITY PROVIDERS TO APPLY FOR A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT WHENEVER A LOCAL GOVERNMENT INCREASES ITS MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE. IF A LOCAL GOVERNMENT INCREASES ITS MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE, THE GENERAL ASSEMBLY SHALL APPROPRIATE ENOUGH MONEY TO THE STATE DEPARTMENT TO COVER THE LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT FOR ALL ELIGIBLE NURSING FACILITY PROVIDERS. ANY PAYMENT MADE PURSUANT TO THIS SECTION MUST NOT OCCUR UNTIL THE LOCAL GOVERNMENT MINIMUM WAGE LAW TAKES EFFECT.

(b) THE RULES MUST PROVIDE:

(I) THAT WAGE ENHANCEMENT PAYMENTS ARE AVAILABLE TO ANY ELIGIBLE NURSING FACILITY PROVIDER; AND

(II) THE FORM AND MANNER IN WHICH AN ELIGIBLE NURSING FACILITY PROVIDER MAY APPLY TO THE STATE DEPARTMENT FOR WAGE

ENHANCEMENT PAYMENTS. THE FORM MUST REQUIRE THE ELIGIBLE NURSING FACILITY PROVIDER TO DEMONSTRATE THE DIFFERENCE BETWEEN THE ACTUAL WAGES OF NURSING FACILITY PROVIDER EMPLOYEES AT THE TIME THE LOCAL GOVERNMENT WAGE INCREASE GOES INTO EFFECT AND THE LOCALLY ENACTED MINIMUM WAGE.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT SHALL BE CALCULATED AND PAID TO ELIGIBLE NURSING FACILITY PROVIDERS BY DETERMINING THE TOTAL AMOUNT OF FUNDING NEEDED TO INCREASE THE MINIMUM WAGE OF ALL EMPLOYEES AT AN ELIGIBLE NURSING FACILITY PROVIDER TO THE LOCALLY ENACTED MINIMUM WAGE MULTIPLIED BY THE FACTOR OF THE MEDICAID CENSUS OF EACH PROVIDER.

(3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, FOR THE PURPOSE OF REIMBURSING AN ELIGIBLE NURSING FACILITY PROVIDER FOR A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT, THE STATE DEPARTMENT SHALL ESTABLISH AND ANNUALLY READJUST A PAYMENT SCHEDULE.

(b) TO REQUEST A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT, AN ELIGIBLE NURSING FACILITY SHALL ANNUALLY SUBMIT:

(I) THE DIFFERENCE BETWEEN THE ACTUAL WAGE RATE OF NURSING FACILITY PROVIDER EMPLOYEES AND THE LOCAL MINIMUM WAGE RATE APPLICABLE TO THOSE NURSING FACILITY PROVIDER'S EMPLOYEES THAT ARE ELIGIBLE FOR AN INCREASED LOCAL MINIMUM WAGE RATE. A NURSING FACILITY PROVIDER'S EMPLOYEE'S WAGE RATE MUST EQUAL OR EXCEED THE MINIMUM WAGE RATE REQUIRED BY STATE OR FEDERAL LAW.

(II) THE NUMBER OF ELIGIBLE NURSING FACILITY PROVIDER'S EMPLOYEES BY PROVIDER, CURRENT WAGE RATE OF THE EMPLOYEES, AND WAGE RATE OF THE EMPLOYEES AFTER A LOCAL MINIMUM WAGE LAW GOES INTO EFFECT.

(c) AN ELIGIBLE NURSING FACILITY PROVIDER SHALL SUBMIT AN APPLICATION WITH THE INFORMATION REQUIRED IN THIS SECTION FOR EACH YEAR IN WHICH THE ELIGIBLE NURSING FACILITY PROVIDER SEEKS A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT.

(4) A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT MADE

PURSUANT TO THIS SECTION IS IN EFFECT AS LONG AS THE LOCAL MINIMUM WAGE APPLICABLE TO ELIGIBLE NURSING FACILITY PROVIDER EMPLOYEES PERFORMING WORK WITHIN THE LOCAL JURISDICTION EXCEEDS THE STATEWIDE MINIMUM WAGE.

(5) (a) AN ELIGIBLE NURSING FACILITY PROVIDER THAT RECEIVES A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT PURSUANT TO THIS SECTION SHALL:

(I) USE THE PAYMENTS ONLY TO INCREASE THE COMPENSATION FOR ELIGIBLE NURSING FACILITY PROVIDER EMPLOYEES AND NOT FOR ANY OTHER EXPENDITURES; AND

(II) TRACK AND REPORT HOW THE PAYMENTS ARE USED FOR ELIGIBLE NURSING FACILITY EMPLOYEES ON AN ANNUAL BASIS.

(b) THE EXECUTIVE DIRECTOR MAY REQUEST INFORMATION FROM A NURSING FACILITY PROVIDER THAT RECEIVES A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT UNDER THIS SECTION REGARDING THE USE OF SUCH PAYMENT.

(c) IF AN ELIGIBLE NURSING FACILITY PROVIDER DOES NOT USE ONE HUNDRED PERCENT OF THE LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT RECEIVED PURSUANT TO THIS SECTION TO INCREASE THE COMPENSATION FOR THE ELIGIBLE NURSING FACILITY PROVIDER'S EMPLOYEES, THE EXECUTIVE DIRECTOR MAY RECOUP ANY OR ALL OF THE IMPROPERLY USED PAYMENTS. THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES FOR THE NOTIFICATION, VIOLATION, AND PROCESS REGARDING AN ELIGIBLE NURSING FACILITY'S IMPROPER USE OF LOCAL MINIMUM WAGE ENHANCEMENT PAYMENTS.

(6) PAYMENTS RECEIVED UNDER THIS SECTION SHALL OFFSET COSTS REPORTED ON THE MED-13 COST REPORT WHEN CALCULATING NURSING FACILITY PROVIDER PER DIEM REIMBURSEMENT UNDER 10 CCR 2505.

SECTION 8. Act subject to petition - effective date. This act takes effect January 1, 2020; 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

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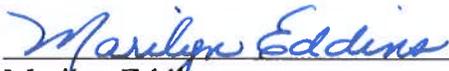
held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

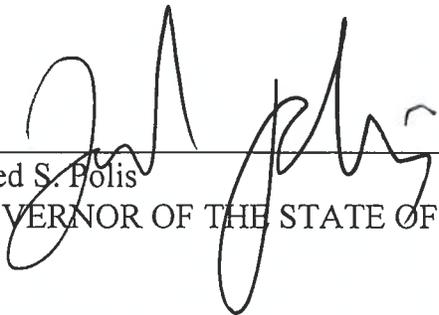


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 28, 2019 at 4:23 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1221

BY REPRESENTATIVE(S) Coleman and Valdez A., Exum, Garnett, Gray, Herod, Kraft-Tharp, Snyder, Williams D., Becker;
also SENATOR(S) Bridges and Pettersen, Crowder.

CONCERNING THE REGULATION OF ELECTRIC SCOOTERS.

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

SECTION 1. In Colorado Revised Statutes, 42-1-102, **amend** (48.5)(b), (58), (103.5)(c), and (112); and **add** (28.8) as follows:

42-1-102. Definitions. As used in articles 1 to 4 of this title 42, unless the context otherwise requires:

(28.8) (a) "ELECTRIC SCOOTER" MEANS A DEVICE:

(I) WEIGHING LESS THAN ONE HUNDRED POUNDS;

(II) WITH HANDLEBARS AND AN ELECTRIC MOTOR;

(III) THAT IS POWERED BY AN ELECTRIC MOTOR; AND

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.

(IV) THAT HAS A MAXIMUM SPEED OF TWENTY MILES PER HOUR ON A PAVED LEVEL SURFACE WHEN POWERED SOLELY BY THE ELECTRIC MOTOR.

(b) "ELECTRIC SCOOTER" DOES NOT INCLUDE AN ELECTRICAL ASSISTED BICYCLE, EPAMD, MOTORCYCLE, OR LOW-POWER SCOOTER.

(48.5)(b) "Low-power scooter" ~~shall~~ DOES not include a toy vehicle, bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, wheelchair, or any device designed to assist ~~mobility-impaired~~ people WITH MOBILITY IMPAIRMENTS who use pedestrian rights-of-way.

(58) "Motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, ELECTRIC SCOOTERS, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 33-14.5-101 (3), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter.

(103.5) (c) "Toy vehicle" does not include ELECTRIC SCOOTERS, off-highway vehicles, or snowmobiles.

(112) "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes ~~without limitation,~~ a bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

SECTION 2. In Colorado Revised Statutes, 42-3-103, **amend** (1)(b)(I) as follows:

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42-3-103. Registration required - exemptions. (1) (b) This subsection (1) does not apply to the following:

(I) A bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or other human-powered vehicle;

SECTION 3. In Colorado Revised Statutes, 42-4-109, **amend** (7) and (11) as follows:

42-4-109. Low-power scooters, animals, skis, skates, and toy vehicles on highways. (7) For the sake of uniformity and bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, and low-power scooter safety throughout the state, the department in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to ~~such~~ THE riders and their bicycles, electrical assisted bicycles, ELECTRIC SCOOTERS, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, ~~C.R.S.~~, by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice ~~thereof~~ OF THE PROHIBITION; except that, with respect to controlled access highways, section 42-4-1010 (3) ~~shall apply~~ APPLIES.

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When ~~such~~ THE official signs are erected, ~~no~~ A person shall NOT violate any of the instructions contained ~~thereon~~ ON THE OFFICIAL SIGNS.

SECTION 4. In Colorado Revised Statutes, 42-4-111, **amend** (1)(dd); and **add** (1)(ff) as follows:

42-4-111. Powers of local authorities. (1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(dd) Authorizing or prohibiting the use of an electrical assisted bicycle OR ELECTRIC SCOOTER on a bike or pedestrian path in accordance with section 42-4-1412;

(ff) REGULATING THE OPERATION OF AN ELECTRIC SCOOTER, CONSISTENT WITH THIS TITLE 42.

SECTION 5. In Colorado Revised Statutes, 42-4-221, **amend** (1), (2), (3), (4), (5), (6), (7), and (8); and **add** (8.5) as follows:

42-4-221. Bicycle, electric scooter, and personal mobility device equipment. (1) No other provision of this part 2 and no provision of part 3 of this ~~article shall apply~~ ARTICLE 4 APPLIES to a bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or EPAMD except those provisions in this ~~article~~ ARTICLE 4 made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or EPAMD in use at the times described in section 42-4-204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or

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EPAMD when in use at the times described in section 42-4-204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER shall not be equipped with, nor shall any person use upon a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER, any siren or whistle.

(7) Every bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, or electrical assisted bicycles, OR ELECTRIC SCOOTERS at retail shall not sell any bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER unless the bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER has an identifying number permanently stamped or cast on its frame.

(8.5) A LOCAL GOVERNMENT MAY REGULATE THE OPERATION OF AN ELECTRIC SCOOTER IN A MANNER THAT IS NO MORE RESTRICTIVE THAN THE MANNER IN WHICH THE LOCAL GOVERNMENT MAY REGULATE THE OPERATION OF A CLASS 1 ELECTRICAL ASSISTED BICYCLE.

SECTION 6. In Colorado Revised Statutes, 42-4-224, **amend** (3) as follows:

42-4-224. Horns or warning devices. (3) ~~No~~ A bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or low-power scooter shall NOT be equipped with, nor shall any person use upon ~~such vehicle~~ A BICYCLE, ELECTRICAL ASSISTED BICYCLE, ELECTRIC SCOOTER, OR LOW-POWER SCOOTER, a siren or whistle.

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SECTION 7. In Colorado Revised Statutes, 42-4-234, **amend** (1)(a) and (1)(c) as follows:

42-4-234. Slow-moving vehicles - display of emblem. (1) (a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, ELECTRIC SCOOTERS, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway ~~shall~~ **MUST** display a triangular slow-moving vehicle emblem on the rear.

(c) Bicycles, electrical assisted bicycles, ELECTRIC SCOOTERS, and other human-powered vehicles ~~shall be permitted but not required to~~ **MAY, BUT NEED NOT**, display the emblem specified in this subsection (1).

SECTION 8. In Colorado Revised Statutes, **amend** 42-4-503 as follows:

42-4-503. Projecting loads on passenger vehicles. ~~No passenger-type vehicle;~~ Except WITH REGARD TO THE OPERATION OF a motorcycle, a bicycle, ~~or an~~ electrical assisted bicycle, OR ELECTRIC SCOOTER, A PERSON shall ~~be operated~~ **NOT OPERATE** A PASSENGER-TYPE VEHICLE on any highway with any load carried ~~thereon~~ **ON THE VEHICLE** extending beyond the line of the fenders on the left side of ~~such~~ **THE** vehicle nor extending more than six inches beyond the line of the fenders on the right side ~~thereof.~~ **Any OF THE VEHICLE.** A person who violates this section commits a class B traffic infraction.

SECTION 9. In Colorado Revised Statutes, 42-4-802, **amend** (3) as follows:

42-4-802. Pedestrians' right-of-way in crosswalks. (3) ~~No~~ A pedestrian shall **NOT** suddenly leave a curb or other place of safety and ride a bicycle, ~~ride an~~ electrical assisted bicycle, OR ELECTRIC SCOOTER, OR walk or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

SECTION 10. In Colorado Revised Statutes, 42-4-1204, **amend** (4) as follows:

42-4-1204. Stopping, standing, or parking prohibited in specified

~~places. (4) (a) Paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section ~~shall~~ DOES not prohibit persons A PERSON from parking bicycles or electrical assisted bicycles A BICYCLE, ELECTRICAL ASSISTED BICYCLE, OR ELECTRIC SCOOTER on sidewalks A SIDEWALK in accordance with the provisions of section 42-4-1412 (11)(a) and (11)(b).

~~(b) Paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section ~~shall~~ DOES not prohibit persons from parking two or more bicycles, or electrical assisted bicycles, OR ELECTRIC SCOOTERS abreast in accordance with the provisions of section 42-4-1412 (11)(d).

~~(c) Paragraphs (a), (c), and (d) of subsection (2)~~ SUBSECTIONS (2)(a), (2)(c), AND (2)(d) of this section ~~shall~~ DO not apply to bicycles or electrical assisted bicycles A BICYCLE, ELECTRICAL ASSISTED BICYCLE, OR ELECTRIC SCOOTER parked on sidewalks A SIDEWALK in accordance with section 42-4-1412 (11)(a) and (11)(b).

SECTION 11. In Colorado Revised Statutes, 42-4-1401, **amend** (1) as follows:

42-4-1401. Reckless driving - penalty. (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, or electrical assisted bicycle, ~~shall~~ OR ELECTRIC SCOOTER IS not ~~be~~ subject to the provisions of section 42-2-127.

SECTION 12. In Colorado Revised Statutes, 42-4-1402, **amend** (1) as follows:

42-4-1402. Careless driving - penalty. (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle, or electrical assisted bicycle, ~~shall~~ OR ELECTRIC SCOOTER IS not ~~be~~ subject to the provisions of section 42-2-127.

SECTION 13. In Colorado Revised Statutes, 42-4-1407.5, **amend** (3)(g) as follows:

42-4-1407.5. Splash guards - when required. (3) This section does not apply to:

(g) Bicycles, ~~or~~ electrical assisted bicycles, ~~OR~~ ELECTRIC SCOOTERS.

SECTION 14. In Colorado Revised Statutes, 42-4-1412, **amend** (1), (3), (4), (5)(a) introductory portion, (5)(c) introductory portion, (6), (7), (8)(a), (8)(b), (9), (10)(a), (10)(b), (10)(c), (11), (12)(b), and (13) as follows:

42-4-1412. Operation of bicycles, electric scooters, and other human-powered vehicles. (1) A person riding a bicycle, ~~or~~ electrical assisted bicycle, ~~OR~~ ELECTRIC SCOOTER has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 42-4-1412.5, and except as to those provisions ~~which~~ THAT by their nature can have no application. ~~Said~~ BICYCLE, ELECTRICAL ASSISTED BICYCLE, ~~OR~~ ELECTRIC SCOOTER riders shall comply with the rules set forth in this section and section 42-4-221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, ~~and~~ electrical assisted bicycles, ~~AND~~ ELECTRIC SCOOTERS as provided in section 42-4-111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution pursuant to section 42-4-1412.5, riders are subject to the local ordinance or resolution.

(3) ~~No~~ A bicycle, ~~or~~ electrical assisted bicycle, ~~OR~~ ELECTRIC SCOOTER shall NOT be used to carry more persons at one time than the number for which it is designed or equipped.

(4) ~~No~~ A person riding upon ~~any~~ A bicycle, ~~or~~ electrical assisted bicycle, ~~OR~~ ELECTRIC SCOOTER shall NOT attach the ~~same or himself or herself~~ VEHICLE OR THE RIDER to any motor vehicle upon a roadway.

(5) (a) Any person operating a bicycle, ~~or an~~ electrical assisted bicycle, ~~OR~~ ELECTRIC SCOOTER upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following

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conditions:

(c) A person operating a bicycle, ~~or an electrical assisted bicycle,~~ OR ELECTRIC SCOOTER upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of ~~such~~ THE roadway as judged safe by the ~~bicyclist~~ RIDER, subject to the following conditions:

(6) (a) Persons riding bicycles, ~~or electrical assisted bicycles,~~ OR ELECTRIC SCOOTERS upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles AND ELECTRIC SCOOTERS.

(b) Persons riding bicycles, ~~or electrical assisted bicycles,~~ OR ELECTRIC SCOOTERS two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, ~~or electrical assisted bicycle,~~ OR ELECTRIC SCOOTER shall keep at least one hand on the handlebars at all times.

(8) (a) A person riding a bicycle, ~~or electrical assisted bicycle,~~ OR ELECTRIC SCOOTER intending to turn left shall follow a course described in sections 42-4-901 (1), 42-4-903, and 42-4-1007 or may make a left turn in the manner prescribed in ~~paragraph (b) of this subsection~~ (8) SUBSECTION (8)(b) OF THIS SECTION.

(b) A person riding a bicycle, ~~or electrical assisted bicycle,~~ OR ELECTRIC SCOOTER intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the ~~bicyclist~~ RIDER shall stop, as much as practicable, out of the way of traffic. After stopping, the ~~bicyclist~~ RIDER shall yield to any traffic proceeding in either direction along the roadway that the ~~bicyclist~~ RIDER had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the ~~bicyclist~~ RIDER intends to proceed, the ~~bicyclist~~ RIDER may proceed in the new direction.

(9) (a) Except as otherwise provided in this subsection (9), every

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person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER shall signal the intention to turn or stop in accordance with section 42-4-903; except that a person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER before turning and shall be given while the bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER.

(10) (a) A person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing ~~such~~ THE pedestrian. A person riding a bicycle, ELECTRICAL ASSISTED BICYCLE, OR ELECTRIC SCOOTER in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where ~~such~~ THE use of bicycles, or electrical assisted bicycles, OR ELECTRIC SCOOTERS is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk ~~shall have~~ HAS all the rights and duties applicable to a pedestrian under the same circumstances, including ~~but not limited to~~; the rights and duties granted and required by section 42-4-802.

(11) (a) A person may park a bicycle, or electrical assisted bicycle,

OR ELECTRIC SCOOTER on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, ~~or~~ electrical assisted bicycle, OR ELECTRIC SCOOTER parked on a sidewalk ~~shall~~ MUST not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, ~~or~~ electrical assisted bicycle, OR ELECTRIC SCOOTER may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, ~~or~~ electrical assisted bicycle, OR ELECTRIC SCOOTER may be parked on the road abreast of ~~another such bicycle or~~ ONE OR MORE bicycles OR ELECTRIC SCOOTERS near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, ~~or~~ electrical assisted bicycles, OR ELECTRIC SCOOTERS parked anywhere on a highway ~~shall~~ MUST conform to the provisions of part 12 of this ~~article~~ ARTICLE 4 regulating the parking of vehicles.

(12) (b) IF any person riding a bicycle, ~~or~~ electrical assisted bicycle, ~~who~~ OR ELECTRIC SCOOTER violates any provision of this ~~article~~ ARTICLE 4 other than this section ~~which~~ THAT is applicable to such a vehicle and for which a penalty is specified, ~~shall be~~ THE PERSON IS subject to the same specified penalty as any other vehicle; except that section 42-2-127 ~~shall~~ DOES not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, ~~or~~ electrical assisted bicycle, OR ELECTRIC SCOOTER on the roadways of the state, even if ~~such~~ THE accident does not involve a motor vehicle.

SECTION 15. In Colorado Revised Statutes, 42-4-1412.5, **amend** (1)(a), (1)(c), and (1)(d); and **add** (2.5) as follows:

42-4-1412.5. Local adoption of alternative regulation of bicycles and electric scooters approaching intersections - alternative regulation

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described - validity of existing local resolution - definitions. (1) A county or municipality may adopt an ordinance or resolution implementing this section. If a county or municipality adopts an ordinance or resolution pursuant to this section, the ordinance or resolution must specify the following:

(a) A person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER and approaching an intersection of a roadway with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the person shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the person has slowed to a reasonable speed and yielded the right-of-way if required, the person may cautiously make a turn or proceed through the intersection without stopping.

(c) A person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER and approaching an intersection of a roadway with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person has yielded, the person may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a person shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person.

(d) A person riding a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER approaching an intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic and pedestrians. However, a person shall not turn left if a vehicle is traveling in the same direction as the person and the vehicle is turning or preparing to turn left. If the person is not turning left onto a one-way street, the person shall not make a left-hand turn at an intersection while a red traffic control signal is illuminated.

(2.5) NOTHING IN THIS SECTION AFFECTS THE VALIDITY OF AN ORDINANCE OR RESOLUTION THAT A MUNICIPALITY, COUNTY, OR CITY AND COUNTY ADOPTED PURSUANT TO THIS SECTION IF THE ORDINANCE OR RESOLUTION:

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(a) WAS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (2.5); AND

(b) APPLIES TO ELECTRIC SCOOTERS.

SECTION 16. In Colorado Revised Statutes, 42-6-102, **amend** (10)(a) as follows:

42-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(10) "Motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and is generally and commonly used to transport persons and property over the public highways, including trailers, semitrailers, and trailer coaches, without motive power. "Motor vehicle" does not include the following:

(a) A low-power scooter OR AN ELECTRIC SCOOTER, as BOTH TERMS ARE defined in section 42-1-102;

SECTION 17. In Colorado Revised Statutes, 42-7-103, **amend** the introductory portion and (8) as follows:

42-7-103. Definitions. As used in this ~~article~~ ARTICLE 7, unless the context otherwise requires:

(8) (a) "Motor vehicle" means ~~every~~ A vehicle ~~which~~ THAT is self-propelled, including trailers and semitrailers designed for use with such vehicles and every vehicle ~~which~~ THAT is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(b) "MOTOR VEHICLE" DOES NOT INCLUDE AN ELECTRIC SCOOTER, AS DEFINED IN SECTION 42-1-102.

SECTION 18. In Colorado Revised Statutes, 18-3.5-109, **amend** (1) as follows:

18-3.5-109. Careless driving resulting in unlawful termination of pregnancy - penalty. (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, ELECTRIC SCOOTER, or low-power scooter in a

careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances and causes the unlawful termination of a pregnancy of a woman is guilty of careless driving, resulting in unlawful termination of pregnancy. A person convicted of careless driving of a bicycle, or electrical assisted bicycle, OR ELECTRIC SCOOTER resulting in the unlawful termination of pregnancy shall ~~IS not be subject to the provisions of section 42-2-127. C.R.S.~~

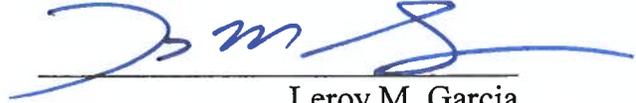
SECTION 19. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 20. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



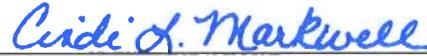
KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

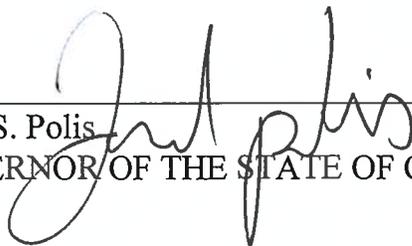


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED

May 23, 2019 at 1:19 p.m.

(Date and Time)



Jared S. Polis

GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1225

BY REPRESENTATIVE(S) Herod and Soper, Roberts, Arndt, Baisley, Benavidez, Bird, Bockenfeld, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Garnett, Gonzales-Gutierrez, Gray, Hooton, Humphrey, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Williams D., Becker;
also SENATOR(S) Lundeen and Lee, Bridges, Court, Crowder, Fenberg, Gardner, Gonzales, Moreno, Pettersen, Rodriguez, Story, Winter, Woodward, Garcia.

CONCERNING PROHIBITING THE USE OF MONETARY BAIL FOR CERTAIN LEVELS OF OFFENSES EXCEPT IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. In Colorado Revised Statutes, 16-4-113, **amend** (1) introductory portion; and **add** (2) as follows:

16-4-113. Type of bond in certain misdemeanor cases. (1) In exercising the discretion mentioned in section 16-4-104, the judge shall release the accused person upon personal recognizance if the charge is a

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.

class 3 misdemeanor ~~or a petty offense~~, or any unclassified offense for a violation of which the maximum penalty does not exceed six months' imprisonment, and he or she shall not be required to supply a surety bond, or give security of any kind for his or her appearance for trial other than his or her personal recognizance, unless one or more of the following facts are found to be present:

(2) (a) FOR A DEFENDANT CHARGED WITH A TRAFFIC OFFENSE, A PETTY OFFENSE, OR A COMPARABLE MUNICIPAL OFFENSE, A COURT SHALL NOT IMPOSE A MONETARY CONDITION OF RELEASE. IF THE COMPARABLE MUNICIPAL OFFENSE IS A PROPERTY CRIME AND THE FACTUAL BASIS REFLECTS A VALUE OF LESS THAN FIFTY DOLLARS AND THE OFFENSE WOULD BE A PETTY OFFENSE UNDER STATE LAW, THIS SUBSECTION (2)(a) APPLIES.

(b) FOR A DEFENDANT CHARGED WITH A MUNICIPAL OFFENSE FOR WHICH THERE IS NO COMPARABLE STATE MISDEMEANOR OFFENSE, THE COURT SHALL NOT IMPOSE A MONETARY CONDITION OF RELEASE.

(c) AFTER ARREST, BUT PRIOR TO AN INDIVIDUAL CONSIDERATION OF BOND BY A JUDGE, BONDING COMMISSIONER, JUDICIAL OFFICER, OR JUDICIAL DESIGNEE WITH THE POWER TO SET CONDITIONS OF RELEASE, THIS SUBSECTION (2) DOES NOT PROHIBIT THE RELEASE OF A DEFENDANT PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES, INCLUDING THOSE THAT REQUIRE PAYMENT OF A MONETARY CONDITION OF RELEASE, IF THE DEFENDANT IS FIRST INFORMED THAT THE DEFENDANT IS ENTITLED TO RELEASE ON A PERSONAL RECOGNIZANCE BOND.

(d) NOTHING IN THIS SUBSECTION (2) PROHIBITS THE ISSUANCE OF A WARRANT WITH MONETARY CONDITIONS OF BOND FOR A DEFENDANT WHO FAILS TO APPEAR IN COURT AS REQUIRED OR WHO VIOLATES A CONDITION OF RELEASE. IF A DEFENDANT IS UNABLE TO POST THE MONETARY CONDITION OF BOND PRIOR TO THE NEXT INDIVIDUALIZED CONSIDERATION OF BOND, THE JUDGE, BONDING COMMISSIONER, JUDICIAL OFFICER, OR JUDICIAL DESIGNEE WITH THE POWER TO SET CONDITIONS OF RELEASE SHALL RELEASE THE PERSON ON PERSONAL RECOGNIZANCE.

(e) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO:

(I) A TRAFFIC OFFENSE INVOLVING DEATH OR BODILY INJURY OR A MUNICIPAL OFFENSE WITH SUBSTANTIALLY SIMILAR ELEMENTS;

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(II) ELUDING OR ATTEMPTING TO ELUDE A POLICE OFFICER AS DESCRIBED IN SECTION 42-4-1413 OR A MUNICIPAL OFFENSE WITH SUBSTANTIALLY SIMILAR ELEMENTS;

(III) OPERATING A VEHICLE AFTER CIRCUMVENTING AN INTERLOCK DEVICE AS DESCRIBED IN SECTION 42-2-132.5 (10) OR A MUNICIPAL OFFENSE WITH SUBSTANTIALLY SIMILAR ELEMENTS; AND

(IV) A MUNICIPAL OFFENSE THAT HAS SUBSTANTIALLY SIMILAR ELEMENTS TO A STATE MISDEMEANOR OFFENSE.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

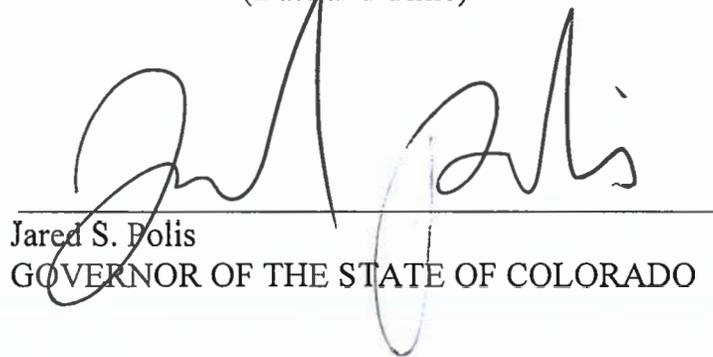


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED April 25, 2019 at 1:32 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1230

BY REPRESENTATIVE(S) Singer and Melton, Coleman, Gray, Landgraf, Michaelson Jenet, Bird, Buentello, Duran, Galindo, Herod, Valdez A., Hooton, Jaquez Lewis, Lontine;
also SENATOR(S) Marble and Gonzales, Pettersen, Rodriguez, Fenberg.

CONCERNING MARIJUANA HOSPITALITY ESTABLISHMENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 44-12-103, **amend** (24); and **add** (13.5) and (21.4) as follows:

44-12-103. Definitions. As used in this article 12, unless the context otherwise requires:

(13.5) "MARIJUANA HOSPITALITY ESTABLISHMENT" MEANS A FACILITY, WHICH MAY BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION OF MARIJUANA PURSUANT TO THIS ARTICLE 12; RULES PROMULGATED PURSUANT TO THIS ARTICLE 12; AND THE PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

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.

(21.4) "RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT" MEANS A FACILITY, WHICH CANNOT BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION OF ONLY THE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IT HAS SOLD PURSUANT TO THE PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

(24) "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, A MARIJUANA HOSPITALITY ESTABLISHMENT, A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT, or a retail marijuana testing facility.

SECTION 2. In Colorado Revised Statutes, 44-12-202, **amend** (1) introductory portion and (2)(a); and **add** (3)(a)(XXV) and (3)(a)(XXVI) as follows:

44-12-202. Powers and duties of state licensing authority - rules.

(1) To ensure that no marijuana grown or processed by a retail marijuana establishment is sold or otherwise transferred except by a retail marijuana store, A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT, or as authorized by law, the state licensing authority shall develop and maintain a seed-to-sale tracking system that tracks retail marijuana from either seed or immature plant stage until the marijuana or retail marijuana product is sold to a customer at a retail marijuana store OR TO A PATRON AT A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT; ~~except that retail marijuana or retail marijuana product is~~ PRODUCTS ARE no longer subject to the tracking system once the retail marijuana has been:

(2) The state licensing authority has the authority to:

(a) Grant or refuse state licenses for the cultivation, manufacture, distribution, sale, HOSPITALITY, and testing of retail marijuana and retail marijuana products as provided by law; suspend, fine, restrict, or revoke such licenses, whether active, expired, or surrendered, upon a violation of this article 12 or any rule promulgated pursuant to this article 12; and impose any penalty authorized by this article 12 or any rule promulgated pursuant to this article 12. The state licensing authority may take any action with respect to a registration pursuant to this article 12 as it may with

respect to a license pursuant to this article 12, in accordance with the procedures established pursuant to this article 12.

(3) (a) Rules promulgated pursuant to subsection (2)(b) of this section must include, but need not be limited to, the following subjects:

(XXV) THE IMPLEMENTATION OF MARIJUANA HOSPITALITY AND RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSES, INCLUDING BUT NOT LIMITED TO:

(A) GENERAL INSURANCE LIABILITY REQUIREMENTS;

(B) A SALES LIMIT PER TRANSACTION FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS THAT MAY BE SOLD TO A PATRON OF A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT; EXCEPT THAT THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY MUST NOT BE AN AMOUNT LESS THAN ONE GRAM OF RETAIL MARIJUANA FLOWER, ONE-QUARTER OF ONE GRAM OF RETAIL MARIJUANA CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT CONTAINING NOT MORE THAN TEN MILLIGRAMS OF ACTIVE THC;

(C) RESTRICTIONS ON THE TYPE OF ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT AUTHORIZED TO BE SOLD INCLUDING THAT THE MARIJUANA OR PRODUCT BE MEANT FOR CONSUMPTION IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

(D) PROHIBITIONS ON ACTIVITY THAT WOULD REQUIRE ADDITIONAL LICENSURE ON THE LICENSED PREMISES, INCLUDING BUT NOT LIMITED TO SALES, MANUFACTURING, OR CULTIVATION ACTIVITY;

(E) REQUIREMENTS FOR MARIJUANA HOSPITALITY ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS OPERATING PURSUANT TO SECTION 44-12-408 OR 44-12-409 IN A RETAIL FOOD ESTABLISHMENT;

(F) REQUIREMENTS FOR MARIJUANA HOSPITALITY ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSEES TO DESTROY ANY UNCONSUMED MARIJUANA OR MARIJUANA PRODUCTS LEFT BEHIND BY A PATRON; AND

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(G) RULES TO ENSURE COMPLIANCE WITH SECTION 42-4-1305.5;

(XXVI) FOR MARIJUANA HOSPITALITY ESTABLISHMENTS THAT ARE MOBILE, REGULATIONS INCLUDING BUT NOT LIMITED TO:

(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 42-4-1305.5;

(E) ENSURING ACTIVITY IS NOT VISIBLE OUTSIDE OF THE VEHICLE;
AND

(F) PROPER VENTILATION WITHIN THE VEHICLE.

SECTION 3. In Colorado Revised Statutes, 44-12-401, **amend** (1)(f); and **add** (1)(h), (1)(i), and (5) as follows:

44-12-401. Classes of licenses. (1) For the purpose of regulating the cultivation, manufacture, distribution, sale, and testing of retail marijuana and retail marijuana products, the state licensing authority in its discretion, upon receipt of an application in the prescribed form, may issue and grant to the applicant a license from any of the following classes, subject to the provisions and restrictions provided by this article 12:

(f) Retail marijuana transporter license; ~~and~~

(h) MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE; AND

(i) RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSE.

(5) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO THIS ARTICLE 12 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44.

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SECTION 4. In Colorado Revised Statutes, 44-12-402, **add (2)(c)** as follows:

44-12-402. Retail marijuana store license - definition. (2) (c) A RETAIL MARIJUANA STORE MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSEE.

SECTION 5. In Colorado Revised Statutes, 44-12-403, **amend (1)** as follows:

44-12-403. Retail marijuana cultivation facility license - rules - definitions. (1) A retail marijuana cultivation facility license may be issued only to a person who cultivates retail marijuana for sale and distribution to licensed retail marijuana stores, retail marijuana products manufacturing licensees, RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSEES, or other retail marijuana cultivation facilities.

SECTION 6. In Colorado Revised Statutes, 44-12-404, **add (1)(e)** as follows:

44-12-404. Retail marijuana products manufacturing license - rules - definitions. (1) (e) A RETAIL MARIJUANA PRODUCTS MANUFACTURER MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT.

SECTION 7. In Colorado Revised Statutes, **add 44-12-408 and 44-12-409** as follows:

44-12-408. Marijuana hospitality establishment license - rules - definition. (1) (a) ON AND AFTER JANUARY 1, 2020, THE STATE LICENSING AUTHORITY MAY ISSUE A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH MARIJUANA MAY BE CONSUMED PURSUANT TO THIS ARTICLE 12, RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

(b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE ORDINANCE

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OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN SECTION 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR A LICENSE TO OPERATE A MARIJUANA HOSPITALITY ESTABLISHMENT IN AN ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD ESTABLISHMENT. A RETAIL FOOD ESTABLISHMENT OPERATING A MARIJUANA HOSPITALITY ESTABLISHMENT PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED PURSUANT TO THAT ARTICLE INCLUDING BUT NOT LIMITED TO LICENSURE REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT AUTHORIZE THE MARIJUANA HOSPITALITY ESTABLISHMENT TO ENGAGE IN THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD ESTABLISHMENT.

(2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF MARIJUANA HOSPITALITY ESTABLISHMENTS WITHIN ITS JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH A REFERRED OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY ACTS THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT A PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE REGISTERED ELECTORS IN THE COUNTY OR CITY AND COUNTY.

(b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY AUTHORIZES THE OPERATION OF MARIJUANA HOSPITALITY ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED IN THIS SECTION.

(c) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY HAS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AN ORDINANCE OR RESOLUTION RELATED TO CONSUMPTION OF MARIJUANA, NOTHING IN THIS SECTION RESTRICTS THE ENFORCEMENT OF THAT ORDINANCE OR RESOLUTION, AND THE LOCAL JURISDICTION MAY, BY ORDINANCE OR RESOLUTION, REQUIRE A BUSINESS OPERATING AS A PLACE FOR ON-SITE MARIJUANA CONSUMPTION TO BE LICENSED PURSUANT TO THIS SECTION.

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(3) (a) (I) APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY AND MUST SET FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO DETERMINE WHETHER A STATE LICENSE SHOULD BE GRANTED. THE INFORMATION MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT AND ANY OTHER INFORMATION REQUESTED BY THE STATE LICENSING AUTHORITY. EACH APPLICATION MUST BE VERIFIED BY THE OATH OR AFFIRMATION OF SUCH PERSON OR PERSONS AS THE STATE LICENSING AUTHORITY MAY PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON LOCAL LICENSING AUTHORITY APPROVAL.

(II) AN APPLICANT IS PROHIBITED FROM OPERATING A MARIJUANA HOSPITALITY ESTABLISHMENT WITHOUT STATE AND LOCAL LICENSING AUTHORITY APPROVAL; EXCEPT THAT A BUSINESS OPERATING A LOCATION BEFORE DECEMBER 31, 2019, AT WHICH THE CONSUMPTION OF MARIJUANA IS PERMITTED PURSUANT TO A LOCAL ORDINANCE OR RESOLUTION, MAY CONTINUE TO OPERATE UNTIL A STATE LICENSE IS APPROVED OR DENIED IF THE BUSINESS APPLIES FOR A LICENSE UNDER THIS SECTION ON OR BEFORE DECEMBER 31, 2019. BEGINNING JANUARY 1, 2020, ANY SUCH BUSINESS THAT HAS NOT APPLIED FOR A STATE LICENSE SHALL CEASE OPERATION.

(III) IF A MARIJUANA HOSPITALITY LICENSE IS DENIED BY THE STATE, THE BUSINESS SHALL IMMEDIATELY CEASE OPERATIONS FOR WHICH A MARIJUANA HOSPITALITY LICENSE IS REQUIRED PURSUANT TO THIS ARTICLE 12. IF THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING AUTHORITY APPROVAL WITHIN ONE YEAR AFTER THE DATE OF STATE LICENSING AUTHORITY APPROVAL, THE STATE LICENSE EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY OR THE APPROVAL OF THE LOCAL LICENSING AUTHORITY IS REVOKED, THE STATE LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE.

(b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:

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(I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET, OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR REGULATIONS;

(II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY; OR

(III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

(c) A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE IS VALID FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE LICENSING AUTHORITY, BUT FOR NO LONGER THAN ONE YEAR, AND THE LICENSE MAY BE RENEWED. THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL FEE FOR THE LICENSE.

(d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL MARIJUANA HOSPITALITY ESTABLISHMENTS IN THE STATE AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

(4) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL NOT:

(a) ENGAGE IN OR PERMIT THE SALE OR EXCHANGE FOR REMUNERATION OF RETAIL OR MEDICAL MARIJUANA, RETAIL MARIJUANA PRODUCTS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS IN THE LICENSED PREMISES;

(b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO CONSUME ANY MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

(c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

(d) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED PREMISES;

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(e) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

(f) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

(g) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO SALES, MANUFACTURING, OR CULTIVATION;

(h) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY CONDUCT AS DESCRIBED IN SECTION 18-9-106;

(i) PERMIT THE USE OR CONSUMPTION OF MARIJUANA BY A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION;

(j) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

(k) ADMIT INTO THE LICENSED PREMISES OF THE ESTABLISHMENT ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(5) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL:

(a) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND RESPECTABLE MANNER;

(b) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;

(c) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY MARIJUANA IS NOT VISIBLE FROM OUTSIDE OF THE LICENSED PREMISES OF THE ESTABLISHMENT;

(d) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF

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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. NOTHING IN THIS SUBSECTION (5)(d) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

(e) MAINTAIN A RECORD OF ALL EDUCATIONAL MATERIALS REQUIRED BY SUBSECTION (5)(d) OF THIS SECTION IN THE LICENSED PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES AND LAW ENFORCEMENT; AND

(f) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT, FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER PUBLIC SAFETY PERSONNEL TO ENTER A MARIJUANA HOSPITALITY ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE ESTABLISHMENT CEASE ALL CONSUMPTION AND OTHER ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

(6) A MARIJUANA HOSPITALITY ESTABLISHMENT AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE ESTABLISHMENT FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION.

44-12-409. Retail marijuana hospitality and sales establishment license - rules - definition. (1) (a) ON AND AFTER JANUARY 1, 2020, THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSE AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH MARIJUANA MAY BE SOLD AND CONSUMED PURSUANT TO THIS ARTICLE 12, RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

(b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN SECTION 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR A LICENSE TO OPERATE A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT

IN AN ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD ESTABLISHMENT. A RETAIL FOOD ESTABLISHMENT OPERATING A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED PURSUANT TO THAT ARTICLE INCLUDING BUT NOT LIMITED TO LICENSURE REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT AUTHORIZE THE RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT TO ENGAGE IN THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD ESTABLISHMENT.

(2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN ITS JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH A REFERRED OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY ACTS THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT A PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE REGISTERED ELECTORS IN THE COUNTY OR CITY AND COUNTY.

(b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY AUTHORIZES THE OPERATION OF RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED IN THIS SECTION.

(3) (a) APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY AND MUST SET FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO DETERMINE WHETHER A STATE LICENSE SHOULD BE GRANTED. THE INFORMATION MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT AND ANY OTHER INFORMATION REQUESTED BY THE STATE LICENSING AUTHORITY. EACH APPLICATION MUST BE VERIFIED BY THE OATH OR AFFIRMATION OF SUCH PERSON OR PERSONS AS THE STATE LICENSING AUTHORITY MAY PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON LOCAL LICENSING AUTHORITY APPROVAL. AN APPLICANT IS PROHIBITED FROM OPERATING A RETAIL MARIJUANA HOSPITALITY AND SALES

ESTABLISHMENT WITHOUT STATE AND LOCAL LICENSING AUTHORITY APPROVAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING AUTHORITY APPROVAL WITHIN ONE YEAR AFTER THE DATE OF STATE LICENSING AUTHORITY APPROVAL, THE STATE LICENSE EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY OR THE APPROVAL OF THE LOCAL LICENSING AUTHORITY IS REVOKED, THE STATE LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE.

(b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:

(I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET, OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR REGULATIONS;

(II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY; OR

(III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

(c) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSE IS VALID FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE LICENSING AUTHORITY, BUT NO LONGER THAN ONE YEAR, AND THE LICENSE MAY BE RENEWED. THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL FEE FOR THE LICENSE.

(d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS IN THE STATE

AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

(4) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSEE SHALL NOT:

(a) ENGAGE IN MULTIPLE SALES TRANSACTIONS TO THE SAME PATRON DURING THE SAME BUSINESS DAY WHEN THE ESTABLISHMENT'S EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE SALES TRANSACTION WOULD RESULT IN THE PATRON POSSESSING MORE THAN THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO CONSUME ANY MARIJUANA IN THE LICENSED PREMISES;

(c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

(d) SELL ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS THAT CONTAIN NICOTINE OR, IF THE SALE OF ALCOHOL WOULD REQUIRE A LICENSE OR PERMIT PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44, ALCOHOL;

(e) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED PREMISES;

(f) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN THE LICENSED PREMISES OF THE ESTABLISHMENT;

(g) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

(h) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO MANUFACTURING OR CULTIVATION ACTIVITY;

(i) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY CONDUCT AS DESCRIBED IN SECTION 18-9-106;

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(j) SELL, SERVE, OR PERMIT THE SALE OR SERVING OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ANY PATRON WHO SHOWS SIGNS OF VISIBLE INTOXICATION;

(k) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

(l) ADMIT INTO THE LICENSED PREMISES OF A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(5) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSEE SHALL:

(a) TRACK ALL OF ITS RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A RETAIL MARIJUANA STORE, RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF SALE TO ITS PATRONS;

(b) LIMIT A PATRON TO ONE TRANSACTION OF NO MORE THAN THE SALES LIMIT SET BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT TO SECTION 44-12-202 (3)(a)(XXV);

(c) BEFORE ALLOWING A PATRON TO LEAVE THE LICENSED PREMISES WITH ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS, PACKAGE AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE ESTABLISHMENT THAT COMPLY WITH THE REQUIREMENTS OF SECTION 44-12-202 (3)(a)(VIII) AND (3)(d)(II);

(d) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND RESPECTABLE MANNER;

(e) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;

(f) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY RETAIL

MARIJUANA OR RETAIL MARIJUANA PRODUCT IS NOT VISIBLE FROM OUTSIDE OF THE ESTABLISHMENT;

(g) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING 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. NOTHING IN THIS SUBSECTION (5)(g) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

(h) MAINTAINING A RECORD OF ALL EDUCATIONAL MATERIALS REQUIRED BY SUBSECTION (5)(g) OF THIS SECTION IN THE LICENSED PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES AND LAW ENFORCEMENT; AND

(i) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT, FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER PUBLIC SAFETY PERSONNEL TO ENTER A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE ESTABLISHMENT CEASE ALL SALES, CONSUMPTION AND OTHER ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

(6) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE ESTABLISHMENT FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION.

(7) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT MAY PURCHASE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS FROM ANY RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER.

SECTION 8. In Colorado Revised Statutes, 44-12-901, **amend** (1), (3)(c), (3)(d), and (4)(g); and **add** (3)(e) as follows:

44-12-901. Unlawful acts - exceptions. (1) Except IN THE

LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409 OR as otherwise provided in this article 12, it is unlawful for a person to consume retail marijuana or retail marijuana products in a licensed retail marijuana establishment, and it is unlawful for a retail marijuana licensee to allow retail marijuana or retail marijuana products to be consumed upon its licensed premises.

(3) It is unlawful for a person licensed pursuant to this article 12:

(c) To fail to report a transfer required by section 44-12-309 (10);

or

(d) To fail to report the name of or a change in managers as required by section 44-12-309 (11); OR

(e) TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

(4) It is unlawful for any person licensed to sell retail marijuana or retail marijuana products pursuant to this article 12:

(g) EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409, to have on the licensed premises any retail marijuana, retail marijuana products, or marijuana paraphernalia that shows evidence of the retail marijuana having been consumed or partially consumed;

SECTION 9. In Colorado Revised Statutes, 18-18-406, add (5)(b)(IV) and (5)(b)(V) as follows:

18-18-406. Offenses related to marijuana and marijuana concentrate - definitions. (5) (b) (IV) PUBLIC DISPLAY, CONSUMPTION, OR USE OF MARIJUANA OR MARIJUANA CONCENTRATE PURSUANT TO THE PROVISIONS OF SECTION 44-12-408, WHEN SUCH DISPLAY, CONSUMPTION, OR USE IS WITHIN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408, IS NOT A

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VIOLATION OF THIS SUBSECTION (5).

(V) PUBLIC DISPLAY, CONSUMPTION, OR USE OF RETAIL MARIJUANA OR RETAIL MARIJUANA CONCENTRATE PURSUANT TO THE PROVISIONS OF SECTION 44-12-409, WHEN SUCH DISPLAY, CONSUMPTION, OR USE IS WITHIN THE LICENSED PREMISES OF A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409 AND WHEN AN INDIVIDUAL'S DISPLAY, CONSUMPTION, OR USE DOES NOT EXCEED THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT TO SECTION 44-12-202 (3)(a)(XXV)(B), IS NOT A VIOLATION OF THIS SUBSECTION (5).

SECTION 10. In Colorado Revised Statutes, 25-14-205, **amend** (1) introductory portion, (1)(i), and (1)(k)(I)(C); and **add** (1)(l) as follows:

25-14-205. Exceptions to smoking restrictions. (1) This part 2 ~~shall~~ DOES not apply to:

(i) A private, nonresidential building on a farm or ranch, as defined in section 39-1-102, ~~C.R.S.~~; that has annual gross income of less than five hundred thousand dollars; ~~or~~

(k) (I) The areas of assisted living facilities:

(C) To which access is restricted to the residents or their guests; OR

(l) IF AUTHORIZED BY LOCAL ORDINANCE, LICENSE, OR REGULATION, THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409; EXCEPT THAT THIS EXCEPTION ONLY APPLIES TO THE SMOKING OF MARIJUANA AND DOES NOT ALLOW THE SMOKING OF TOBACCO WITHIN SUCH PREMISES.

SECTION 11. In Colorado Revised Statutes, 44-11-1101, **amend** (2) introductory portion, (2)(b)(IV), and (2)(b)(V); and **add** (2)(b)(VI) as follows:

44-11-1101. Responsible vendor program - standards - designation. (2) An approved training program ~~shall~~ MUST contain, at a

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minimum, the following standards and ~~shall~~ MUST be taught in a classroom setting in a minimum of a two-hour period:

(b) A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes, but need not be limited to:

(IV) Acceptable forms of identification, including patient registry cards and associated documents and procedures; ~~and~~

(V) Local and state licensing and enforcement, which may include, but need not be limited to, key statutes and rules affecting patients, owners, managers, and employees; AND

(VI) INFORMATION ON SERVING SIZE, THC AND CANNABINOID POTENCY, AND IMPAIRMENT.

SECTION 12. In Colorado Revised Statutes, 44-10-103, **amend as relocated by Senate Bill 19-224** (58); and **add as relocated by Senate Bill 19-224** (33.5) and (60.5) as follows:

44-10-103. Definitions. As used in this article 10, unless the context otherwise requires:

(33.5) "MARIJUANA HOSPITALITY BUSINESS" MEANS A FACILITY, WHICH MAY BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION OF MARIJUANA PURSUANT TO THIS ARTICLE 10; RULES PROMULGATED PURSUANT TO THIS ARTICLE 10; AND THE PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

(58) "Retail marijuana business" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, A MARIJUANA HOSPITALITY BUSINESS, A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter licensed pursuant to this article 10.

(60.5) "RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS" MEANS A FACILITY, WHICH CANNOT BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION OF ONLY THE RETAIL MARIJUANA OR RETAIL MARIJUANA

PRODUCTS IT HAS SOLD PURSUANT TO THE PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

SECTION 13. In Colorado Revised Statutes, 44-10-202, **amend as relocated by Senate Bill 19-224 (1)(a)** introductory portion and (1)(b) as follows:

44-10-202. Powers and duties of state licensing authority - rules - legislative declaration. (1) Powers and duties. The state licensing authority shall:

(a) Develop and maintain a seed-to-sale tracking system that tracks regulated marijuana from either the seed or immature plant stage until the regulated marijuana or regulated marijuana product is sold to a patient at a medical marijuana store or to a customer at a retail marijuana store OR A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS to ensure that no regulated marijuana grown or processed by a medical marijuana business or retail marijuana business is sold or otherwise transferred except by a medical or retail marijuana store OR A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS; except that the medical marijuana or medical marijuana product is no longer subject to the tracking system once the medical marijuana or medical marijuana product has been:

(b) Grant or refuse state licenses for the cultivation, manufacture, distribution, sale, HOSPITALITY, and testing of regulated marijuana and regulated marijuana products as provided by law; suspend, fine, restrict, or revoke such licenses, whether active, expired, or surrendered, upon a violation of this article 10 or any rule promulgated pursuant to this article 10; and impose any penalty authorized by this article 10 or any rule promulgated pursuant to this article 10. The state licensing authority may take any action with respect to a registration pursuant to this article 10 as it may with respect to a license pursuant to this article 10, in accordance with the procedures established pursuant to this article 10.

SECTION 14. In Colorado Revised Statutes, 44-10-203, **amend as relocated by Senate Bill 19-224 (2)(aa); and add as relocated by Senate Bill 19-224 (2)(ff) and (2)(gg)** as follows:

44-10-203. State licensing authority - rules. (2) Mandatory

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rule-making. Rules promulgated pursuant to section 44-10-202 (1)(c) must include but need not be limited to the following subjects:

(aa) The implementation of an accelerator program including but not limited to rules to establish severed liability for licensees operating on the same physical premises, severed custodianship of regulated products, protections of the intellectual property of the accelerator licensee, incentives for licensees endorsed as accelerators, and additional requirements if a person applying for an accelerator endorsement has less than two years experience operating a licensed facility under this title 10;

(ff) THE IMPLEMENTATION OF MARIJUANA HOSPITALITY AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSES, INCLUDING BUT NOT LIMITED TO:

(I) GENERAL INSURANCE LIABILITY REQUIREMENTS;

(II) A SALES LIMIT PER TRANSACTION FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS THAT MAY BE SOLD TO A PATRON OF A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS; EXCEPT THAT THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY MUST NOT BE AN AMOUNT LESS THAN ONE GRAM OF RETAIL MARIJUANA FLOWER, ONE-QUARTER OF ONE GRAM OF RETAIL MARIJUANA CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT CONTAINING NOT MORE THAN TEN MILLIGRAMS OF ACTIVE THC;

(III) RESTRICTIONS ON THE TYPE OF ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT AUTHORIZED TO BE SOLD INCLUDING THAT THE MARIJUANA OR PRODUCT BE MEANT FOR CONSUMPTION IN THE LICENSED PREMISES OF THE BUSINESS;

(IV) PROHIBITIONS ON ACTIVITY THAT WOULD REQUIRE ADDITIONAL LICENSURE ON THE LICENSED PREMISES, INCLUDING BUT NOT LIMITED TO SALES, MANUFACTURING, OR CULTIVATION ACTIVITY;

(V) REQUIREMENTS FOR MARIJUANA HOSPITALITY BUSINESSES AND RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES OPERATING PURSUANT TO SECTION 44-10-609 OR 44-10-610 IN A RETAIL FOOD BUSINESS;

(VI) REQUIREMENTS FOR MARIJUANA HOSPITALITY BUSINESSES AND

RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSEES TO DESTROY ANY UNCONSUMED MARIJUANA OR MARIJUANA PRODUCTS LEFT BEHIND BY A PATRON; AND

(VII) RULES TO ENSURE COMPLIANCE WITH SECTION 42-4-1305.5;
AND

(gg) FOR MARIJUANA HOSPITALITY BUSINESSES THAT ARE MOBILE, REGULATIONS INCLUDING BUT NOT LIMITED TO:

(I) REGISTRATION OF VEHICLES AND PROPER DESIGNATION OF VEHICLES USED AS MOBILE LICENSED PREMISES;

(II) SURVEILLANCE CAMERAS INSIDE THE VEHICLES;

(III) GLOBAL POSITIONING SYSTEM TRACKING AND ROUTE LOGGING IN AN ESTABLISHED ROUTE MANIFEST SYSTEM;

(IV) COMPLIANCE WITH SECTION 42-4-1305.5;

(V) ENSURING ACTIVITY IS NOT VISIBLE OUTSIDE OF THE VEHICLE;
AND

(VI) PROPER VENTILATION WITHIN THE VEHICLE.

SECTION 15. In Colorado Revised Statutes, 44-10-305, **amend as relocated by Senate Bill 19-224 (2)(b)** as follows:

44-10-305. State licensing authority - application and issuance procedures - repeal. (2) (b) (I) The state licensing authority may issue a state license to an applicant pursuant to this section for a retail marijuana business upon completion of the applicable criminal history background check associated with the application, and the state license is conditioned upon local jurisdiction approval. A license applicant is prohibited from operating a licensed retail marijuana business without state and local jurisdiction approval. If the applicant does not receive local jurisdiction approval within one year from the date of state licensing authority approval, the state license expires and may not be renewed. If an application is denied by the local licensing authority, the state licensing authority shall revoke the state-issued license.

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(II) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(B)(I) OF THIS SECTION, A BUSINESS OPERATING A LOCATION BEFORE DECEMBER 31, 2019, AT WHICH THE CONSUMPTION OF MARIJUANA IS PERMITTED PURSUANT TO A LOCAL ORDINANCE OR RESOLUTION, MAY CONTINUE TO OPERATE UNTIL A STATE LICENSE IS APPROVED OR DENIED IF THE BUSINESS APPLIES FOR A LICENSE UNDER THIS SECTION ON OR BEFORE DECEMBER 31, 2019. BEGINNING ON JANUARY 1, 2020, ANY SUCH BUSINESS THAT HAS NOT APPLIED FOR A STATE LICENSE SHALL CEASE OPERATION.

(B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 16. In Colorado Revised Statutes, 44-10-401, **amend as relocated by Senate Bill 19-224** (1) and (2)(b)(VII); and **add as relocated by Senate Bill 19-224** (2)(b)(IX), (2)(b)(X), and (7) as follows:

44-10-401. Classes of licenses. (1) For the purpose of regulating the cultivation, manufacture, distribution, HOSPITALITY, and sale of regulated marijuana and regulated marijuana products, the state licensing authority in its discretion, upon application in the prescribed form made to it, may issue and grant to the applicant a license from any of the following classes, subject to the provisions and restrictions provided by this article 10.

(2) (b) The following are retail marijuana licenses:

(VII) Retail marijuana accelerator cultivator license; and

(IX) MARIJUANA HOSPITALITY BUSINESS LICENSE; AND

(X) RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSE.

(7) A PERSON MAY NOT OPERATE A LICENSE ISSUED PURSUANT TO THIS ARTICLE 10 AT THE SAME LOCATION AS A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44.

SECTION 17. In Colorado Revised Statutes, 44-10-601, **add as relocated by Senate Bill 19-224** (2)(c) as follows:

44-10-601. Retail marijuana store license - rules - definition.
(2) (c) A RETAIL MARIJUANA STORE MAY SELL RETAIL MARIJUANA AND

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RETAIL MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSEE.

SECTION 18. In Colorado Revised Statutes, 44-10-602, **amend as relocated by Senate Bill 19-224** (1) as follows:

44-10-602. Retail marijuana cultivation facility license - rules - definitions. (1) A retail marijuana cultivation facility license may be issued only to a person who cultivates retail marijuana for sale and distribution to licensed retail marijuana stores, retail marijuana products manufacturer licensees, RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS, or other retail marijuana cultivation facilities.

SECTION 19. In Colorado Revised Statutes, 44-10-603, **add as relocated by Senate Bill 19-224** (1)(e) as follows:

44-10-603. Retail marijuana products manufacturer license - rules - definition. (1)(e) A RETAIL MARIJUANA PRODUCTS MANUFACTURER MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS.

SECTION 20. In Colorado Revised Statutes, **add to article 10 as relocated by Senate Bill 19-224** 44-10-609 and 44-10-610 as follows:

44-10-609. Marijuana hospitality business license - rules - definition. (1) (a) THE STATE LICENSING AUTHORITY MAY ISSUE A MARIJUANA HOSPITALITY BUSINESS LICENSE AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH MARIJUANA MAY BE CONSUMED PURSUANT TO THIS ARTICLE 10, RULES PROMULGATED PURSUANT TO THIS ARTICLE 10, AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

(b) SUBJECT TO PROVISIONS OF THIS ARTICLE 10 AND THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES, A RETAIL FOOD BUSINESS AS DEFINED IN SECTION 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR A LICENSE TO OPERATE A MARIJUANA HOSPITALITY BUSINESS IN AN ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD BUSINESS. A RETAIL FOOD BUSINESS OPERATING A MARIJUANA HOSPITALITY BUSINESS PURSUANT TO THIS

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SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED PURSUANT TO THAT ARTICLE, INCLUDING BUT NOT LIMITED TO LICENSURE REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT AUTHORIZE THE MARIJUANA HOSPITALITY BUSINESS TO ENGAGE IN THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD BUSINESS.

(c) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY HAS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AN ORDINANCE OR RESOLUTION RELATED TO CONSUMPTION OF MARIJUANA, NOTHING IN THIS SECTION RESTRICTS THE ENFORCEMENT OF THAT ORDINANCE OR RESOLUTION, AND THE LOCAL JURISDICTION MAY, BY ORDINANCE OR RESOLUTION, REQUIRE A BUSINESS OPERATING AS A PLACE FOR ON-SITE MARIJUANA CONSUMPTION TO BE LICENSED PURSUANT TO THIS SECTION.

(d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL MARIJUANA HOSPITALITY BUSINESSES IN THE STATE AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

(2) A MARIJUANA HOSPITALITY BUSINESS SHALL NOT:

(a) ENGAGE IN OR PERMIT THE SALE OR EXCHANGE FOR REMUNERATION OF RETAIL OR MEDICAL MARIJUANA, RETAIL MARIJUANA PRODUCTS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS IN THE LICENSED PREMISES;

(b) ALLOW ON-DUTY EMPLOYEES OF THE BUSINESS TO CONSUME ANY MARIJUANA IN THE LICENSED PREMISES OF THE BUSINESS;

(c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF MARIJUANA IN THE LICENSED PREMISES OF THE BUSINESS;

(d) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED PREMISES;

(e) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN THE LICENSED PREMISES OF THE BUSINESS;

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(f) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

(g) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL LICENSE UNDER THIS ARTICLE 10 IN THE LICENSED PREMISES OF THE BUSINESS, INCLUDING BUT NOT LIMITED TO SALES, MANUFACTURING, OR CULTIVATION;

(h) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY CONDUCT AS DESCRIBED IN SECTION 18-9-106;

(i) PERMIT THE USE OR CONSUMPTION OF MARIJUANA BY A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION;

(j) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

(k) ADMIT INTO THE LICENSED PREMISES OF THE BUSINESS ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(3) A MARIJUANA HOSPITALITY BUSINESS SHALL:

(a) OPERATE THE BUSINESS IN A DECENT, ORDERLY, AND RESPECTABLE MANNER;

(b) REQUIRE ALL EMPLOYEES OF THE BUSINESS TO SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING PROGRAM AUTHORIZED PURSUANT TO SECTION 44-10-1201;

(c) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY MARIJUANA IS NOT VISIBLE FROM OUTSIDE OF THE LICENSED PREMISES OF THE BUSINESS;

(d) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING 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

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RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS SUBSECTION (3)(d) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

(e) MAINTAIN A RECORD OF ALL EDUCATIONAL MATERIALS REQUIRED BY SUBSECTION (3)(d) OF THIS SECTION IN THE LICENSED PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES AND LAW ENFORCEMENT; AND

(f) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT, FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER PUBLIC SAFETY PERSONNEL TO ENTER A MARIJUANA HOSPITALITY BUSINESS, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE BUSINESS CEASE ALL CONSUMPTION AND OTHER ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

(4) A MARIJUANA HOSPITALITY BUSINESS AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE BUSINESS FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION.

44-10-610. Retail marijuana hospitality and sales business license - rules - definition. (1) (a) THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSE AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH MARIJUANA MAY BE SOLD AND CONSUMED PURSUANT TO THIS ARTICLE 10, RULES PROMULGATED PURSUANT TO THIS ARTICLE 10, AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES.

(b) SUBJECT TO PROVISIONS OF THIS ARTICLE 10 AND THE ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE OPERATES, A RETAIL FOOD BUSINESS AS DEFINED IN SECTION 25-4-1602 (14) THAT DOES NOT HOLD A LICENSE OR PERMIT ISSUED PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44 MAY APPLY FOR A LICENSE TO OPERATE A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS IN AN ISOLATED PORTION OF THE PREMISES OF THE RETAIL FOOD BUSINESS. A RETAIL FOOD BUSINESS OPERATING A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED

PURSUANT TO THAT ARTICLE, INCLUDING BUT NOT LIMITED TO LICENSURE REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT AUTHORIZE THE RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS TO ENGAGE IN THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD BUSINESS.

(c) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES IN THE STATE AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.

(2) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSEE SHALL NOT:

(a) ENGAGE IN MULTIPLE SALES TRANSACTIONS TO THE SAME PATRON DURING THE SAME BUSINESS DAY WHEN THE BUSINESS'S EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE SALES TRANSACTION WOULD RESULT IN THE PATRON POSSESSING MORE THAN THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(b) ALLOW ON-DUTY EMPLOYEES OF THE BUSINESS TO CONSUME ANY MARIJUANA IN THE LICENSED PREMISES;

(c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF MARIJUANA IN THE LICENSED PREMISES OF THE BUSINESS;

(d) SELL ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS THAT CONTAIN NICOTINE OR, IF THE SALE OF ALCOHOL WOULD REQUIRE A LICENSE OR PERMIT PURSUANT TO ARTICLE 3, 4, OR 5 OF THIS TITLE 44, ALCOHOL;

(e) ALLOW THE CONSUMPTION OF ALCOHOL ON THE LICENSED PREMISES;

(f) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN THE LICENSED PREMISES OF THE BUSINESS;

(g) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM

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GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;

(h) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL LICENSE UNDER THIS ARTICLE 10 IN THE LICENSED PREMISES OF THE BUSINESS, INCLUDING BUT NOT LIMITED TO MANUFACTURING OR CULTIVATION ACTIVITY;

(i) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY CONDUCT AS DESCRIBED IN SECTION 18-9-106;

(j) SELL, SERVE, OR PERMIT THE SALE OR SERVING OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ANY PATRON WHO SHOWS SIGNS OF VISIBLE INTOXICATION;

(k) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR

(l) ADMIT INTO THE LICENSED PREMISES OF A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.

(3) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSEE SHALL:

(a) TRACK ALL OF ITS RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A RETAIL MARIJUANA STORE, RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF SALE TO ITS PATRONS;

(b) LIMIT A PATRON TO ONE TRANSACTION OF NO MORE THAN THE SALES LIMIT SET BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT TO SECTION 44-10-203 (2)(ff)(II);

(c) BEFORE ALLOWING A PATRON TO LEAVE THE LICENSED PREMISES WITH ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS, PACKAGE AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE BUSINESS THAT

COMPLY WITH THE REQUIREMENTS OF SECTION 44-10-203 (2)(f) AND (3)(b);

(d) OPERATE THE BUSINESS IN A DECENT, ORDERLY, AND RESPECTABLE MANNER;

(e) REQUIRE ALL EMPLOYEES OF THE BUSINESS TO SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING PROGRAM AUTHORIZED PURSUANT TO SECTION 44-10-1201;

(f) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT IS NOT VISIBLE FROM OUTSIDE OF THE BUSINESS;

(g) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING 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. NOTHING IN THIS SUBSECTION (3)(g) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

(h) MAINTAINING A RECORD OF ALL EDUCATIONAL MATERIALS REQUIRED BY SUBSECTION (3)(g) OF THIS SECTION IN THE LICENSED PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES AND LAW ENFORCEMENT; AND

(i) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT, FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER PUBLIC SAFETY PERSONNEL TO ENTER A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE BUSINESS CEASE ALL SALES, CONSUMPTION AND OTHER ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

(4) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE BUSINESS FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION.

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(5) A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS MAY PURCHASE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS FROM ANY RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER.

SECTION 21. In Colorado Revised Statutes, 44-10-701, **amend as relocated by Senate Bill 19-224** (1)(a), (3)(d), and (3)(f) as follows:

44-10-701. Unlawful acts - exceptions. (1) Except as otherwise provided in this article 10, it is unlawful for a person:

(a) EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY BUSINESS LICENSED PURSUANT TO SECTION 44-10-609 OR A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSED PURSUANT TO SECTION 44-10-610:

(I) To consume regulated marijuana or regulated marijuana products in a licensed medical marijuana business or retail marijuana business; ~~and it shall be unlawful~~ OR

(II) For a medical marijuana business or retail marijuana business to allow regulated marijuana or regulated marijuana products to be consumed upon its licensed premises;

(3) It is unlawful for a person licensed pursuant to this article 10:

(d) To provide public premises, or any portion thereof, for the purpose of consumption of regulated marijuana in any form, EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY BUSINESS LICENSED PURSUANT TO SECTION 44-10-609 OR A RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSED PURSUANT TO SECTION 44-10-610;

(f) To have on the licensed premises any regulated marijuana or marijuana paraphernalia that shows evidence of the regulated marijuana having been consumed or partially consumed, except:

(I) If it is for purposes of recycling; OR

(II) IN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY BUSINESS LICENSED PURSUANT TO SECTION 44-10-609 OR A RETAIL

MARIJUANA HOSPITALITY AND SALES BUSINESS LICENSED PURSUANT TO SECTION 44-10-610;

SECTION 22. In Colorado Revised Statutes, 44-10-1201, **amend as relocated by Senate Bill 19-224 (2)(b)(IV) and (2)(b)(V); and add as relocated by Senate Bill 19-224 (2)(b)(VI) as follows:**

44-10-1201. Responsible vendor program - standards - designation. (2) An approved training program must contain, at a minimum, the following standards and be taught in a classroom setting in a minimum of a two-hour period:

(b) A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes but need not be limited to:

(IV) Acceptable forms of identification, including patient registry cards and associated documents and procedures; **and**

(V) Local and state licensing and enforcement, which may include but need not be limited to key statutes and rules affecting patients, owners, managers, and employees; **AND**

(VI) INFORMATION ON SERVING SIZE, THC AND CANNABINOID POTENCY, AND IMPAIRMENT.

SECTION 23. In Colorado Revised Statutes, 18-18-406, **amend as added in section 9 of this act (5)(b)(IV) and (5)(b)(V) as follows:**

18-18-406. Offenses related to marijuana and marijuana concentrate - definitions. (5) (b) (IV) Public display, consumption, or use of marijuana or marijuana concentrate pursuant to the provisions of ~~section 44-12-408~~ SECTION 44-10-609, when such display, consumption, or use is within the licensed premises of a marijuana hospitality ~~establishment~~ BUSINESS licensed pursuant to ~~section 44-12-408~~ SECTION 44-10-609, is not a violation of this subsection (5).

(V) Public display, consumption, or use of retail marijuana or retail marijuana concentrate pursuant to the provisions of ~~section 44-12-409~~ SECTION 44-10-610, when such display, consumption, or use is within the licensed premises of a retail marijuana hospitality and sales ~~establishment~~

BUSINESS licensed pursuant to ~~section 44-12-409~~ SECTION 44-10-610 and when an individual's display, consumption, or use does not exceed the sales limit established by the state licensing authority by rule pursuant to ~~section 44-12-202(3)(a)(XXV)(B)~~ SECTION 44-10-203 (2)(ff)(II), is not a violation of this subsection (5).

SECTION 24. In Colorado Revised Statutes, 25-14-205, **amend as added in section 10 of this act** (1)(l) as follows:

25-14-205. Exceptions to smoking restrictions. (1) This part 2 does not apply to:

(l) If authorized by local ordinance, license, or regulation, the licensed premises of a marijuana hospitality ~~establishment~~ BUSINESS licensed pursuant to ~~section 44-12-408~~ SECTION 44-10-609 or a retail marijuana hospitality and sales ~~establishment~~ BUSINESS licensed pursuant to ~~section 44-12-409~~ SECTION 44-10-610; except that this exception only applies to the smoking of marijuana and does not allow the smoking of tobacco within such premises.

SECTION 25. Appropriation. (1) For the 2019-20 state fiscal year, \$399,479 is appropriated to the department of revenue. This appropriation is from the marijuana cash fund created in section 44-11-501 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$316,090 for marijuana enforcement, which amount is based on an assumption that the department will require an additional 3.2 FTE;

(b) \$2,000 for tax administration IT system (GenTax) support;

(c) \$72,023 for the purchase of legal services;

(d) \$4,576 for the purchase of criminal history record checks; and

(e) \$4,790 for vehicle lease payments.

(2) For the 2019-20 state fiscal year, \$72,023 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(c) of this section and

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is based on an assumption that the department of law will require an additional 0.3 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

(3) For the 2019-20 state fiscal year, \$4,576 is appropriated to the department of public safety for use by the biometric identification and records unit. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(d) of this section. To implement this act, the unit may use this appropriation to provide criminal history record checks for the department of revenue.

(4) For the 2019-20 state fiscal year, \$4,790 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(e) of this section. To implement this act, the department of personnel may use this appropriation to provide vehicles for the department of revenue.

SECTION 26. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Sections 12 through 24 of this act take effect January 1, 2020, only if Senate Bill 19-224 becomes law; 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

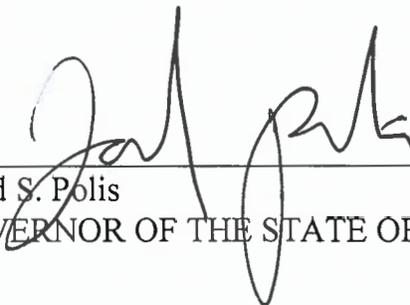


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 29, 2019 at 3:28pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1234

BY REPRESENTATIVE(S) Valdez A. and Singer, Gray, Melton, Buentello, Duran, Herod, Jaquez Lewis, Sirota, Tipper; also SENATOR(S) Gonzales and Marble, Fenberg, Winter, Crowder.

CONCERNING ALLOWING DELIVERY OF REGULATED MARIJUANA BY REGULATED MARIJUANA SELLERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 44-11-202, **amend** (2)(a)(XXI), (2)(a)(XXVIII), and (2)(a)(XXIX); and **add** (2)(a)(XXX) as follows:

44-11-202. Powers and duties of state licensing authority - rules.
(2) (a) Rules promulgated pursuant to subsection (1)(b) of this section may include, but need not be limited to, the following subjects:

(XXI) Medical marijuana transporter licensed businesses, including requirements for drivers, including obtaining and maintaining a valid Colorado driver's license; insurance requirements; acceptable time frames for transport, storage, and delivery; requirements for transport vehicles;

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.

REQUIREMENTS FOR DELIVERIES; and requirements for licensed premises;

(XXVIII) Requirements for a centralized distribution permit for optional premises cultivation facilities issued pursuant to section 44-11-403 (5), including but not limited to permit application requirements and privileges and restrictions of a centralized distribution permit; and

(XXIX) Requirements for issuance of colocation permits to a marijuana research and development licensee or a marijuana research and development cultivation licensee authorizing colocation with a medical marijuana-infused products manufacturing licensed premises, including application requirements, eligibility, restrictions to prevent cross-contamination and to ensure physical separation of inventory and research activities, and other privileges and restrictions of permits; AND

(XXX) REQUIREMENTS FOR MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS DELIVERY AS DESCRIBED IN SECTION 44-11-402 (11) AND SECTION 44-11-406 (5), INCLUDING:

(A) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR LICENSED MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA TRANSPORTERS APPLYING FOR A MEDICAL MARIJUANA DELIVERY PERMIT;

(B) TRAINING REQUIREMENTS FOR PERSONNEL OF MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA TRANSPORTERS THAT HOLD A MEDICAL MARIJUANA DELIVERY PERMIT WHO WILL DELIVER MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS ARTICLE 11 AND REQUIREMENTS THAT MEDICAL MARIJUANA CENTERS AND MEDICAL MARIJUANA TRANSPORTERS OBTAIN A RESPONSIBLE VENDOR DESIGNATION PURSUANT TO SECTION 44-11-1102 PRIOR TO CONDUCTING A DELIVERY;

(C) PROCEDURES FOR PROOF OF MEDICAL MARIJUANA REGISTRY AND AGE IDENTIFICATION AND VERIFICATION;

(D) SECURITY REQUIREMENTS;

(E) DELIVERY VEHICLE REQUIREMENTS, INCLUDING REQUIREMENTS FOR SURVEILLANCE;

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(F) RECORD-KEEPING REQUIREMENTS;

(G) LIMITS ON THE AMOUNT OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS THAT MAY BE CARRIED IN A DELIVERY VEHICLE AND DELIVERED TO A PATIENT OR PARENT OR GUARDIAN, WHICH CANNOT EXCEED LIMITS PLACED ON SALES AT LICENSED MEDICAL MARIJUANA CENTERS;

(H) INVENTORY TRACKING SYSTEM REQUIREMENTS;

(I) HEALTH AND SAFETY REQUIREMENTS FOR MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS DELIVERED TO A PATIENT OR PARENT OR GUARDIAN;

(J) CONFIDENTIALITY REQUIREMENTS TO ENSURE THAT PERSONS DELIVERING MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS ARTICLE 11 DO NOT DISCLOSE PERSONAL IDENTIFYING INFORMATION TO ANY PERSON OTHER THAN THOSE WHO NEED THAT INFORMATION IN ORDER TO TAKE, PROCESS, OR DELIVER THE ORDER OR AS OTHERWISE REQUIRED OR AUTHORIZED BY THIS ARTICLE 11, TITLE 18, OR TITLE 25; AND

(K) AN APPLICATION FEE AND ANNUAL RENEWAL FEE FOR THE MEDICAL MARIJUANA DELIVERY PERMIT. THE AMOUNT OF THE FEE MUST REFLECT THE EXPECTED COSTS OF ADMINISTERING THE MEDICAL MARIJUANA DELIVERY PERMIT AND MAY BE ADJUSTED BY THE STATE LICENSING AUTHORITY TO REFLECT THE PERMIT'S ACTUAL DIRECT AND INDIRECT COSTS.

(L) THE PERMITTED HOURS OF DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS;

(M) REQUIREMENTS FOR AREAS WHERE MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS ORDERS ARE STORED, WEIGHED, PACKAGED, PREPARED, AND TAGGED, INCLUDING REQUIREMENTS THAT MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS CANNOT BE PLACED INTO A DELIVERY VEHICLE UNTIL AFTER AN ORDER HAS BEEN PLACED AND THAT ALL DELIVERY ORDERS MUST BE PACKAGED ON THE LICENSED PREMISES OF A MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AFTER AN ORDER HAS BEEN RECEIVED; AND

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(N) PAYMENT METHODS, INCLUDING BUT NOT LIMITED TO THE USE OF GIFT CARDS AND PREPAYMENT ACCOUNTS.

SECTION 2. In Colorado Revised Statutes, 44-12-202, **amend** (3)(a)(XVIII), (3)(a)(XXIII), and (3)(a)(XXIV); and **add** (3)(a)(XXVII) as follows:

44-12-202. Powers and duties of state licensing authority - rules.
(3)(a) Rules promulgated pursuant to subsection (2)(b) of this section must include, but need not be limited to, the following subjects:

(XVIII) Retail marijuana transporter licensed businesses, including requirements for drivers, including obtaining and maintaining a valid Colorado driver's license; insurance requirements; acceptable time frames for transport, storage, and delivery; requirements for transport vehicles; REQUIREMENTS FOR DELIVERIES; and requirements for licensed premises;

(XXIII) Requirements for a centralized distribution permit for retail marijuana cultivation facilities issued pursuant to section 44-12-403 (7), including but not limited to permit application requirements and privileges and restrictions of a centralized distribution permit; **and**

(XXIV) Requirements for issuance of colocation permits to a marijuana research and development licensee or a marijuana research and development cultivation licensee authorizing colocation with a retail marijuana products manufacturing licensed premises, including application requirements, eligibility, restrictions to prevent cross-contamination and to ensure physical separation of inventory and research activities, and other privileges and restrictions of permits; **AND**

(XXVII) REQUIREMENTS FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS DELIVERY AS DESCRIBED IN SECTION 44-12-402 (12) AND SECTION 44-12-406 (5), INCLUDING:

(A) QUALIFICATIONS AND ELIGIBILITY REQUIREMENTS FOR RETAIL MARIJUANA STORES AND RETAIL MARIJUANA TRANSPORTERS APPLYING FOR A RETAIL MARIJUANA DELIVERY PERMIT;

(B) TRAINING REQUIREMENTS FOR PERSONNEL OF RETAIL MARIJUANA STORES AND RETAIL MARIJUANA TRANSPORTERS THAT HOLD A RETAIL

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MARIJUANA DELIVERY PERMIT THAT WILL DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THIS ARTICLE 12 AND REQUIREMENTS THAT RETAIL MARIJUANA STORES AND RETAIL MARIJUANA TRANSPORTERS OBTAIN A RESPONSIBLE VENDOR DESIGNATION PURSUANT TO SECTION 44-11-1102 PRIOR TO CONDUCTING A DELIVERY;

(C) PROCEDURES FOR AGE IDENTIFICATION AND VERIFICATION;

(D) SECURITY REQUIREMENTS;

(E) DELIVERY VEHICLE REQUIREMENTS, INCLUDING REQUIREMENTS FOR SURVEILLANCE;

(F) RECORD-KEEPING REQUIREMENTS;

(G) LIMITS ON THE AMOUNT OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS THAT MAY BE CARRIED IN A DELIVERY VEHICLE AND DELIVERED TO AN INDIVIDUAL, WHICH CANNOT EXCEED LIMITS PLACED ON SALES AT RETAIL MARIJUANA STORES;

(H) INVENTORY TRACKING SYSTEM REQUIREMENTS;

(I) HEALTH AND SAFETY REQUIREMENTS FOR RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS DELIVERED TO AN INDIVIDUAL;

(J) CONFIDENTIALITY REQUIREMENTS TO ENSURE THAT PERSONS DELIVERING RETAIL MARIJUANA PURSUANT TO THIS ARTICLE 12 DO NOT DISCLOSE PERSONAL IDENTIFYING INFORMATION AND HEALTH CARE INFORMATION TO ANY PERSON OTHER THAN THOSE WHO NEED THAT INFORMATION IN ORDER TO TAKE, PROCESS, OR DELIVER THE ORDER OR AS OTHERWISE REQUIRED OR AUTHORIZED BY THIS ARTICLE 12, TITLE 18, OR TITLE 25;

(K) AN APPLICATION FEE AND ANNUAL RENEWAL FEE FOR THE RETAIL MARIJUANA DELIVERY PERMIT. THE AMOUNT OF THE FEE MUST REFLECT THE EXPECTED COSTS OF ADMINISTERING THE RETAIL MARIJUANA DELIVERY PERMIT AND MAY BE ADJUSTED BY THE STATE LICENSING AUTHORITY TO REFLECT THE PERMIT'S ACTUAL DIRECT AND INDIRECT COSTS.

(L) THE PERMITTED HOURS OF DELIVERY OF RETAIL MARIJUANA AND

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RETAIL MARIJUANA PRODUCTS;

(M) REQUIREMENTS FOR AREAS WHERE RETAIL MARIJUANA ORDERS ARE STORED, WEIGHED, PACKAGED, PREPARED, AND TAGGED, INCLUDING REQUIREMENTS THAT RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS CANNOT BE PLACED INTO A DELIVERY VEHICLE UNTIL AFTER AN ORDER HAS BEEN PLACED AND THAT ALL DELIVERY ORDERS MUST BE PACKAGED ON THE LICENSED PREMISES OF A RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AFTER AN ORDER HAS BEEN RECEIVED; AND

(N) PAYMENT METHODS, INCLUDING BUT NOT LIMITED TO THE USE OF GIFT CARDS AND PREPAYMENT ACCOUNTS.

SECTION 3. In Colorado Revised Statutes, 44-11-301, **amend** (1) introductory portion, (1)(g), and (1)(h); and **add** (1)(i) as follows:

44-11-301. Local licensing authority - applications - licenses - permits. (1) A local licensing authority may issue only the following medical marijuana licenses OR PERMITS upon payment of the fee and compliance with all local licensing requirements to be determined by the local licensing authority:

(g) A marijuana research and development license; ~~and~~

(h) A marijuana research and development cultivation license; AND

(i) A MEDICAL MARIJUANA DELIVERY PERMIT.

SECTION 4. In Colorado Revised Statutes, 44-12-301, **amend** (1) as follows:

44-12-301. Local approval - licensing. (1) When the state licensing authority receives an application for original licensing OR ISSUANCE OF A RETAIL MARIJUANA DELIVERY PERMIT or renewal of an existing license OR PERMIT for any marijuana establishment, the state licensing authority shall provide, within seven days, a copy of the application to the local jurisdiction in which the establishment is to be located unless the local jurisdiction has prohibited the operation of retail marijuana establishments pursuant to section 16 (5)(f) of article XVIII of

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the state constitution. The local jurisdiction shall determine whether the application complies with local restrictions on time, place, manner, and the number of marijuana businesses. The local jurisdiction shall inform the state licensing authority whether the application complies with local restrictions on time, place, manner, and the number of marijuana businesses.

SECTION 5. In Colorado Revised Statutes, 44-11-402, **add** (11) as follows:

44-11-402. Medical marijuana center license - medical marijuana delivery permit - report - rules - repeal. (11) (a) (I) THERE IS AUTHORIZED A MEDICAL MARIJUANA DELIVERY PERMIT TO A MEDICAL MARIJUANA CENTER LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS.

(II) A MEDICAL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE MEDICAL MARIJUANA CENTER LICENSE.

(III) A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE MEDICAL MARIJUANA CENTER; EXCEPT THAT, A SINGLE MEDICAL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE MEDICAL MARIJUANA CENTERS PROVIDED THAT THE MEDICAL MARIJUANA CENTERS ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A MEDICAL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A MEDICAL MARIJUANA CENTER LICENSE ISSUED PURSUANT TO THIS ARTICLE 11. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A MEDICAL MARIJUANA DELIVERY PERMIT. A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED MEDICAL MARIJUANA CENTER. A VIOLATION RELATED TO A MEDICAL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR MEDICAL MARIJUANA CENTER LICENSE.

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(b) A MEDICAL MARIJUANA CENTER LICENSEE SHALL NOT MAKE DELIVERIES OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS OR PARENTS OR GUARDIANS WHILE ALSO TRANSPORTING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) A LICENSED MEDICAL MARIJUANA CENTER SHALL CHARGE A ONE-DOLLAR SURCHARGE ON EACH DELIVERY. THE LICENSED MEDICAL MARIJUANA CENTER SHALL REMIT THE SURCHARGES COLLECTED ON A MONTHLY BASIS TO THE MUNICIPALITY WHERE THE LICENSED MEDICAL MARIJUANA CENTER IS LOCATED, OR TO THE COUNTY IF THE LICENSED MEDICAL MARIJUANA CENTER IS IN AN UNINCORPORATED AREA, FOR LOCAL LAW ENFORCEMENT COSTS RELATED TO MARIJUANA ENFORCEMENT. FAILURE TO COMPLY WITH THIS SUBSECTION (11)(c) MAY RESULT IN NONRENEWAL OF THE MEDICAL MARIJUANA DELIVERY PERMIT.

(d) A LICENSED MEDICAL MARIJUANA CENTER WITH A MEDICAL MARIJUANA DELIVERY PERMIT MAY DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS ONLY TO THE PATIENT OR PARENT OR GUARDIAN WHO PLACED THE ORDER AND WHO:

(I) IS A CURRENT REGISTRANT OF THE MEDICAL MARIJUANA PATIENT REGISTRY AND IS TWENTY-ONE YEARS OF AGE OR OLDER OR THE PARENT OR GUARDIAN OF A PATIENT WHO IS ALSO THE PATIENT'S PRIMARY CAREGIVER;

(II) RECEIVES THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(e) ANY PERSON DELIVERING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE LICENSED MEDICAL MARIJUANA CENTER OR MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

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(f) IN ACCORDANCE WITH THIS SUBSECTION (11) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (11), A LICENSED MEDICAL MARIJUANA CENTER WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT MAY:

(I) RECEIVE AN ORDER BY ELECTRONIC OR OTHER MEANS FROM A PATIENT OR THE PARENT OR GUARDIAN FOR THE PURCHASE AND DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS. WHEN USING AN ONLINE PLATFORM FOR MARIJUANA DELIVERY, THE PLATFORM MUST REQUIRE THE PATIENT OR PARENT OR GUARDIAN TO CHOOSE A MEDICAL MARIJUANA CENTER BEFORE VIEWING THE PRICE.

(II) DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO A PATIENT OR A PARENT OR GUARDIAN AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME PATIENT OR PARENT OR GUARDIAN OR RESIDENCE;

(V) (A) DELIVER ONLY TO PRIVATE RESIDENCES;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-11-202 (2)(a)(XXX); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES, OR CONTRACT WITH A MEDICAL MARIJUANA TRANSPORTER THAT HAS A VALID MEDICAL MARIJUANA DELIVERY PERMIT TO CONDUCT DELIVERIES ON ITS BEHALF, FROM ITS MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

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(g) (I) AT THE TIME OF THE ORDER, THE MEDICAL MARIJUANA CENTER SHALL REQUIRE THE PATIENT OR PARENT OR GUARDIAN TO PROVIDE INFORMATION NECESSARY TO VERIFY THE PATIENT IS QUALIFIED TO PURCHASE AND RECEIVE A DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS SECTION. THE PROVIDED INFORMATION MUST, AT A MINIMUM, INCLUDE THE FOLLOWING:

(A) THE PATIENT'S NAME AND DATE OF BIRTH;

(B) THE REGISTRATION NUMBER REFLECTED ON THE PATIENT'S REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106;

(C) IF THE PATIENT IS UNDER EIGHTEEN YEARS OF AGE, THE NAME AND DATE OF BIRTH OF THE PARENT OR GUARDIAN DESIGNATED AS THE PATIENT'S PRIMARY CAREGIVER, AND IF APPLICABLE, THE REGISTRATION NUMBER OF THE PRIMARY CAREGIVER;

(D) THE ADDRESS OF THE RESIDENCE WHERE THE ORDER WILL BE DELIVERED; AND

(E) ANY OTHER INFORMATION REQUIRED BY STATE LICENSING AUTHORITY RULE.

(II) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO A PATIENT OR A PARENT OR GUARDIAN, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION AND REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, VERIFY THE POSSESSION OF A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION.

(h) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 11, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 11 APPLY TO THE DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

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(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-11-202 (3)(a)(II) APPLY TO MEDICAL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (11).

(i) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED MEDICAL MARIJUANA CENTER OR MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO A MEDICAL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(j) A LOCAL LAW ENFORCEMENT AGENCY MAY REQUEST STATE LICENSING AUTHORITY REPORTS, INCLUDING COMPLAINTS, INVESTIGATIVE ACTIONS, AND FINAL AGENCY ACTION ORDERS, RELATED TO CRIMINAL ACTIVITY MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION, AND THE STATE LICENSING AUTHORITY SHALL PROMPTLY PROVIDE ANY REPORTS IN ITS POSSESSION FOR THE LAW ENFORCEMENT AGENCY'S JURISDICTION.

(k) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (11)(k)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FROM A MEDICAL MARIJUANA CENTER THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND

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COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(l) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED AT ANY SCHOOL OR ON THE CAMPUS OF ANY INSTITUTION OF HIGHER EDUCATION.

(m) (I) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING MEDICAL MARIJUANA DELIVERY PERMITS TO QUALIFIED MEDICAL MARIJUANA CENTER APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2020.

(II) NO LATER THAN JANUARY 2, 2021, THE STATE LICENSING AUTHORITY SHALL SUBMIT A REPORT TO THE FINANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE NUMBER OF MEDICAL MARIJUANA DELIVERY APPLICATIONS SUBMITTED, THE NUMBER OF MEDICAL MARIJUANA DELIVERY PERMITS ISSUED, ANY FINDINGS BY THE STATE LICENSING AUTHORITY OF CRIMINAL ACTIVITY MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY, AND ANY INCIDENT REPORTS THAT INCLUDE FELONY CHARGES MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY, WHICH WERE FILED AND REPORTED TO THE STATE LICENSING AUTHORITY BY THE LAW ENFORCEMENT AGENCY, DISTRICT ATTORNEY, OR OTHER AGENCY RESPONSIBLE FOR FILING THE FELONY CHARGES. THE STATE LICENSING AUTHORITY MAY CONSULT WITH THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IN THE COLLECTION AND ANALYSIS OF ADDITIONAL CRIME DATA MATERIALLY RELATED TO MEDICAL MARIJUANA DELIVERY.

SECTION 6. In Colorado Revised Statutes, 44-12-402, **add** (12) as follows:

44-12-402. Retail marijuana store license - retail marijuana delivery permit - report - rules - repeal. (12) (a) (I) THERE IS AUTHORIZED A RETAIL MARIJUANA DELIVERY PERMIT TO A RETAIL MARIJUANA STORE LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

(II) A RETAIL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE RETAIL

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MARIJUANA STORE LICENSE OR RETAIL MARIJUANA TRANSPORTER LICENSE.

(III) A RETAIL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE RETAIL MARIJUANA STORE; EXCEPT THAT, A SINGLE RETAIL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE RETAIL MARIJUANA STORES PROVIDED THAT THE RETAIL MARIJUANA STORES ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A RETAIL MARIJUANA STORE LICENSE ISSUED PURSUANT TO THIS ARTICLE 12. A PERMIT APPLICANT IS PROHIBITED FROM DELIVERING RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITHOUT STATE AND LOCAL JURISDICTION APPROVAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL JURISDICTION APPROVAL WITHIN ONE YEAR FROM THE DATE OF THE STATE LICENSING AUTHORITY APPROVAL, THE STATE PERMIT EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED PERMIT. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A RETAIL MARIJUANA DELIVERY PERMIT. A RETAIL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER LICENSEE. A VIOLATION RELATED TO A RETAIL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR RETAIL MARIJUANA STORE LICENSE.

(b) A RETAIL MARIJUANA STORE LICENSEE SHALL NOT MAKE DELIVERIES OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO INDIVIDUALS WHILE ALSO TRANSPORTING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) THE LICENSED RETAIL MARIJUANA STORE SHALL CHARGE A ONE-DOLLAR SURCHARGE ON EACH DELIVERY. THE LICENSED RETAIL MARIJUANA STORE SHALL REMIT THE SURCHARGES COLLECTED ON A MONTHLY BASIS TO THE MUNICIPALITY WHERE THE LICENSED RETAIL MARIJUANA STORE IS LOCATED, OR TO THE COUNTY IF THE LICENSED RETAIL

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MARIJUANA STORE IS IN AN UNINCORPORATED AREA, FOR LOCAL LAW ENFORCEMENT COSTS RELATED TO MARIJUANA ENFORCEMENT. FAILURE TO COMPLY WITH THIS SUBSECTION (12)(c) MAY RESULT IN NONRENEWAL OF THE RETAIL MARIJUANA DELIVERY PERMIT.

(d) A LICENSED RETAIL MARIJUANA STORE WITH A RETAIL MARIJUANA DELIVERY PERMIT MAY DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ONLY TO THE INDIVIDUAL WHO PLACED THE ORDER AND WHO:

(I) IS TWENTY-ONE YEARS OF AGE OR OLDER;

(II) RECEIVES THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(e) ANY PERSON DELIVERING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE LICENSED RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(f) IN ACCORDANCE WITH THIS SUBSECTION (12) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (12), A LICENSED RETAIL MARIJUANA STORE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT MAY:

(I) RECEIVE AN ORDER THROUGH ELECTRONIC OR OTHER MEANS FOR THE PURCHASE AND DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS. WHEN USING AN ONLINE PLATFORM FOR MARIJUANA DELIVERY, THE PLATFORM MUST REQUIRE THE INDIVIDUAL TO CHOOSE A RETAIL MARIJUANA STORE BEFORE VIEWING THE PRICE.

(II) DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING

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AUTHORITY;

(III) DELIVER ONLY TO AN INDIVIDUAL AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME INDIVIDUAL OR RESIDENCE;

(V) (A) DELIVER ONLY TO PRIVATE RESIDENCES;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-12-202 (3)(a)(XXVII); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES, OR CONTRACT WITH A RETAIL MARIJUANA TRANSPORTER THAT HAS A VALID RETAIL MARIJUANA DELIVERY PERMIT TO CONDUCT DELIVERIES ON ITS BEHALF, FROM ITS RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(g) (I) AT THE TIME OF THE ORDER, THE RETAIL MARIJUANA STORE SHALL REQUIRE THE INDIVIDUAL TO PROVIDE INFORMATION NECESSARY TO VERIFY THE INDIVIDUAL IS AT LEAST TWENTY-ONE YEARS OF AGE. THE PROVIDED INFORMATION MUST, AT A MINIMUM, INCLUDE THE FOLLOWING:

(A) THE PATIENT'S NAME AND DATE OF BIRTH;

(B) THE ADDRESS OF THE RESIDENCE WHERE THE ORDER WILL BE DELIVERED; AND

(C) ANY OTHER INFORMATION REQUIRED BY STATE LICENSING AUTHORITY RULE.

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(II) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO AN INDIVIDUAL, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE INDIVIDUAL'S IDENTIFICATION AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE INDIVIDUAL'S IDENTIFICATION.

(h) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 12 APPLY TO THE DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-12-202 (3)(d)(I) APPLY TO RETAIL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (12).

(i) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED RETAIL MARIJUANA STORE OR RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO A RETAIL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(j) A LOCAL LAW ENFORCEMENT AGENCY MAY REQUEST STATE LICENSING AUTHORITY REPORTS, INCLUDING COMPLAINTS, INVESTIGATIVE ACTION, AND FINAL AGENCY ACTION ORDERS, RELATED TO CRIMINAL ACTIVITY MATERIALLY RELATED TO RETAIL MARIJUANA DELIVERY IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION, AND THE STATE LICENSING AUTHORITY SHALL PROMPTLY PROVIDE ANY REPORTS IN ITS POSSESSION FOR THE LAW ENFORCEMENT AGENCY'S JURISDICTION.

(k) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY

OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (12)(k)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM A RETAIL MARIJUANA STORE THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED AT ANY SCHOOL OR ON THE CAMPUS OF ANY INSTITUTION OF HIGHER EDUCATION.

(m) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING RETAIL MARIJUANA DELIVERY PERMITS TO QUALIFIED RETAIL MARIJUANA STORE APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2021.

SECTION 7. In Colorado Revised Statutes, 44-11-406, **amend** (1)(a); and **add** (5) as follows:

44-11-406. Medical marijuana transporter license. (1) (a) A medical marijuana transporter license may be issued to a person to provide logistics, distribution, DELIVERY, and storage of medical marijuana and medical marijuana-infused products. Notwithstanding any other provisions of law, a medical marijuana transporter license is valid for two years but cannot be transferred with a change of ownership. A licensed medical marijuana transporter is responsible for the medical marijuana and medical marijuana-infused products once it takes control of the product.

(5) (a) (I) THERE IS AUTHORIZED A MEDICAL MARIJUANA DELIVERY PERMIT TO A MEDICAL MARIJUANA TRANSPORTER LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER MEDICAL MARIJUANA AND MEDICAL

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MARIJUANA-INFUSED PRODUCTS.

(II) A MEDICAL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE MEDICAL MARIJUANA TRANSPORTER LICENSE.

(III) A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE MEDICAL MARIJUANA TRANSPORTER; EXCEPT THAT, A SINGLE MEDICAL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE MEDICAL MARIJUANA TRANSPORTERS PROVIDED THAT THE MEDICAL MARIJUANA TRANSPORTERS ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A MEDICAL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A MEDICAL MARIJUANA TRANSPORTER LICENSE ISSUED PURSUANT TO THIS ARTICLE 11. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A MEDICAL MARIJUANA DELIVERY PERMIT. A MEDICAL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED MEDICAL MARIJUANA TRANSPORTER. A VIOLATION RELATED TO A MEDICAL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR MEDICAL MARIJUANA TRANSPORTER LICENSE.

(b) A MEDICAL MARIJUANA TRANSPORTER LICENSEE SHALL NOT MAKE DELIVERIES OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS OR PARENTS OR GUARDIANS WHILE ALSO TRANSPORTING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) A LICENSED MEDICAL MARIJUANA TRANSPORTER WITH A MEDICAL MARIJUANA DELIVERY PERMIT MAY DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS ON BEHALF OF A MEDICAL MARIJUANA CENTER ONLY TO THE PATIENT OR PARENT OR GUARDIAN WHO PLACED THE ORDER WITH A MEDICAL MARIJUANA CENTER AND WHO:

(I) IS A CURRENT REGISTRANT OF THE MEDICAL MARIJUANA PATIENT REGISTRY AND IS TWENTY-ONE YEARS OF AGE OR OLDER OR THE PARENT OR GUARDIAN OF A PATIENT WHO IS ALSO THE PATIENT'S PRIMARY CAREGIVER;

(II) RECEIVES THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(d) IN ACCORDANCE WITH THIS SUBSECTION (5) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (5), A LICENSED MEDICAL MARIJUANA TRANSPORTER WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT MAY:

(I) NOT ACCEPT ORDERS ON BEHALF OF A MEDICAL MARIJUANA CENTER AND MAY ONLY PICK UP ALREADY PACKAGED MEDICAL MARIJUANA DELIVERY ORDERS FROM A MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AND DELIVER THOSE ORDERS TO THE APPROPRIATE PATIENT, PARENT, OR GUARDIAN;

(II) DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO A PATIENT OR PARENT OR GUARDIAN AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME PATIENT OR RESIDENCE;

(V) (A) DELIVER ONLY TO A PRIVATE RESIDENCE;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES

WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-11-202 (2)(a)(XXX); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES ON BEHALF OF, AND PURSUANT TO A CONTRACT WITH, A MEDICAL MARIJUANA CENTER THAT HAS A VALID MEDICAL MARIJUANA DELIVERY PERMIT FROM ITS MEDICAL MARIJUANA CENTER OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(e) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO A PATIENT OR A PARENT OR GUARDIAN, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION AND REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, VERIFY THE POSSESSION OF A VALID REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 25-1.5-106, AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE PATIENT'S OR PARENT'S OR GUARDIAN'S IDENTIFICATION.

(f) ANY PERSON DELIVERING MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FOR A MEDICAL MARIJUANA TRANSPORTER MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(g) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 11, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS ARTICLE 11 APPLY TO THE DELIVERY OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-11-202 (3)(a)(II) APPLY TO MEDICAL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (5).

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(h) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED MEDICAL MARIJUANA TRANSPORTER LICENSEE WITH A VALID MEDICAL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO A MEDICAL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(i) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (5)(i)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FROM A MEDICAL MARIJUANA CENTER THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(j) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING MEDICAL MARIJUANA DELIVERY PERMITS TO QUALIFIED MEDICAL MARIJUANA TRANSPORTER APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2021.

SECTION 8. In Colorado Revised Statutes, 44-12-406, **amend** (1)(a); and **add** (5) as follows:

44-12-406. Retail marijuana transporter license. (1) (a) A retail marijuana transporter license may be issued to a person to provide logistics,

distribution, DELIVERY, and storage of retail marijuana and retail marijuana products. Notwithstanding any other provisions of law, a retail marijuana transporter license is valid for two years but cannot be transferred with a change of ownership. A licensed retail marijuana transporter is responsible for the retail marijuana and retail marijuana products once it takes control of the product.

(5) (a) (I) THERE IS AUTHORIZED A RETAIL MARIJUANA DELIVERY PERMIT TO A RETAIL MARIJUANA TRANSPORTER LICENSE AUTHORIZING THE PERMIT HOLDER TO DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

(II) A RETAIL MARIJUANA DELIVERY PERMIT IS VALID FOR ONE YEAR AND MAY BE RENEWED ANNUALLY UPON RENEWAL OF THE RETAIL MARIJUANA TRANSPORTER LICENSE.

(III) A RETAIL MARIJUANA DELIVERY PERMIT ISSUED PURSUANT TO THIS SECTION APPLIES TO ONLY ONE RETAIL MARIJUANA TRANSPORTER; EXCEPT THAT, A SINGLE RETAIL MARIJUANA DELIVERY PERMIT MAY APPLY TO MULTIPLE RETAIL MARIJUANA TRANSPORTERS PROVIDED THAT THE RETAIL MARIJUANA TRANSPORTERS ARE IN THE SAME LOCAL JURISDICTION AND ARE IDENTICALLY OWNED, AS DEFINED BY THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION.

(IV) THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL MARIJUANA DELIVERY PERMIT TO A QUALIFIED APPLICANT, AS DETERMINED BY THE STATE LICENSING AUTHORITY, THAT HOLDS A RETAIL MARIJUANA TRANSPORTER LICENSE ISSUED PURSUANT TO THIS ARTICLE 12. A PERMIT APPLICANT IS PROHIBITED FROM DELIVERING RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITHOUT STATE AND LOCAL JURISDICTION APPROVAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL JURISDICTION APPROVAL WITHIN ONE YEAR FROM THE DATE OF THE STATE LICENSING AUTHORITY APPROVAL, THE STATE PERMIT EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL REVOKE THE STATE-ISSUED PERMIT. THE STATE LICENSING AUTHORITY HAS DISCRETION IN DETERMINING WHETHER AN APPLICANT IS QUALIFIED TO RECEIVE A RETAIL MARIJUANA DELIVERY PERMIT. A RETAIL MARIJUANA DELIVERY PERMIT ISSUED BY THE STATE LICENSING AUTHORITY IS DEEMED A REVOCABLE PRIVILEGE OF A LICENSED RETAIL MARIJUANA TRANSPORTER. A VIOLATION

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RELATED TO A RETAIL MARIJUANA DELIVERY PERMIT IS GROUNDS FOR A FINE OR SUSPENSION OR REVOCATION OF THE DELIVERY PERMIT OR RETAIL MARIJUANA TRANSPORTER LICENSE.

(b) A RETAIL MARIJUANA TRANSPORTER LICENSEE SHALL NOT MAKE DELIVERIES OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO INDIVIDUALS WHILE ALSO TRANSPORTING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS BETWEEN LICENSED PREMISES IN THE SAME VEHICLE.

(c) A LICENSED RETAIL MARIJUANA TRANSPORTER WITH A RETAIL MARIJUANA DELIVERY PERMIT MAY DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS ON BEHALF OF A RETAIL MARIJUANA STORE ONLY TO THE INDIVIDUAL WHO PLACED THE ORDER WITH A RETAIL MARIJUANA STORE AND WHO:

(I) IS TWENTY-ONE YEARS OF AGE OR OLDER;

(II) RECEIVES THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO RULES; AND

(III) POSSESSES AN ACCEPTABLE FORM OF IDENTIFICATION.

(d) IN ACCORDANCE WITH THIS SUBSECTION (5) AND RULES ADOPTED TO IMPLEMENT THIS SUBSECTION (5), A LICENSED RETAIL MARIJUANA TRANSPORTER WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT MAY:

(I) NOT ACCEPT ORDERS ON BEHALF OF A RETAIL MARIJUANA STORE AND MAY ONLY PICK UP ALREADY PACKAGED RETAIL MARIJUANA DELIVERY ORDERS FROM A RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE AND DELIVER THOSE ORDERS TO THE APPROPRIATE INDIVIDUAL;

(II) DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS NOT IN EXCESS OF THE AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY;

(III) DELIVER ONLY TO AN INDIVIDUAL AT THE ADDRESS PROVIDED IN THE ORDER;

(IV) DELIVER NO MORE THAN ONCE PER DAY TO THE SAME

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INDIVIDUAL OR RESIDENCE;

(V) (A) DELIVER ONLY TO A PRIVATE RESIDENCE;

(B) FOR PURPOSES OF THIS SECTION, "PRIVATE RESIDENCES" MEANS PRIVATE PREMISES WHERE A PERSON LIVES, SUCH AS A PRIVATE DWELLING PLACE OR PLACE OF HABITATION, AND SPECIFICALLY EXCLUDES ANY PREMISES LOCATED AT A SCHOOL OR ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR ANY OTHER PUBLIC PROPERTY.

(VI) DELIVER RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS ONLY BY A MOTOR VEHICLE THAT COMPLIES WITH THIS SECTION AND THE RULES PROMULGATED PURSUANT TO THIS SECTION AND SECTION 44-12-202 (3)(a)(XXVII); AND

(VII) USE AN EMPLOYEE TO CONDUCT DELIVERIES ON BEHALF OF, AND PURSUANT TO A CONTRACT WITH, A RETAIL MARIJUANA STORE THAT HAS A VALID RETAIL MARIJUANA DELIVERY PERMIT FROM ITS RETAIL MARIJUANA STORE OR ITS ASSOCIATED STATE LICENSING AUTHORITY-AUTHORIZED STORAGE FACILITY AS DEFINED BY RULE.

(e) PRIOR TO TRANSFERRING POSSESSION OF THE ORDER TO AN INDIVIDUAL, THE PERSON DELIVERING THE ORDER SHALL INSPECT THE INDIVIDUAL'S IDENTIFICATION AND VERIFY THAT THE INFORMATION PROVIDED AT THE TIME OF THE ORDER MATCH THE NAME AND AGE ON THE INDIVIDUAL'S IDENTIFICATION.

(f) ANY PERSON DELIVERING RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS FOR A RETAIL MARIJUANA TRANSPORTER MUST POSSESS A VALID OCCUPATIONAL LICENSE AND BE A CURRENT EMPLOYEE OF THE RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT; MUST HAVE UNDERGONE TRAINING REGARDING PROOF-OF-AGE IDENTIFICATION AND VERIFICATION, INCLUDING ALL FORMS OF IDENTIFICATION THAT ARE DEEMED ACCEPTABLE BY THE STATE LICENSING AUTHORITY; AND MUST HAVE ANY OTHER TRAINING REQUIRED BY THE STATE LICENSING AUTHORITY.

(g) (I) UNLESS OTHERWISE PROVIDED BY THE STATE LICENSING AUTHORITY BY RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, ALL REQUIREMENTS APPLICABLE TO OTHER LICENSES ISSUED PURSUANT TO THIS

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ARTICLE 12 APPLY TO THE DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, INCLUDING BUT NOT LIMITED TO INVENTORY TRACKING, TRANSPORTATION, AND PACKAGING AND LABELING REQUIREMENTS.

(II) THE ADVERTISING REGULATIONS AND PROHIBITIONS ADOPTED PURSUANT TO SECTION 44-12-202 (3)(d)(I) APPLY TO RETAIL MARIJUANA DELIVERY OPERATIONS PURSUANT TO THIS SUBSECTION (5).

(h) IT IS NOT A VIOLATION OF ANY PROVISION OF STATE, CIVIL, OR CRIMINAL LAW FOR A LICENSED RETAIL MARIJUANA TRANSPORTER LICENSEE WITH A VALID RETAIL MARIJUANA DELIVERY PERMIT, OR SUCH PERSON WHO HAS MADE TIMELY AND SUFFICIENT APPLICATION FOR THE RENEWAL OF THE PERMIT, OR ITS LICENSEES TO POSSESS, TRANSPORT, AND DELIVER RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS PURSUANT TO A RETAIL MARIJUANA DELIVERY PERMIT IN AMOUNTS THAT DO NOT EXCEED AMOUNTS ESTABLISHED BY THE STATE LICENSING AUTHORITY.

(i) (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS IS NOT PERMITTED IN ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY UNLESS THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AS APPLICABLE, OR A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY, VOTE TO ALLOW THE DELIVERY OF RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS PURSUANT TO THIS SECTION.

(II) AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (5)(i)(I) OF THIS SECTION MAY PROHIBIT DELIVERY OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS FROM A RETAIL MARIJUANA STORE THAT IS OUTSIDE A MUNICIPALITY'S, COUNTY'S, CITY'S, OR CITY AND COUNTY'S JURISDICTIONAL BOUNDARIES TO AN ADDRESS WITHIN ITS JURISDICTIONAL BOUNDARIES.

(j) THE STATE LICENSING AUTHORITY SHALL BEGIN ISSUING RETAIL MARIJUANA DELIVERY PERMITS TO QUALIFIED RETAIL MARIJUANA

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TRANSPORTER APPLICANTS ON, BUT NOT EARLIER THAN, JANUARY 2, 2021.

SECTION 9. In Colorado Revised Statutes, 44-11-1101, **amend** (2) introductory portion; and **add** (2)(b)(III.5) as follows:

44-11-1101. Responsible vendor program - standards - designation. (2) An approved training program ~~shall~~ **MUST** contain, at a minimum, the following standards and ~~shall~~ **MUST** be taught in a classroom setting in a minimum of a two-hour period:

(b) A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes, but need not be limited to:

(III.5) STATUTORY AND REGULATORY REQUIREMENTS RELATED TO MARIJUANA DELIVERY;

SECTION 10. Appropriation. (1) For the 2019-20 state fiscal year, \$390,152 is appropriated to the department of revenue. This appropriation is from the marijuana cash fund created in section 44-11-501 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$349,450 for marijuana enforcement, which amount is based on an assumption that the department will require an additional 3.6 FTE;

(b) \$35,752 for the purchase of legal services; and

(c) \$4,950 for vehicle lease payments.

(2) For the 2019-20 state fiscal year, \$35,752 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(b) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

(3) For the 2019-20 state fiscal year, \$4,950 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(c) of this section. To implement this act, the department of personnel may use this

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appropriation to provide vehicles for the department of revenue.

SECTION 11. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, then the act, item, section, or part will not take effect unless

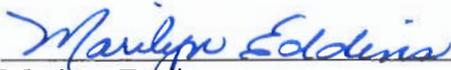
approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

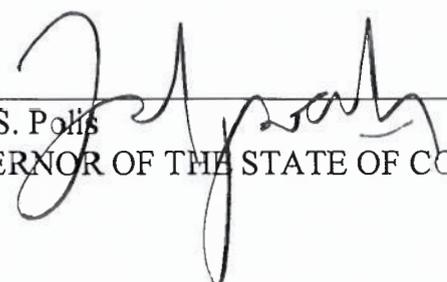


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 29, 2019 at 3:32 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1257

BY REPRESENTATIVE(S) Becker and McCluskie, Bird, Buckner, Buentello, Caraveo, Cutter, Esgar, Exum, Gonzales-Gutierrez, Hansen, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman, Galindo, Arndt, Benavidez, Coleman, Duran, Froelich, Garnett, Gray, Herod; also SENATOR(S) Court and Priola, Fenberg, Gonzales, Moreno, Rodriguez, Story, Todd, Williams A., Winter, Foote.

CONCERNING AUTHORITY FOR THE STATE TO KEEP AND SPEND ALL OF THE REVENUE IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING BEGINNING WITH THE 2019-20 FISCAL YEAR IN ORDER TO PROVIDE FUNDING FOR PUBLIC SCHOOLS, HIGHER EDUCATION, AND ROADS, BRIDGES, AND TRANSIT.

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

SECTION 1. In Colorado Revised Statutes, 24-77-103.6, amend (2) introductory portion and (4); and add (1)(c), (2.5), and (5.5) as follows:

24-77-103.6. Retention of excess state revenues - general fund exempt account - required uses - excess state revenues legislative

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.

report. (1) (c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR EACH FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2019, THE STATE IS AUTHORIZED TO RETAIN AND SPEND ALL STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING THAT THE STATE WOULD OTHERWISE BE REQUIRED TO REFUND UNDER SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION IF THE VOTERS HAD NOT APPROVED THIS SUBSECTION (1)(c) AT THE NOVEMBER 2019 STATEWIDE ELECTION.

(2) There is hereby created in the general fund the general fund exempt account, which shall consist of an amount of moneys equal to the amount of state revenues in excess of the limitation on state fiscal year spending that the state retains for a given fiscal year pursuant to this section. The moneys in the account THAT CORRESPOND TO SUBSECTION (1)(b) OF THIS SECTION shall be appropriated or transferred by the general assembly for the following purposes:

(2.5) THE GENERAL ASSEMBLY SHALL APPROPRIATE OR THE STATE TREASURER SHALL TRANSFER THE MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT CORRESPONDS TO SUBSECTION (1)(c) OF THIS SECTION TO PROVIDE FUNDING FOR:

- (a) PUBLIC SCHOOLS;
- (b) HIGHER EDUCATION; AND
- (c) ROADS, BRIDGES, AND TRANSIT.

(4) The approval of this section by the registered electors of the state voting on the issue at the November 2005 statewide election ~~constitutes a~~ AND THE NOVEMBER 2019 STATEWIDE ELECTION CONSTITUTE voter-approved revenue ~~change~~ CHANGES to allow the retention and expenditure of state revenues in excess of the limitation on state fiscal year spending.

(5.5) THE STATE AUDITOR SHALL CONTRACT WITH A PRIVATE ENTITY TO ANNUALLY CONDUCT AN INDEPENDENT FINANCIAL AUDIT REGARDING THE USE OF THE MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT IS APPROPRIATED OR TRANSFERRED IN ACCORDANCE WITH SUBSECTION (2.5) OF THIS SECTION.

SECTION 2. Refer to people under referendum. At the election held on November 5, 2019, the secretary of state shall submit this act by its ballot title to the registered electors of the state for their approval or rejection. Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following ballot title: "Without raising taxes and to better fund public schools, higher education, and roads, bridges, and transit, within a balanced budget, may the state keep and spend all the revenue it annually collects after June 30, 2019, but is not currently allowed to keep and spend under Colorado law, with an annual independent audit to show how the retained revenues are spent?" Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For", then the act will become part of the Colorado Revised Statutes.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

An Act

HOUSE BILL 19-1258

BY REPRESENTATIVE(S) Becker and McCluskie, Bird, Buckner, Buentello, Caraveo, Cutter, Esgar, Exum, Gonzales-Gutierrez, Hansen, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman, Galindo, Arndt, Coleman, Duran, Froelich, Garnett, Gray, Herod, Titone;
also SENATOR(S) Court and Priola, Fenberg, Gonzales, Moreno, Rodriguez, Story, Todd, Williams A., Winter.

CONCERNING THE ALLOCATION OF MONEY THAT THE STATE KEEPS AND SPENDS AS A RESULT OF A VOTER-APPROVED REVENUE CHANGE AT THE 2019 STATEWIDE ELECTION.

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

SECTION 1. In Colorado Revised Statutes, **add 24-77-104.7** as follows:

24-77-104.7. General fund exempt account - proposition CC revenue - allocation - definition. (1) MONEY IN THE GENERAL FUND EXEMPT ACCOUNT THAT CORRESPONDS TO THE REVENUE THAT THE STATE RETAINS AND SPENDS IN ACCORDANCE WITH THE VOTERS' APPROVAL OF

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.

SECTION 24-77-103.6 (1)(c) IS ALLOCATED IN ONE-THIRD SHARES TO PROVIDE FUNDING FOR EACH OF THE FOLLOWING:

- (a) PUBLIC SCHOOLS;
- (b) HIGHER EDUCATION; AND

- (c) ROADS, BRIDGES, AND TRANSIT.

(2) FOR ANY STATE FISCAL YEAR IN WHICH THERE IS MONEY SUBJECT TO THE ALLOCATION IN SUBSECTION (1) OF THIS SECTION:

(a) THE STATE TREASURER SHALL TRANSFER ONE-THIRD OF THIS MONEY IN THE GENERAL FUND EXEMPT ACCOUNT FROM THE PRIOR FISCAL YEAR TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 TO BE ALLOCATED IN ACCORDANCE WITH SECTIONS 43-4-205 TO 43-4-208;

(b) THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE-THIRD OF THIS MONEY IN THE GENERAL FUND EXEMPT ACCOUNT FOR HIGHER EDUCATION; AND

(c) THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE-THIRD OF THIS MONEY IN THE GENERAL FUND EXEMPT ACCOUNT FOR PUBLIC SCHOOLS TO BE DISTRIBUTED ON A PER PUPIL BASIS AND USED ONLY FOR NONRECURRING EXPENSES FOR THE PURPOSE OF IMPROVING CLASSROOMS, INCLUDING, BUT NOT LIMITED TO, INITIATIVES THAT HELP ATTRACT AND RETAIN EDUCATORS, INITIATIVES TO IMPROVE TEACHER TRAINING, AND BOOKS AND TECHNOLOGY FOR STUDENT LEARNING. A DISTRICT SHALL NOT USE MONEY APPROPRIATED UNDER THIS SECTION AS PART OF A DISTRICT RESERVE.

(3) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY AS REQUIRED BY SUBSECTION (2) OF THIS SECTION FOR THE STATE FISCAL YEAR FOLLOWING THE STATE FISCAL YEAR FOR WHICH THE STATE RETAINS AND SPENDS REVENUE IN ACCORDANCE WITH SECTION 24-77-103.6 (1)(c), AND THE STATE TREASURER SHALL TRANSFER MONEY AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE CERTIFICATION FROM THE STATE AUDITOR IN ACCORDANCE WITH SECTION 24-77-106.5 (2) FOR THAT STATE FISCAL YEAR.

(4) AS USED IN THIS SECTION, "GENERAL FUND EXEMPT ACCOUNT" MEANS THE GENERAL FUND EXEMPT ACCOUNT CREATED IN SECTION

24-77-103.6 (2).

SECTION 2. In Colorado Revised Statutes, 24-77-104.5, **amend** (1) introductory portion and (1)(b) introductory portion as follows:

24-77-104.5. General fund exempt account - referendum C money - specification of uses for health care and education - definitions. (1) The ~~moneys~~ MONEY in the general fund exempt account ~~created in section 24-77-103.6 (2)~~ AS A RESULT OF SECTION 24-77-103.6 (1)(b) shall be appropriated or transferred in the following manner:

(b) If there ~~are~~ IS any ~~moneys~~ MONEY in the account AS A RESULT OF SECTION 24-77-103.6 (1)(b) after the appropriations or transfers required by ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION are made, then all ~~moneys~~ MONEY remaining in the account AS A RESULT OF SECTION 24-77-103.6 (1)(b) shall be split equally for the following three purposes:

SECTION 3. In Colorado Revised Statutes, 24-77-106.5, **amend** (1)(b) and (2); and **add** (4) as follows:

24-77-106.5. Annual financial report - certification of excess state revenues. (1) (b) Notwithstanding section 24-1-136 (11)(a)(I), based upon the financial report prepared in accordance with subsection (1)(a) of this section for any given fiscal year, the controller shall certify to the governor, the general assembly, THE STATE TREASURER, and the executive director of the department of revenue no later than September 1 following the end of a fiscal year the amount of state revenues in excess of the limitation on state fiscal year spending imposed by section 20 (7)(a) of article X of the state constitution, if any, for such fiscal year and the state revenues in excess of such limitation that the state is authorized to retain and spend pursuant to voter approval of section 24-77-103.6.

(2) Any financial report prepared and certification of state excess revenues made pursuant to subsection (1) of this section shall be audited by the state auditor. No later than September 15 following the certification made by the state controller for any given fiscal year, the state auditor shall report and transmit to the governor, the joint budget committee, the finance committees of the house of representatives and the senate, THE STATE TREASURER, and the executive director of the department of revenue the

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results of any audit conducted in accordance with this subsection (2).

(4) THE STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION THAT THE STATE IS AUTHORIZED TO RETAIN AND SPEND PURSUANT TO VOTER APPROVAL OF SECTION 24-77-103.6 INCLUDE THE AMOUNTS THAT THE VOTERS APPROVED AT THE NOVEMBER 2005 STATEWIDE ELECTION AND THE NOVEMBER 2019 STATEWIDE ELECTION, WHICH AMOUNTS MUST BE REPORTED SEPARATELY.

SECTION 4. In Colorado Revised Statutes, 43-4-205, **add** (6.2) as follows:

43-4-205. Allocation of fund. (6.2) MONEY TRANSFERRED TO THE HIGHWAY USERS TAX FUND IN ACCORDANCE WITH SECTION 24-77-104.5 (2)(a) IS ALLOCATED AND MUST BE EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

SECTION 5. In Colorado Revised Statutes, 43-4-206, **add** (2)(e) as follows:

43-4-206. State allocation. (2) (e) THE DEPARTMENT OF TRANSPORTATION SHALL EXPEND REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.2) FOR THE IMPLEMENTATION OF THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM BASED ON THE FOLLOWING ALLOCATION:

(I) NO MORE THAN EIGHTY-FIVE PERCENT OF THE REVENUES FOR HIGHWAY PURPOSES OR HIGHWAY-RELATED CAPITAL IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, HIGH OCCUPANCY VEHICLE LANES, PARK-AND-RIDE FACILITIES, AND TRANSPORTATION MANAGEMENT SYSTEMS; AND

(II) AT LEAST FIFTEEN PERCENT OF THE REVENUES FOR TRANSIT PURPOSES OR FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

SECTION 6. Effective date. This act takes effect only if House Bill 19-1257 is approved by the voters at the 2019 statewide election and becomes law.

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SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



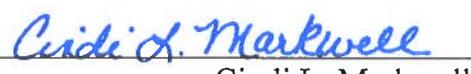
KC Becker
SPEAKER OF THE HOUSE
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Leroy M. Garcia
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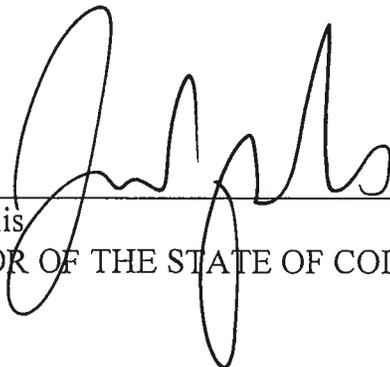


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED June 3, 2019 at 3:20 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1260

BY REPRESENTATIVE(S) Kipp and Valdez A., Cutter, Duran, Froelich, Hooton, Jaquez Lewis, Sirota, Weissman, Arndt, Bird, Buentello, Hansen, Jackson, Michaelson Jenet, Roberts, Tipper, Titone, Becker; also SENATOR(S) Winter and Priola, Lee, Moreno, Tate.

CONCERNING AN UPDATE TO THE MINIMUM ENERGY CODE FOR THE CONSTRUCTION OF BUILDINGS.

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

SECTION 1. In Colorado Revised Statutes, 30-28-201, **amend** (3); and **add** (4) as follows:

30-28-201. Commissioners may adopt - emission performance standards required - reporting. (3) ~~By the date established in section 30-28-211; Every board of county commissioners, of a county that has enacted a building code, and thereafter every board that enacts a~~ WHEN ADOPTING OR UPDATING ANY building code, shall adopt and enforce a building energy code that meets or exceeds the standards in ~~the 2003 version~~ ONE OF THE THREE MOST RECENT VERSIONS of the international energy conservation code pursuant to section 30-28-211.

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.

(4) BY JANUARY 1, 2020, EVERY BOARD OF COUNTY COMMISSIONERS OF A COUNTY WHICH HAS ENACTED A BUILDING CODE AND AN ENERGY CODE SHALL REPORT THE CURRENT VERSION OF THEIR COUNTY'S BUILDING AND ENERGY CODES TO THE COLORADO ENERGY OFFICE. THEREAFTER, EVERY BOARD OF COUNTY COMMISSIONERS IS ENCOURAGED TO REPORT ANY CHANGE IN THEIR COUNTY'S BUILDING AND ENERGY CODE TO THE COLORADO ENERGY OFFICE WITHIN A MONTH OF CHANGING THEIR COUNTY'S BUILDING AND ENERGY CODES.

SECTION 2. In Colorado Revised Statutes, 30-28-211, amend (1)(e), (2)(b), (3), (5) introductory portion, and (6); and add (1)(f), (1)(g), and (1)(h) as follows:

30-28-211. Energy efficient building codes - legislative declaration - definitions. (1) The general assembly hereby finds and declares that there is statewide interest in requiring an effective energy efficient building code for the following reasons:

(e) Controlling energy costs for residents and businesses furthers a statewide interest in a strong economy and reducing the TOTAL cost of housing in Colorado.

(f) MORE RECENT ENERGY CODES ARE MORE EFFECTIVE AT ENSURING BUILDING DURABILITY AND STRUCTURAL INTEGRITY AND PROTECTING PUBLIC HEALTH AND SAFETY THROUGH BETTER:

(I) MOISTURE MANAGEMENT TO PREVENT MOLD, MILDEW, AND ROT;

(II) AIRFLOW MANAGEMENT; AND

(III) PROTECTION DURING SEVERE WEATHER.

(g) MORE RECENT ENERGY CODES INCORPORATE NEWER BUILDING TECHNOLOGIES, TECHNIQUES, AND MATERIALS AND OFFER MORE OPTIONS FOR BUILDERS.

(h) BUSINESSES AND RESIDENTS IN LOW-INCOME COMMUNITIES AND RURAL AREAS OF THE STATE DESERVE AT LEAST THE SAME DURABILITY, HEALTH AND SAFETY, AND ENERGY COST SAVINGS FROM ENERGY EFFICIENT BUILDINGS AS THOSE IN WEALTHIER, URBAN, AND SUBURBAN AREAS OF THE

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STATE.

(2) As used in this section, unless the context otherwise requires:

(b) "Energy code" means, at a minimum, ~~the 2003~~ ONE OF THE THREE most recent versions of the international energy conservation code ~~or any successor edition, published by the international code council. or any other code determined by the Colorado energy office created in section 24-38.5-101 C.R.S., to be more appropriate for local conditions.~~

(3) ~~Within one year of July 1, 2007,~~ Every board of county commissioners, ~~that has enacted~~ WHEN ADOPTING OR UPDATING a building code pursuant to section 30-28-201 , shall adopt AND ENFORCE an energy code that ~~shall apply~~ APPLIES to the construction of, and renovations and additions to, all commercial and residential buildings in the county to which the building code applies.

(5) The following buildings are exempt from ~~the provisions of subsection~~ SUBSECTIONS (3) AND (4) of this section:

(6) Notwithstanding any other provision of this section, the board of county commissioners of a county that is required to adopt OR UPDATE an energy code may make any amendments to the energy code that the board deems appropriate for local conditions, so long as the amendments do not decrease the effectiveness OR ENERGY EFFICIENCY of the energy code.

SECTION 3. In Colorado Revised Statutes, 31-15-601, **add** (3) as follows:

31-15-601. Building and fire regulations - emission performance standards required - reporting. (3) BY JANUARY 1, 2020, EVERY GOVERNING BODY OF A MUNICIPALITY WHICH HAS ENACTED A BUILDING CODE AND AN ENERGY CODE SHALL REPORT THE CURRENT VERSION OF THEIR MUNICIPALITY'S BUILDING AND ENERGY CODES TO THE COLORADO ENERGY OFFICE. THEREAFTER, EVERY GOVERNING BODY OF A MUNICIPALITY IS ENCOURAGED TO REPORT ANY CHANGE IN THEIR MUNICIPALITY'S BUILDING AND ENERGY CODE TO THE COLORADO ENERGY OFFICE WITHIN A MONTH OF CHANGING THEIR MUNICIPALITY'S BUILDING AND ENERGY CODES.

SECTION 4. In Colorado Revised Statutes, 31-15-602, **amend**

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(2)(b), (3), and (5) introductory portion; and **add** (1)(f), (1)(g), and (1)(h) as follows:

31-15-602. Energy efficient building codes - legislative declaration - definitions - repeal. (1) The general assembly hereby finds and declares that there is statewide interest in requiring an effective energy efficient building code for the following reasons:

(f) MORE RECENT ENERGY CODES ARE MORE EFFECTIVE AT ENSURING BUILDING DURABILITY AND STRUCTURAL INTEGRITY AND PROTECTING PUBLIC HEALTH AND SAFETY THROUGH BETTER:

(I) MOISTURE MANAGEMENT TO PREVENT MOLD, MILDEW, AND ROT;

(II) AIRFLOW MANAGEMENT; AND

(III) PROTECTION DURING SEVERE WEATHER.

(g) MORE RECENT ENERGY CODES INCORPORATE NEWER BUILDING TECHNOLOGIES, TECHNIQUES, AND MATERIALS AND OFFER MORE OPTIONS FOR BUILDERS.

(h) BUSINESSES AND RESIDENTS IN LOW-INCOME COMMUNITIES AND RURAL AREAS OF THE STATE DESERVE AT LEAST THE SAME DURABILITY, HEALTH AND SAFETY, AND ENERGY COST SAVINGS FROM ENERGY EFFICIENT BUILDINGS AS THOSE IN WEALTHIER, URBAN, AND SUBURBAN AREAS OF THE STATE.

(2) As used in this section, unless the context otherwise requires:

(b) "Energy code" means, at a minimum, ~~the 2003~~ ONE OF THE THREE MOST RECENT VERSIONS OF THE international energy conservation code ~~or any successor edition,~~ published by the international code council. ~~or any other code determined by the Colorado energy office created in section 24-38.5-101 C.R.S., to be more appropriate for local conditions.~~

(3) ~~Within one year of July 1, 2007;~~ The governing body of any municipality, ~~that has enacted a building code~~ WHEN ADOPTING OR UPDATING ANY OTHER BUILDING CODES, shall adopt AND ENFORCE an energy code that ~~shall apply~~ APPLIES to the construction of, and renovations and

PAGE 4-HOUSE BILL 19-1260

additions to, all commercial and residential buildings in the municipality TO WHICH THE BUILDING CODE APPLIES.

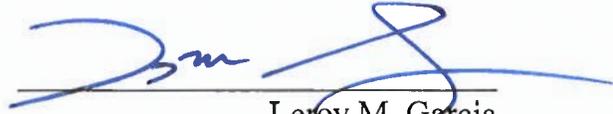
(5) The following buildings are exempt from ~~the provisions of subsection~~ SUBSECTIONS (3) AND (4) of this section:

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

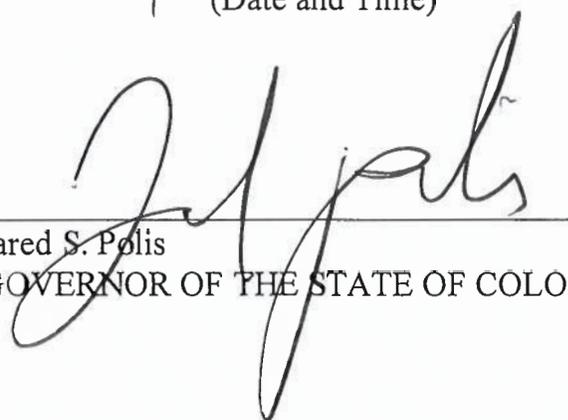


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 30, 2014 at 9:43 am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1309

BY REPRESENTATIVE(S) Hooton and McCluskie, Arndt, Bird, Buckner, Buentello, Caraveo, Cutter, Duran, Exum, Galindo, Herod, Jackson, Kennedy, Kipp, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Valdez A., Weissman, Becker;
also SENATOR(S) Fenberg and Lee, Donovan, Ginal, Gonzales, Moreno, Story, Todd.

CONCERNING THE REGULATION OF MOBILE HOME PARKS, AND, IN CONNECTION THEREWITH, GRANTING COUNTIES THE POWER TO ENACT ORDINANCES FOR MOBILE HOME PARKS, EXTENDING THE TIME TO MOVE OR SELL A MOBILE HOME AFTER EVICTION PROCEEDINGS, CREATING THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM", AND MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Mobile homes, manufactured housing, and factory-built housing are important and effective ways to meet Colorado's affordable housing needs;

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) As of 2018, more than 100,000 Coloradans live in manufactured homes;

(c) As of 2015, the median income for Coloradans living in manufactured homes is \$39,000;

(d) The department of regulatory agencies' 2018 "Sunrise Review: Manufactured Housing Community Owners and Managers" found that: "Clearly, harm is occurring in manufactured housing communities...The harm largely stems from the lack of enforcement of existing laws, bad actors exploiting a relatively loose regulatory structure, and the inevitable tension that arises when the house belongs to one person but the land beneath it belongs to someone else."

(e) Moving mobile homes is costly and it is challenging to find an alternative mobile home park with vacancies willing to accept a mobile home. In some instances, a mobile home owner may not be able to move their mobile home because of the mobile home's age and condition. A mobile home owner may be forced to sell their home for an unreasonably low price due to the abbreviated timeline to move it or the inability to do so. Extending the time to vacate, move, or sell the home provides adequate time for home owners to sell or move their homes without experiencing a needless loss of property or equity.

(f) Both mobile home owners who rent a space for their mobile home in a mobile home park and mobile home landlords have important rights and responsibilities under the "Mobile Home Park Act", part 2 of article 12 of title 38, Colorado Revised Statutes;

(g) Although mobile home owners and mobile home park landlords may pursue litigation to contest a violation of the "Mobile Home Park Act", the litigation process can be expensive, cumbersome, and more time consuming than an administrative regulatory and dispute resolution process; and

(h) Local communities, both home rule and statutory, play an important role in ensuring that the "Mobile Home Park Act" is upheld, but counties lack the power to enact the ordinances necessary to adequately fulfill this role.

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(2) Therefore, it is the intent of the general assembly to:

(a) Provide mobile home owners additional time to either sell or move their mobile homes by extending the time a mobile home owner has to vacate a mobile home park after a court enters an eviction order;

(b) Allow counties to play a similar role as home rule cities in ensuring that the "Mobile Home Park Act" is upheld by granting county boards of commissioners additional permissive authority to regulate and enforce regulations of mobile home parks throughout the counties' unincorporated areas; and

(c) Support better communication and promote mutual understanding between mobile home landlords, management, and home owners by creating the "Mobile Home Park Act Dispute Resolution and Enforcement Program".

SECTION 2. In Colorado Revised Statutes, 24-32-705, **add** (1)(u) as follows:

24-32-705. Functions of division. (1) The division has the following functions:

(u) TO ENFORCE THE PROVISIONS OF THE "MOBILE HOME PARK ACT" CREATED IN PART 2 OF ARTICLE 12 OF TITLE 38 AND THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM" CREATED IN PART 11 OF ARTICLE 12 OF TITLE 38, AND THE RULES AND REGULATIONS ADOPTED PURSUANT TO SECTION 38-12-1104 (2)(j).

SECTION 3. In Colorado Revised Statutes, **add** 30-11-128 as follows:

30-11-128. Mobile home parks - definition. (1) THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY HAS THE POWER TO ADOPT, ADMINISTER, AND ENFORCE ORDINANCES AND RESOLUTIONS TO PROVIDE FOR THE SAFE AND EQUITABLE OPERATION OF MOBILE HOME PARKS THROUGHOUT THE UNINCORPORATED AREAS OF THE COUNTY. THESE ORDINANCES AND RESOLUTIONS MAY BE ENACTED WITHIN THE SCOPE OF THE "MOBILE HOME PARK ACT", PART 2 OF ARTICLE 12 OF TITLE 38, AND FURTHER AS THE BOARD DEEMS NECESSARY TO PROTECT HOME OWNERS' EQUITY IN THE SAFE USE

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AND ENJOYMENT OF THE MOBILE HOMES AND MOBILE HOME LOTS, INCLUDING BUT NOT LIMITED TO THE IMPOSITION OF PENALTIES OR ADOPTION OF A LOCAL REGISTRATION SYSTEM.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ORDINANCE OR RESOLUTION ENACTED BY A COUNTY'S BOARD OF COUNTY COMMISSIONERS IS ONLY ENFORCEABLE WITHIN THE UNINCORPORATED AREA OF THE COUNTY.

(3) ONE OR MORE CONTIGUOUS COUNTIES AND ANY MUNICIPALITY OR TOWN WITHIN EACH COUNTY MAY ENTER INTO INTERGOVERNMENTAL AGREEMENTS TO EXTEND THE APPLICABILITY OF ANY ORDINANCE OR RESOLUTION ADOPTED UNDER THIS SECTION TO AND THROUGHOUT ANY PARTICIPATING COUNTY, MUNICIPALITY, OR TOWN.

(4) FOR PURPOSES OF THIS SECTION, "HOME OWNER", "LANDLORD", "MOBILE HOME", "MOBILE HOME LOT", AND "MOBILE HOME PARK" HAVE THE SAME MEANING AS THEY ARE DEFINED IN SECTION 38-12-201.5.

SECTION 4. In Colorado Revised Statutes, **add** part 11 to article 15 of title 31 as follows:

PART 11
MOBILE HOME PARKS

31-15-1101. Mobile home parks - definition. (1) THE GOVERNING BODY OF ANY MUNICIPALITY HAS THE POWER TO ADOPT, ADMINISTER, AND ENFORCE ORDINANCES AND RESOLUTIONS TO PROVIDE FOR THE SAFE AND EQUITABLE OPERATION OF MOBILE HOME PARKS THROUGHOUT THE MUNICIPALITY. THESE ORDINANCES AND RESOLUTIONS MAY BE ENACTED WITHIN THE SCOPE OF THE "MOBILE HOME PARK ACT", PART 2 OF ARTICLE 12 OF TITLE 38, AND FURTHER AS THE MUNICIPALITY DEEMS NECESSARY TO PROTECT HOME OWNERS' EQUITY IN THE SAFE USE AND ENJOYMENT OF THE MOBILE HOMES AND MOBILE HOME LOTS, INCLUDING BUT NOT LIMITED TO THE IMPOSITION OF PENALTIES OR ADOPTION OF A LOCAL REGISTRATION SYSTEM.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ORDINANCE OR RESOLUTION ENACTED BY A MUNICIPALITY'S GOVERNING BODY IS ONLY ENFORCEABLE WITHIN THE MUNICIPALITY.

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(3) ONE OR MORE CONTIGUOUS COUNTIES AND ANY MUNICIPALITY OR TOWN WITHIN EACH COUNTY MAY ENTER INTO INTERGOVERNMENTAL AGREEMENTS TO EXTEND THE APPLICABILITY OF ANY ORDINANCE OR RESOLUTION ADOPTED UNDER THIS SECTION TO AND THROUGHOUT ANY PARTICIPATING COUNTY, MUNICIPALITY, OR TOWN.

(4) FOR PURPOSES OF THIS PART 11, "HOME OWNER", "LANDLORD", "MOBILEHOME", "MOBILE HOME LOT", AND "MOBILE HOME PARK" HAVE THE SAME MEANING AS THEY ARE DEFINED IN SECTION 38-12-201.5.

SECTION 5. In Colorado Revised Statutes, 38-12-201.5, amend the introductory portion as follows:

38-12-201.5. Definitions. As used in this part 2 AND IN PART 11 OF THIS TITLE 38, unless the context otherwise requires:

SECTION 6. In Colorado Revised Statutes, 38-12-204, amend (1) as follows:

38-12-204. Nonpayment of rent - notice required for rent increase. (1) Any tenancy or other estate at will or lease in a mobile home park may be terminated upon the landlord's written notice to the home owner requiring, in the alternative, payment of rent or the removal of the home owner's unit from the premises, within a period of not less than ~~five~~ TEN days after the date notice is served or posted, for failure to pay rent when due.

SECTION 7. In Colorado Revised Statutes, 38-12-204.3, amend (2) as follows:

38-12-204.3. Notice required for termination. (2) The notice required under this section ~~shall~~ MUST be in at least ten-point type and ~~shall~~ MUST read as follows:

IMPORTANT NOTICE TO THE HOME OWNER:

This notice and the accompanying notice to quit/notice of nonpayment of rent are the first steps in the eviction process. Any dispute you may have regarding the grounds for eviction should be addressed with your landlord or the management of the mobile home park or in the courts

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if an eviction action is filed. Please be advised that the "Mobile Home Park Act", part 2 of article 12 of title 38, Colorado Revised Statutes, may provide you with legal protection:

NOTICE TO QUIT: The landlord or management of a mobile home park must serve to a home owner a notice to quit in order to terminate a home owner's tenancy. The notice must be in writing and must contain certain information, including:

- The grounds for the termination of the tenancy;
- Whether or not the home owner has a right to cure under the "Mobile Home Park Act"; and
- That the home owner has ~~a right to~~ **THE OPTION OF** mediation pursuant to section 38-12-216, Colorado Revised Statutes, of the "Mobile Home Park Act".

NOTICE OF NONPAYMENT OF RENT: The landlord or management of a mobile home park must serve to a home owner a notice of nonpayment of rent in order to terminate a home owner's tenancy. The notice must be in writing and must require that the home owner either make payment of rent and any applicable fees due and owing or remove the owner's unit from the premises, within a period of not less than ~~five~~ **TEN** days after the date the notice is served or posted, for failure to pay rent when due.

CURE PERIODS: If the home owner has a right to cure under the "Mobile Home Park Act", the landlord or management of a mobile home park cannot terminate a home owner's tenancy without first providing the home owner with a time period to cure the noncompliance. "Cure" refers to a home owner remedying, fixing, or otherwise correcting the situation or problem that caused the tenancy to be terminated pursuant to sections 38-12-202, 38-12-203, or 38-12-204, Colorado Revised Statutes.

COMMENCEMENT OF LEGAL ACTION TO TERMINATE THE TENANCY: After the last day of the notice period, a legal action may be commenced to take possession of the space leased by the home owner. In order to evict a home owner, the landlord or management of the mobile home park must prove:

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- The landlord or management complied with the notice requirements of the "Mobile Home Park Act";
- The landlord or management provided the home owner with a statement of reasons for termination of the tenancy; and
- The reasons for termination of the tenancy are true and valid under the "Mobile Home Park Act".

A home owner must appear in court to defend against an eviction action. If the court rules in favor of the landlord or management of the mobile home park, the home owner ~~will have~~ HAS not less than ~~48 hours~~ THIRTY DAYS from the time of the ruling to EITHER remove OR SELL the mobile home and to vacate the premises. ~~If a tenancy is being terminated pursuant to section 38-12-203 (1)(f), Colorado Revised Statutes, the home owner shall have not less than 48 hours from the time of the ruling to remove the home and vacate the premises. In all other circumstances,~~ If the home owner wishes to extend such period beyond ~~48 hours~~ THIRTY DAYS but not more than ~~thirty~~ SIXTY days from the date of the ruling, the home owner shall prepay to the landlord an amount equal to ~~any total amount declared by the court to be due to the landlord, as well as~~ a pro rata share of rent for each day following the EXPIRATION OF THE INITIAL THIRTY-DAY PERIOD AFTER THE court's ruling that the mobile home owner will remain on the premises. All prepayments ~~shall be paid by certified check, by cashier's check, or by wire transfer and~~ shall be paid no later than ~~48 hours~~ THIRTY DAYS after the court ruling. THIS SECTION DOES NOT PRECLUDE EARLIER REMOVAL BY LAW ENFORCEMENT OFFICERS OF A MOBILE HOME OR ONE OR MORE MOBILE HOME OWNERS OR OCCUPANTS FROM THE MOBILE HOME PARK IF A MOBILE HOME OWNER VIOLATES ARTICLE 3, 4, 6, 7, 9, 10, 12, OR 18 OF TITLE 18 OR SECTION 16-13-303.

SECTION 8. In Colorado Revised Statutes, 38-12-208, **amend** (1)(b) as follows:

38-12-208. Remedies. (1) (b) The notice of judgment ~~shall~~ MUST state that, at a specified time not less than ~~forty-eight hours~~ THIRTY DAYS from the entry of judgment, ~~if a tenancy is being terminated pursuant to section 38-12-203 (1)(f) and, in all other instances, not less than forty-eight hours from the entry of judgment,~~ which may be extended to not more than ~~thirty~~ SIXTY days after the entry of judgment if the home owner has prepaid

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~~by certified check, by cashier's check, or by wire transfer no later than forty-eight hours~~ THIRTY DAYS after the court ruling to the landlord an amount equal to ~~any total amount declared by the court to be due to the landlord, as well as~~ a pro rata share of rent for each day following the EXPIRATION OF THE INITIAL THIRTY-DAY PERIOD AFTER THE court's ruling that the mobile home owner will remain on the premises, AND IN INSTANCES WHERE THE MOBILE HOME MUST BE REMOVED FROM THE MOBILE HOME LOT, the sheriff ~~will~~ SHALL return to serve a writ of restitution and superintend the peaceful and orderly removal of the mobile home under that order of court. The notice of judgment ~~shall~~ MUST also advise the home owner, IN INSTANCES WHERE THE MOBILE HOME MUST BE REMOVED FROM THE MOBILE HOME LOT, to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires, and otherwise making the mobile home safe and ready for highway travel.

SECTION 9. In Colorado Revised Statutes, **add** part 11 to article 12 of title 38 as follows:

PART 11
MOBILE HOME PARK ACT DISPUTE
RESOLUTION AND ENFORCEMENT PROGRAM

38-12-1101. Short title. THE SHORT TITLE OF THIS PART 11 IS THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM".

38-12-1102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THERE ARE FACTORS UNIQUE TO THE RELATIONSHIP BETWEEN MOBILE HOME OWNERS AND MOBILE HOME PARK LANDLORDS;

(b) ONCE OCCUPANCY HAS COMMENCED, A MOBILE HOME OWNER MAY BE SUBJECT TO VIOLATIONS OF THE "MOBILE HOME PARK ACT", PART 2 OF THIS ARTICLE 12, WITHOUT AN ADEQUATE REMEDY AT LAW BECAUSE THE DIFFICULTY AND EXPENSE IN MOVING AND RELOCATING A MOBILE HOME CAN AFFECT THE OPERATION OF MARKET FORCES AND LEAD TO AN INEQUALITY OF THE BARGAINING POSITION OF THE PARTIES;

(c) TAKING LEGAL ACTION AGAINST A MOBILE HOME PARK

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LANDLORD FOR VIOLATIONS OF THE "MOBILE HOME PARK ACT" CAN BE A COSTLY AND LENGTHY PROCESS, AND MANY MOBILE HOME OWNERS CANNOT AFFORD TO PURSUE A COURT PROCESS TO VINDICATE STATUTORY RIGHTS. MOBILE HOME PARK LANDLORDS WILL ALSO BENEFIT BY HAVING ACCESS TO A PROCESS THAT RESOLVES DISPUTES QUICKLY AND EFFICIENTLY.

(2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE AN EQUITABLE AS WELL AS A LESS COSTLY AND MORE EFFICIENT WAY FOR MOBILE HOME OWNERS AND MOBILE HOME PARK LANDLORDS TO RESOLVE DISPUTES, AND TO PROVIDE A MECHANISM FOR STATE AUTHORITIES TO QUICKLY LOCATE MOBILE HOME PARK LANDLORDS.

38-12-1103. Definitions. AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACT" MEANS THE "MOBILE HOME PARK ACT" CREATED IN PART 2 OF THIS ARTICLE 12.

(2) "COMPLAINANT" MEANS A LANDLORD OR HOME OWNER WHO HAS FILED A COMPLAINT ALLEGING A VIOLATION OF THE ACT OR THE COMPLAINANT'S AGENT, EMPLOYEE, OR REPRESENTATIVE AUTHORIZED TO ACT ON THE COMPLAINANT'S BEHALF.

(3) "DIVISION" MEANS THE DIVISION OF HOUSING OF THE DEPARTMENT OF LOCAL AFFAIRS.

(4) "FUND" MEANS THE MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM FUND CREATED IN SECTION 38-12-1110.

(5) "PENALTY" MEANS A MONETARY PENALTY LEVIED AGAINST A COMPLAINANT OR RESPONDENT BECAUSE OF A VIOLATION OF EITHER THE ACT OR THE PROGRAM.

(6) "PROGRAM" MEANS THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM" CREATED IN THIS PART 11.

(7) "RESPONDENT" MEANS A LANDLORD OR HOME OWNER, ALLEGED TO HAVE COMMITTED A VIOLATION OF THE ACT, OR THE RESPONDENT'S AGENT, EMPLOYEE, OR REPRESENTATIVE AUTHORIZED TO ACT ON THE

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RESPONDENT'S BEHALF.

38-12-1104. Dispute resolution program - creation - division of housing - duties - report - rules. (1) THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM" IS HEREBY CREATED.

(2) THE DIVISION SHALL:

(a) PRODUCE EDUCATIONAL MATERIALS REGARDING THE ACT AND THE PROGRAM. THESE MATERIALS MUST BE IN BOTH ENGLISH AND SPANISH AND MUST INCLUDE A NOTICE IN A FORMAT THAT A LANDLORD CAN REASONABLY POST IN A MOBILE HOME PARK. THE NOTICE MUST SUMMARIZE HOME OWNER RIGHTS AND RESPONSIBILITIES, PROVIDE INFORMATION ON HOW TO FILE A COMPLAINT WITH THE DIVISION, DESCRIBE THE PROTECTIONS AFFORDED HOME OWNERS UNDER SECTION 38-12-1105 (13), AND PROVIDE A TOLL-FREE TELEPHONE NUMBER AND WEBSITE THAT LANDLORDS AND HOME OWNERS CAN USE TO SEEK ADDITIONAL INFORMATION AND COMMUNICATE COMPLAINTS SPECIFIC TO THE PROGRAM;

(b) DISTRIBUTE THE EDUCATIONAL MATERIALS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION TO ALL KNOWN LANDLORDS AND, AS REQUESTED, TO ANY COMPLAINANTS OR RESPONDENTS;

(c) ENSURE THAT LANDLORDS POST THE NOTICE PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION IN A CLEARLY VISIBLE LOCATION IN COMMON AREAS OF MOBILE HOME PARKS, INCLUDING ANY COMMUNITY HALL OR RECREATION HALL;

(d) ENFORCE A PENALTY IF THE DIVISION DISCOVERS THAT THE LANDLORD HAS NOT APPROPRIATELY POSTED THE NOTICE PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (2)(c) OF THIS SECTION;

(e) CREATE AND MAINTAIN A REGISTRATION DATABASE OF MOBILE HOME PARKS;

(f) CREATE AND MAINTAIN A DATABASE OF MOBILE HOME PARKS THAT HAVE HAD COMPLAINTS FILED AGAINST THEM UNDER THE PROGRAM;

(g) PROVIDE AN ANNUAL REPORT TO THE TRANSPORTATION AND

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LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE, THE LOCAL GOVERNMENT COMMITTEE OF THE SENATE, OR ITS SUCCESSOR COMMITTEE, AND TO THE DEPARTMENT OF REGULATORY AGENCIES, AND PUBLISH THAT ANNUAL REPORT ON THE DIVISION'S OFFICIAL WEBSITE;

(h) RECEIVE COMPLAINTS AND PERFORM DISPUTE RESOLUTION ACTIVITIES RELATED TO THE PROGRAM, INCLUDING INVESTIGATIONS, NEGOTIATIONS, DETERMINATIONS OF VIOLATIONS, AND IMPOSITION OF PENALTIES AS DESCRIBED IN SECTION 38-12-1105;

(i) ISSUE SUBPOENAS;

(j) PROMULGATE SUCH RULES AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THE PROGRAM CREATED IN THIS PART 11 AND TO CLARIFY THE REQUIREMENTS OF THE "MOBILE HOME PARK ACT", PART 2 OF THIS ARTICLE 12. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

(3) THE PROGRAM MUST BE FUNDED BY THE PENALTIES AND FEES DEPOSITED IN THE FUND AND ANY OTHER RESOURCES DIRECTED TO THE PROGRAM.

38-12-1105. Dispute resolution program - complaint process.

(1) BEGINNING MAY 1, 2020, ANY AGGRIEVED PARTY MAY FILE A COMPLAINT WITH THE DIVISION ALLEGING A VIOLATION OF THE ACT OR THIS PART 11.

(2) AFTER RECEIVING A COMPLAINT UNDER THIS PART 11, THE DIVISION SHALL INVESTIGATE THE ALLEGED VIOLATIONS AT THE DIVISION'S DISCRETION AND, IF APPROPRIATE, FACILITATE NEGOTIATIONS BETWEEN THE COMPLAINANT AND THE RESPONDENT.

(3) (a) COMPLAINANTS AND RESPONDENTS SHALL COOPERATE WITH THE DIVISION IN THE COURSE OF AN INVESTIGATION BY RESPONDING TO SUBPOENAS ISSUED BY THE DIVISION. THE SUBPOENAS MAY SEEK ACCESS TO PAPERS OR OTHER DOCUMENTS AND PROVIDE SITE ACCESS TO THE MOBILE HOME PARKS RELEVANT TO THE INVESTIGATION. COMPLAINANTS AND RESPONDENTS MUST RESPOND TO THE DIVISION'S SUBPOENAS WITHIN FOURTEEN DAYS OF THE DIVISION SENDING THE SUBPOENAS BY CERTIFIED

MAIL.

(b) FAILURE TO COOPERATE WITH THE DIVISION IN THE COURSE OF AN INVESTIGATION IS A VIOLATION OF THIS PART 11.

(4)(a) IF, AFTER AN INVESTIGATION, THE DIVISION DETERMINES THAT THE PARTIES ARE UNABLE TO COME TO AN AGREEMENT, THE DIVISION SHALL MAKE A WRITTEN DETERMINATION ON WHETHER A VIOLATION OF THE ACT HAS OCCURRED.

(b) IF THE DIVISION FINDS BY A WRITTEN DETERMINATION THAT A VIOLATION OF THE ACT HAS OCCURRED, THE DIVISION SHALL DELIVER A WRITTEN NOTICE OF VIOLATION BY CERTIFIED MAIL TO BOTH THE COMPLAINANT AND THE RESPONDENT. THE NOTICE OF VIOLATION MUST SPECIFY THE BASIS FOR THE DIVISION'S DETERMINATION, THE VIOLATION, THE ACTION REQUIRED TO CURE THE VIOLATION, THE TIME WITHIN WHICH THAT ACTION MUST BE TAKEN, THE PENALTIES THAT WILL BE IMPOSED IF THAT ACTION IS NOT TAKEN WITHIN THE SPECIFIED TIME PERIOD, AND THE PROCESS FOR CONTESTING THE DETERMINATION, REQUIRED ACTION, AND PENALTIES BY MEANS OF AN ADMINISTRATIVE HEARING.

(c) IF THE DIVISION FINDS BY A WRITTEN DETERMINATION THAT A VIOLATION OF THE ACT HAS NOT OCCURRED, THE DIVISION SHALL DELIVER A WRITTEN NOTICE OF NONVIOLATION TO BOTH THE COMPLAINANT AND THE RESPONDENT BY CERTIFIED MAIL. THE NOTICE OF NONVIOLATION MUST INCLUDE THE BASIS FOR THE DIVISION'S DETERMINATION AND THE PROCESS FOR CONTESTING THE DETERMINATION INCLUDED IN THE NOTICE OF NONVIOLATION BY MEANS OF AN ADMINISTRATIVE HEARING.

(5) THE RESPONDENT MUST COMPLY WITH THE REQUIREMENTS OF A NOTICE OF VIOLATION FROM THE DIVISION WITHIN SEVEN DAYS OF THE NOTICE OF VIOLATION BECOMING A FINAL AGENCY ORDER UNDER EITHER SUBSECTION (7)(b) OR (9)(b) OF THIS SECTION, EXCEPT AS REQUIRED OTHERWISE BY THE DIVISION, UNLESS THE RESPONDENT HAS SUBMITTED A TIMELY REQUEST FOR AN ADMINISTRATIVE HEARING TO CONTEST THE NOTICE UNDER SUBSECTION (7) OF THIS SECTION. IF A RESPONDENT FAILS TO COMPLY WITH THE REQUIREMENTS OF A NOTICE OF VIOLATION WITHIN THE REQUIRED TIME PERIOD AND THE DIVISION HAS NOT RECEIVED A TIMELY REQUEST FOR AN ADMINISTRATIVE HEARING, THE DIVISION MAY IMPOSE A PENALTY, UP TO A MAXIMUM OF FIVE THOUSAND DOLLARS PER VIOLATION

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PER DAY, FOR EACH DAY THAT A VIOLATION REMAINS UNCORRECTED. WHEN DETERMINING THE AMOUNT OF THE PENALTY TO IMPOSE ON A RESPONDENT, THE DIVISION SHALL CONSIDER THE SEVERITY AND DURATION OF THE VIOLATION AND THE IMPACT OF THE VIOLATION ON OTHER COMMUNITY RESIDENTS. IF THE RESPONDENT SHOWS, UPON TIMELY APPLICATION TO THE DIVISION, THAT A GOOD FAITH EFFORT TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE OF VIOLATION HAS BEEN MADE AND THAT THE RESPONDENT HAS NOT COMPLIED BECAUSE OF MITIGATING FACTORS BEYOND THE RESPONDENT'S CONTROL, THE DIVISION MAY DELAY OR DISMISS THE IMPOSITION OF A PENALTY.

(6) THE DIVISION MAY ISSUE AN ORDER REQUIRING THE RESPONDENT TO CEASE AND DESIST FROM AN UNLAWFUL PRACTICE. THE DIVISION MAY ALSO ISSUE AN ORDER REQUIRING THE RESPONDENT TO TAKE ACTIONS THAT IN THE JUDGMENT OF THE DIVISION WILL CARRY OUT THE PURPOSES OF THIS PART 11. THE ACTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(a) REFUNDS OF RENT INCREASES, IMPROPER FEES, AND CHARGES COLLECTED IN VIOLATION OF THIS PART 11;

(b) FILING DOCUMENTS THAT CORRECT A STATUTORY OR RULE VIOLATION; AND

(c) TAKING ACTION NECESSARY TO CORRECT A STATUTORY OR RULE VIOLATION.

(7) (a) A COMPLAINANT OR RESPONDENT MAY REQUEST AN ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE TO CONTEST:

(I) A NOTICE OF VIOLATION ISSUED UNDER SUBSECTION (4)(b) OF THIS SECTION OR A NOTICE OF NONVIOLATION ISSUED UNDER SUBSECTION (4)(c) OF THIS SECTION;

(II) A PENALTY IMPOSED UNDER SUBSECTION (5) OF THIS SECTION;
OR

(III) AN ORDER TO CEASE AND DESIST OR AN ORDER TO TAKE ACTIONS UNDER SUBSECTION (6) OF THIS SECTION.

(b) IF THE COMPLAINANT OR RESPONDENT REQUESTS AN ADMINISTRATIVE HEARING PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE COMPLAINANT OR RESPONDENT MUST FILE THE REQUEST WITHIN FIFTEEN BUSINESS DAYS OF RECEIPT OF A NOTICE OF VIOLATION, NOTICE OF NONVIOLATION PENALTY, ORDER, OR ACTION. IF AN ADMINISTRATIVE HEARING IS NOT REQUESTED WITHIN THIS TIME PERIOD, THE NOTICE OF VIOLATION OR NOTICE OF NONVIOLATION CONSTITUTES A FINAL AGENCY ORDER OF THE DIVISION AND IS NOT SUBJECT TO REVIEW BY ANY COURT OR AGENCY.

(8) HEARINGS BEFORE THE OFFICE OF ADMINISTRATIVE COURTS MUST BE CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, UNLESS OTHERWISE SPECIFIED IN THIS SECTION.

(9) (a) AN APPOINTED ADMINISTRATIVE LAW JUDGE SHALL:

(I) HEAR AND RECEIVE PERTINENT EVIDENCE AND TESTIMONY;

(II) DECIDE WHETHER THE EVIDENCE SUPPORTS THE DIVISION'S FINDING BY A PREPONDERANCE OF THE EVIDENCE; AND

(III) ENTER AN APPROPRIATE ORDER WITHIN THIRTY DAYS AFTER THE COMPLETION OF THE HEARING AND IMMEDIATELY SEND COPIES OF THE ORDER TO THE AFFECTED PARTIES.

(b) AN ORDER ENTERED BY AN ADMINISTRATIVE LAW JUDGE CONSTITUTES THE FINAL AGENCY ORDER OF THE DIVISION AND IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO ARTICLE 4 OF TITLE 24. AN ORDER ENTERED BY AN ADMINISTRATIVE LAW JUDGE MAY BE APPEALED BY THE RESPONDENT AND THE DIVISION.

(10) WHEN THE DIVISION IMPOSES ANY PENALTY AGAINST A RESPONDENT LANDLORD UNDER THIS PART 11, THE RESPONDENT MAY NOT SEEK ANY RECOVERY OR REIMBURSEMENT OF THE PENALTY FROM A COMPLAINANT OR FROM ANY OTHER HOME OWNER.

(11) ALL MONEY COLLECTED FROM THE IMPOSITION OF ANY PENALTIES IMPOSED UNDER THIS SECTION OTHER THAN ANY PORTION OF THE PENALTIES REQUIRED TO BE PAID TO A COMPLAINANT MUST BE DEPOSITED IN THE FUND.

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(12) THIS SECTION DOES NOT PROVIDE AN EXCLUSIVE REMEDY AND DOES NOT LIMIT THE RIGHT OF LANDLORDS OR HOME OWNERS TO TAKE LEGAL ACTION AGAINST ANOTHER PARTY AS PROVIDED IN THE ACT OR OTHERWISE. EXHAUSTION OF THE ADMINISTRATIVE REMEDY PROVIDED IN THIS SECTION IS NOT REQUIRED BEFORE A LANDLORD OR HOME OWNER MAY BRING A LEGAL ACTION.

(13) A LANDLORD MAY NOT TAKE ANY RETALIATORY ACTIONS AGAINST A HOME OWNER FOR EXPRESSING AN INTENTION TO FILE A COMPLAINT UNDER THIS PROGRAM OR FILING A COMPLAINT UNDER THIS PROGRAM. IF THE DIVISION DETERMINES THAT A LANDLORD HAS RETALIATED AGAINST A HOME OWNER, THE DIVISION MAY IMPOSE A FINE OF UP TO TEN THOUSAND DOLLARS ON THE LANDLORD.

(14) ANY PENALTY LEVIED AGAINST A LANDLORD UNDER THIS PART 9 SHALL BE A LIEN AGAINST THE LANDLORD'S MOBILE HOME PARK UNTIL THE LANDLORD PAYS THE PENALTY.

38-12-1106. Registration of mobile home parks - process - fees.

(1) THE DIVISION SHALL REGISTER ALL MOBILE HOME PARKS ON AN INDIVIDUAL BASIS AND RENEW THIS REGISTRATION ANNUALLY.

(2) THE DIVISION SHALL SEND REGISTRATION NOTIFICATIONS AND INFORMATION PACKETS TO ALL KNOWN LANDLORDS OF UNREGISTERED MOBILE HOME PARKS. THESE INFORMATION PACKETS MUST INCLUDE:

(a) REGISTRATION FORMS THAT SATISFY ALL OF THE REQUIREMENTS OF SUBSECTION (7) OF THIS SECTION;

(b) INFORMATION ABOUT THE DIFFERENT METHODS OF REGISTRATION;

(c) INFORMATION ABOUT THE SINGLE, STATEWIDE TOLL-FREE TELEPHONE NUMBER DESCRIBED IN SUBSECTION (11) OF THIS SECTION;

(d) REGISTRATION ASSESSMENT INFORMATION, INCLUDING REGISTRATION DUE DATES AND LATE FEES, AND THE COLLECTIONS PROCEDURES, LIENS, AND CHARGING COSTS TO HOME OWNERS; AND

(e) A DESCRIPTION OF THE PROTECTIONS AFFORDED HOME OWNERS

UNDER SECTION 38-12-1105 (13).

(3) THE DIVISION SHALL ANNUALLY SEND REGISTRATION RENEWAL NOTIFICATIONS AND INFORMATION PACKETS TO ALL REGISTERED MOBILE HOME PARKS.

(4) A LANDLORD MUST FILE FOR REGISTRATION OR REGISTRATION RENEWAL BY SUBMITTING TO THE DIVISION, EITHER THROUGH THE DIVISION'S WEBSITE, BY MAIL, OR IN PERSON, A REGISTRATION OR REGISTRATION RENEWAL FORM PROVIDED BY THE DIVISION AND PAY A REGISTRATION FEE AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION.

(5) A LANDLORD MUST NOTIFY THE DIVISION WITHIN THIRTY DAYS OF A CHANGE IN THE OWNERSHIP OF THE LANDLORD'S MOBILE HOME PARK SO THAT THE DIVISION MAY UPDATE THE MOBILE HOME PARK'S REGISTRATION INFORMATION.

(6) THE DIVISION SHALL MAKE AVAILABLE ON THE DIVISION'S WEBSITE ELECTRONIC FORMS TO REGISTER A MOBILE HOME PARK. THESE FORMS MUST BE AVAILABLE IN BOTH ENGLISH AND SPANISH AND SATISFY ALL OF THE REQUIREMENTS OF SUBSECTION (7) OF THIS SECTION.

(7) THE REGISTRATION FORMS PROVIDED BY THE DIVISION MUST REQUIRE INFORMATION NECESSARY TO ASSIST THE DIVISION IN IDENTIFYING AND LOCATING A MOBILE HOME PARK AND OTHER INFORMATION THAT MAY BE USEFUL TO THE STATE INCLUDING, AT A MINIMUM:

(a) THE NAME AND ADDRESS OF THE LANDLORD;

(b) THE NAME AND ADDRESS OF THE MOBILE HOME PARK;

(c) THE NUMBER OF LOTS WITHIN THE MOBILE HOME PARK;

(d) THE NUMBER OF MOBILE HOMES WITHIN THE MOBILE HOME PARK;
AND

(e) THE ADDRESS OF EACH MOBILE HOME WITHIN THE MOBILE HOME PARK.

(8) FOR THE 2020 CALENDAR YEAR, THE DIVISION SHALL CHARGE

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EACH LANDLORD A TWENTY-FOUR DOLLAR REGISTRATION FEE FOR EACH MOBILE HOME INDEPENDENTLY OWNED ON RENTED LAND WITHIN THE LANDLORD'S MOBILE HOME PARK. EACH YEAR THEREAFTER, THE DIVISION SHALL ESTABLISH BY RULE A FEE THAT EACH LANDLORD SHALL PAY TO THE DIVISION AS AN ANNUAL REGISTRATION FEE FOR EACH MOBILE HOME INDEPENDENTLY OWNED ON RENTED LAND WITHIN THE LANDLORD'S MOBILE HOME PARK. A LANDLORD MAY CHARGE A HOME OWNER NOT MORE THAN HALF OF THE FEE. THE REGISTRATION FEE FOR EACH MOBILE HOME MUST BE DEPOSITED INTO THE FUND. THE DIVISION SHALL REVIEW THE ANNUAL REGISTRATION FEE AND, IF NECESSARY, ADJUST THE ANNUAL REGISTRATION FEE THROUGH RULE-MAKING TO ENSURE IT CONTINUES TO REASONABLY RELATE TO THE COST OF ADMINISTERING THE PROGRAM.

(9) INITIAL REGISTRATIONS OF MOBILE HOME PARKS MUST BE FILED BEFORE FEBRUARY 1, 2020, AND AFTER THAT DATE WITHIN THREE MONTHS OF THE AVAILABILITY OF MOBILE HOME LOTS FOR RENT WITHIN A NEW PARK. A LANDLORD WHO WAS SENT AN INITIAL REGISTRATION FORM AND WHO MISSED THE DEADLINE FOR REGISTRATION IS SUBJECT TO A DELINQUENCY FEE OF UP TO FIVE THOUSAND DOLLARS. LANDLORDS WHO RECEIVE REGISTRATION RENEWAL NOTIFICATIONS AND DO NOT RENEW THEIR REGISTRATION BY THE EXPIRATION DATE AS ASSIGNED BY THE DIVISION ARE ALSO SUBJECT TO A DELINQUENCY FEE OF UP TO FIVE THOUSAND DOLLARS.

(10) REGISTRATION IS EFFECTIVE ON THE DATE DETERMINED BY THE DIVISION, AND THE DIVISION MUST ISSUE A REGISTRATION NUMBER TO EACH REGISTERED MOBILE HOME PARK. THE DIVISION MUST PROVIDE AN EXPIRATION DATE, ASSIGNED BY THE DIVISION, TO EACH REGISTERED MOBILE HOME PARK.

(11) THE DIVISION SHALL ESTABLISH A SYSTEM, INCLUDING BUT NOT LIMITED TO A SINGLE, STATEWIDE TOLL-FREE TELEPHONE NUMBER, FOR RESPONDING DIRECTLY TO INQUIRIES ABOUT THE REGISTRATION PROCESS.

38-12-1107. Registration information database. BY FEBRUARY 1, 2020, THE DIVISION SHALL CREATE AND MAINTAIN A DATABASE THAT INCLUDES ALL OF THE INFORMATION COLLECTED UNDER SECTION 38-12-1106.

38-12-1108. Mobile home park complaint database. (1) BY MAY 1, 2020, THE DIVISION SHALL ALSO CREATE AND MAINTAIN A DATABASE OF

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MOBILE HOME PARKS THAT HAVE HAD COMPLAINTS FILED AGAINST THEM UNDER THE PROGRAM.

- (2) AT A MINIMUM, THE DATABASE MUST INCLUDE:
 - (a) THE NUMBER OF COMPLAINTS RECEIVED;
 - (b) THE NATURE AND EXTENT OF THE COMPLAINTS RECEIVED;
 - (c) THE VIOLATION OF LAW COMPLAINED OF; AND
 - (d) THE OUTCOME OF EACH COMPLAINT.

38-12-1109. Mobile home park act dispute resolution and enforcement program annual report. THE DIVISION SHALL PREPARE AN ANNUAL REPORT THAT CONTAINS, AT A MINIMUM, THE NUMBER OF CONSTITUENTS CONTACTED BY THE DIVISION IN REGARD TO THE PROGRAM, THE NUMBER OF COMPLAINTS RECEIVED UNDER THE PROGRAM RECEIVED BY THE DIVISION, THE NUMBER OF COMPLAINTS UNDER THE PROGRAM RESOLVED BY THE DIVISION, A BRIEF SUMMARY OF THE NATURE OF THE COMPLAINTS UNDER THE PROGRAM RECEIVED BY THE DIVISION, HOW THE COMPLAINTS UNDER THE PROGRAM RECEIVED BY THE DIVISION WERE RESOLVED, THE NUMBER OF ADMINISTRATIVE APPEALS UNDER THE PROGRAM, A SUMMARY OF ANY RELEVANT COURT DECISIONS RELATING TO THE PROGRAM, AND A SUMMARY OF RESULTS OF AN ANNUAL CONSTITUENT SURVEY CONDUCTED BY AN INDEPENDENT CONTRACTOR.

38-12-1110. Mobile home park act dispute resolution and enforcement program fund. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE MOBILE HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM FUND. ALL MONEY COLLECTED PURSUANT TO THE PROGRAM MUST BE DEPOSITED IN THE FUND. THE FUND SHALL BE USED BY THE DIVISION FOR THE COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM. THE MONEY IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED FOR ADMINISTERING THE PROGRAM. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEY IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

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(2) THE DIVISION, BY RULE OR AS OTHERWISE PROVIDED BY LAW, MAY REDUCE THE AMOUNT OF ANY FEE IMPOSED UNDER THIS PART 11 IF NECESSARY PURSUANT TO SECTION 24-75-402 (3) TO REDUCE THE UNCOMMITTED RESERVES OF THE FUND TO WHICH ALL OR ANY PORTION OF THE FEE IS CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE DIVISION, BY RULE OR AS OTHERWISE PROVIDED BY LAW, MAY INCREASE THE AMOUNT OF THE FEES IMPOSED UNDER THIS PART 11 AS PROVIDED IN SECTION 24-75-402 (4).

SECTION 10. Appropriation. (1) For the 2019-20 state fiscal year, \$22,073 is appropriated to the department of law. This appropriation is from cash funds received from the department of local affairs and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of local affairs.

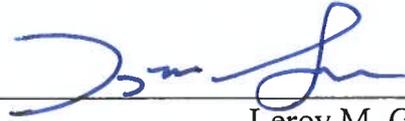
(2) For the 2019-20 state fiscal year, \$130,065 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from cash funds received from the department of local affairs. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 11. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

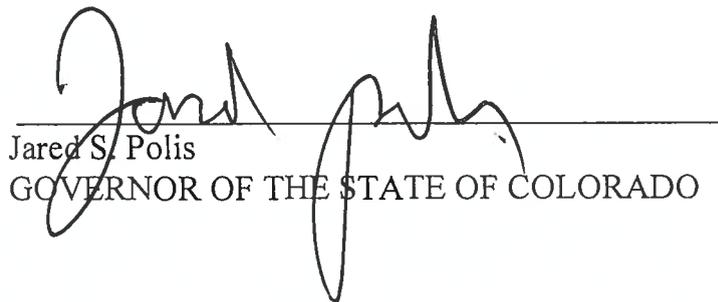


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 23, 2019 at 5:39 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 19-1335

BY REPRESENTATIVE(S) Gonzales-Gutierrez and Bockenfeld, Benavidez, Bird, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Galindo, Gray, Hansen, Herod, Hooton, Jackson, Kennedy, Kipp, Lontine, Melton, Michaelson Jenet, Snyder, Titone, Valdez A., Valdez D., Weissman, Becker;
also SENATOR(S) Lee and Cooke, Bridges, Court, Crowder, Fenberg, Foote, Ginal, Gonzales, Moreno, Pettersen, Priola, Story, Todd, Williams A., Garcia.

CONCERNING EXPUNGEMENT OF JUVENILE RECORDS, AND, IN CONNECTION THEREWITH, MAKING CLARIFYING CHANGES TO THE EXPUNGEMENT PROCESS AND PROCEDURE AND CLARIFYING THAT JUVENILE RECORD EXPUNGEMENT APPLIES TO MUNICIPAL COURTS.

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

SECTION 1. In Colorado Revised Statutes, 19-1-306, **amend** (4)(a)(II), (4)(a)(III), (4)(b), (5)(a) introductory portion, (5)(a)(I), (5)(a)(II), (5)(c), (5)(d), (5)(e), (6)(b), (6)(c), (6)(e), (10)(e), and (11); **repeal** (5)(a)(III) and (5)(b); **repeal and reenact, with amendments**, (9); and **add** (1)(c) and (5)(e.5) as follows:

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.

19-1-306. Expungement of juvenile delinquent records - definition. (1) (c) THE EXPUNGEMENT ORDER ONLY APPLIES TO THE NAMED JUVENILE AND NOT TO ANY CO-PARTICIPANT.

(4) (a) The court shall order all records in a juvenile delinquency case in the custody of the court, and any records related to the case and charges in the custody of any other agency, person, company, or organization, expunged within forty-two days after:

(II) Dismissal of the petition in its entirety PRIOR TO ANY DISPOSITION OR ALTERNATIVE TO SENTENCING, INCLUDING DIVERSION, A DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT; or

(III) The completion of a sentence OR ALTERNATIVE TO SENTENCING, INCLUDING DIVERSION, A DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT, for a petty offense, drug petty offense, class 2 or class 3 misdemeanor offense, or level 1 or level 2 drug misdemeanor if the offense does not involve unlawful sexual behavior as defined in section 16-22-102 (9), is not an act of domestic violence as defined in section 18-6-800.3, or is not a crime listed under section 24-4.1-302 (1), and the defendant was under eighteen years of age at the time the offense was committed.

~~(b) (I) When an expungement order is issued pursuant to this section, the court shall send a copy of the order to the juvenile, the juvenile's last attorney of record, the prosecuting attorney, the law enforcement agency or agencies that investigated the case, the state court administrator's office, the division of youth services, and the Colorado bureau of investigation, directing the entity to expunge the records in its custody as directed in the order. The person who is the subject of records expunged pursuant to this section may petition the court to permit inspection of the records held by persons named in the order, and the court may so order~~ UPON SUCCESSFUL COMPLETION OF DIVERSION AT THE PREFILING LEVEL AS AN ALTERNATIVE TO THE FILING OF A PETITION, THE CUSTODIAN OF ANY RECORD SHALL EXPUNGE THE RECORD IN THE CUSTODY OF LAW ENFORCEMENT, THE JUVENILE'S SCHOOL, THE DIVERSION PROVIDER, AND THE DISTRICT ATTORNEY WITHOUT THE NEED FOR A COURT ORDER.

(II) THE DISTRICT ATTORNEY OR OTHER DIVERSION PROVIDER SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION, THE LAW ENFORCEMENT AGENCY THAT HAD CONTACT WITH THE JUVENILE, AND THE JUVENILE'S

SCHOOL, IF THE INCIDENT OCCURRED AT SCHOOL OR THE DISTRICT ATTORNEY NOTIFIED THE SCHOOL OF THE CASE, THAT DIVERSION IS COMPLETE AND THE RECORDS ARE EXPUNGED. ANY LAW ENFORCEMENT AGENCY OR SCHOOL THAT RECEIVES A NOTICE SHALL ACKNOWLEDGE RECEIPT OF THE NOTICE. THE COLORADO BUREAU OF INVESTIGATION, LAW ENFORCEMENT AGENCY, SCHOOL, DIVERSION PROVIDER, AND DISTRICT ATTORNEY SHALL TREAT THE RECORDS AS EXPUNGED WITHIN THIRTY-FIVE DAYS AFTER THE COMPLETION OF DIVERSION, AND ALL PROVISIONS OF THIS SECTION ADDRESSING EXPUNGED RECORDS APPLY TO THOSE RECORDS.

(III) IF VICTIM NOTIFICATION IS REQUIRED PURSUANT TO PART 4.1 OF TITLE 24, THE DISTRICT ATTORNEY SHALL NOTIFY THE VICTIM PRIOR TO SENDING THE NOTICE PURSUANT TO SUBSECTION (4)(b)(II) OF THIS SECTION, AND OFFER THE VICTIM AN OPPORTUNITY TO OBJECT. IF THE VICTIM OBJECTS, THE DISTRICT ATTORNEY SHALL NOTIFY THE COURT AND THE DIVERSION PROVIDER. UPON RECEIPT OF THE NOTICE OF OBJECTION FROM THE DISTRICT ATTORNEY, THE DIVERSION PROVIDER SHALL COMPLETE AND FILE A REPORT PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION, AND THE PROVISIONS OF SUBSECTIONS (5)(e), (5)(e.5), (5)(f), AND (5)(g) OF THIS SECTION APPLY.

~~(5) (a) The court shall send notice to the prosecuting attorney and supervising agency of the juvenile at least ninety-one days prior to the end of the juvenile's diversion program, deferred adjudication, informal adjustment, or sentence that all records in a juvenile delinquency case in the custody of the court, and any records related to the case and charges in the custody of any other agency, person, company, or organization, will be expunged after completion of~~ AT THE TIME THAT THE COURT ORDERS THE FOLLOWING SENTENCES OR ALTERNATIVES TO SENTENCING, THE COURT SHALL MAKE A FINDING THAT THE JUVENILE IS ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION (5) AND INCLUDE THAT FINDING ON THE WRITTEN MITTIMUS OR OTHER SENTENCING DOCUMENT:

(I) A juvenile diversion program, a deferred adjudication, or an informal adjustment, EXCEPT FOR THOSE DESCRIBED IN SUBSECTION (4)(a)(III) OF THIS SECTION;

(II) A juvenile sentence for an adjudication for a class 1 misdemeanor or a petty or a misdemeanor offense that is not eligible for expungement ~~under~~ PURSUANT TO subsection (4) of this section; ~~if the offense did not involve unlawful sexual behavior as defined in section~~

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~~16-22-102(9); OR~~

~~(III) A juvenile sentence for an adjudication for a misdemeanor offense involving unlawful sexual contact as described in section 18-3-404; or~~

~~(b) Upon receipt of the notice from the court in subsection (5)(a) of this section, the prosecuting attorney shall contact the victim regarding expungement.~~

~~(c) (I) Upon issuance of the notice from the court in subsection (5)(a) of this section, the supervising agency must~~ IF THE COURT MAKES A FINDING THAT A JUVENILE IS ELIGIBLE FOR EXPUNGEMENT PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THE AGENCY SUPERVISING THE JUVENILE SHALL, AT THE CONCLUSION OF THE AGENCY'S SUPERVISION, prepare a report and summary of supervision outlining the performance of the juvenile while under supervision. ~~If the juvenile is no longer under supervision, the supervising agency must contact the juvenile and summarize the juvenile's activities since termination of supervision to assist the court in making its determination of the appropriateness for expungement.~~ The supervising agency shall provide the report to the court AND PROVIDE A COPY OF THE REPORT TO the prosecuting attorney, the juvenile, and the juvenile's attorney of record ~~within twenty-eight days of the notice from the court~~ NO EARLIER THAN THIRTY-FIVE DAYS PRIOR TO THE END OF SUPERVISION AND NO LATER THAN FOURTEEN DAYS AFTER THE CONCLUSION OF SUPERVISION. IF THERE IS NO SUPERVISING AGENCY, THE COURT SHALL SEND A NOTICE THAT THE UNSUPERVISED SENTENCE IS COMPLETE TO THE DISTRICT ATTORNEY WHEN THE SENTENCE IS COMPLETE.

~~(II) UPON RECEIPT OF THE REPORT OR NOTICE PURSUANT TO THIS SUBSECTION (5)(c), THE PROSECUTING ATTORNEY SHALL CONTACT THE VICTIM REGARDING EXPUNGEMENT IF NOTIFICATION IS REQUIRED PURSUANT TO PART 4.1 OF TITLE 24.~~

~~(d) If neither the prosecuting attorney nor a victim files an objection within ~~eighty-four~~ THIRTY-FIVE days after the ~~issuance~~ FILING of the REPORT OR notice pursuant to ~~subsection (5)(a)~~ SUBSECTION (5)(c) of this section, the court shall order all records in the juvenile delinquency case in the custody of the court, and any records related to the case and charges in the custody of any other agency, person, company, or organization, expunged.~~

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(e) If the prosecuting attorney or a victim files an objection within ~~eighty-four~~ THIRTY-FIVE days after receipt THE FILING of the REPORT OR notice by the prosecuting attorney pursuant to ~~subsection (5)(a)~~ SUBSECTION (5)(c) of this section, the court shall schedule a hearing on the issue of expungement. The court shall notify all objecting parties of the hearing date. The hearing must be set at least thirty-five days after the date the court sends notice of the hearing.

(e.5) IF THE OFFENSE FOR WHICH THE RECORDS ARE ELIGIBLE FOR EXPUNGEMENT REQUIRES THE JUVENILE TO REGISTER PURSUANT TO SECTION 16-22-103 AND THE COURT HAS NOT ALREADY ISSUED A NOTICE PURSUANT TO SECTION 16-22-113 (1.3)(b), UPON RECEIPT OF THE REPORT FROM THE SUPERVISING AGENCY PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION, THE COURT SHALL ISSUE A NOTICE PURSUANT TO SECTION 16-22-113 (1.3)(b) AND THIS SUBSECTION (5)(e.5), AND THE VICTIM AND PROSECUTION HAVE SIXTY-THREE DAYS FROM THE ISSUANCE OF THAT NOTICE TO FILE AN OBJECTION TO EXPUNGEMENT OR THE DISCONTINUATION OF REGISTRATION. ALL OTHER REQUIREMENTS OF SUBSECTIONS (5)(d), (5)(e), (5)(f), AND (5)(g) OF THIS SECTION APPLY TO THE EXPUNGEMENT. THE PROVISIONS OF SECTION 16-22-113 (1.3) APPLY TO THE ISSUE OF DISCONTINUING REGISTRATION. THE COURT SHALL CONSIDER BOTH ISSUES AT THE SAME HEARING. IF THE COURT HAS NOT ALREADY ORDERED THAT THE JUVENILE MAY DISCONTINUE REGISTRATION PURSUANT TO SECTION 16-22-113, THE COURT SHALL ENTER AN ORDER GRANTING EXPUNGEMENT AND DISCONTINUING THE REGISTRATION REQUIREMENT, DENYING EXPUNGEMENT AND DISCONTINUING THE REGISTRATION REQUIREMENT, OR DENYING EXPUNGEMENT AND CONTINUING THE REGISTRATION REQUIREMENT.

(6) (b) A person may petition the juvenile court to expunge records in a closed case pursuant to subsection (5) of this section if the records are otherwise eligible for expungement, have not been expunged by the court, and a proceeding concerning a felony, misdemeanor, or delinquency action is not pending against the petitioner. A filing fee, notarization, or other formalities are not required. If the records are eligible for expungement pursuant to subsection (5) of this section, the court shall REQUEST A REPORT FROM THE AGENCY SUPERVISING THE JUVENILE OR issue a notice pursuant to ~~subsection (5)(a)~~ SUBSECTION (5)(c) of this section, and the provisions of subsection (5) of this section apply.

(c) A person may petition the juvenile court to expunge records

related to a law enforcement contact that did not result in referral to another agency after one year has passed since the law enforcement contact and a proceeding concerning a felony, misdemeanor, or delinquency action is not pending against the petitioner. A filing fee, notarization, or other formalities are not required. If the records are eligible for expungement pursuant to subsection (5) of this section, the court shall issue a notice pursuant to ~~subsection (5)(a) of this section~~ TO THE DISTRICT ATTORNEY THAT THE RECORDS WILL BE EXPUNGED IF NO OBJECTION IS RECEIVED, and the provisions of subsection (5) of this section apply.

(e) A juvenile who ~~was adjudicated as~~ DOES NOT QUALIFY FOR EXPUNGEMENT PURSUANT TO SUBSECTION (4) OR (5) OF THIS SECTION, INCLUDING a mandatory sentence offender pursuant to section 19-2-516 (1) or ~~as~~ a repeat offender pursuant to section 19-2-516 (2), and is not otherwise ineligible for expungement pursuant to the provisions of subsection (8) of this section and does not have a proceeding concerning a felony, misdemeanor, or delinquency action pending against himself or herself, may petition the court to request expungement of his or her record thirty-six months after the date of the petitioner's unconditional release from his or her juvenile sentence. A filing fee, notarization, or other formalities are not required. The court shall ~~issue a notice pursuant to subsection (5)(a) of this section~~ SCHEDULE A HEARING, and the provisions of ~~subsection (5)~~ SUBSECTIONS (5)(e), (5)(e.5), (5)(f), AND (5)(g) of this section apply.

(9) Municipal court records. (a) MUNICIPAL COURT RECORDS ARE EXPUNGED PURSUANT TO SECTION 13-10-115.5.

(b) IF MUNICIPAL COURT RECORDS HAVE NOT BEEN EXPUNGED WITHIN SEVENTY DAYS FROM THE END OF THE CASE PURSUANT TO SECTION 13-10-115.5, AN INDIVIDUAL MAY PETITION THE JUVENILE COURT IN THE JUDICIAL DISTRICT WHERE THE MUNICIPALITY IS LOCATED TO EXPUNGE RECORDS OF A MUNICIPAL CASE BROUGHT AGAINST A JUVENILE. EXPUNGEMENT PROCEEDINGS PURSUANT TO THIS SUBSECTION (9) MUST BE INITIATED BY THE FILING OF A PETITION REQUESTING AN ORDER OF EXPUNGEMENT. A FILING FEE, NOTARIZATION, OR OTHER FORMALITIES ARE NOT REQUIRED. IF THE PETITION IS NOT GRANTED WITHOUT A HEARING, THE COURT SHALL SET A DATE FOR A HEARING ON THE PETITION FOR EXPUNGEMENT AND SHALL NOTIFY THE APPROPRIATE PROSECUTING ATTORNEY.

(10) Upon the entry of an order expunging a record pursuant to this section, the court shall order, in writing, the expungement of all case records in the custody of the court and any records related to the case and charges in the custody of any other agency, person, company, or organization. The court may order expunged any records, but, at a minimum, the following records must be expunged pursuant to every expungement order:

(e) All department of human services records; ~~including disassociating the offense and the disposition information from the name of the youth in the management information system;~~

(11) (a) When an expungement order is issued pursuant to this section, the court shall send a copy of the order to the juvenile, the juvenile's last attorney of record, ~~and each agency, person, company, or organization named therein~~ THE PROSECUTING ATTORNEY, ANY LAW ENFORCEMENT AGENCY THAT INVESTIGATED THE CASE, THE STATE COURT ADMINISTRATOR'S OFFICE, AND THE COLORADO BUREAU OF INVESTIGATION directing the entity to expunge its records within thirty-five days after the receipt of the order. ~~Each such agency, person, company, or organization shall expunge the records in its custody as directed by the order. The person who is the subject of records expunged pursuant to this section may petition the court to permit inspection of the records held by persons named in the order, and the court may so order.~~

(b) THE COURT SHALL SEND A COPY OF AN EXPUNGEMENT ORDER TO EACH OF THE FOLLOWING, DIRECTING THE ENTITY TO EXPUNGE THE RECORDS IN ITS CUSTODY AS SOON AS PRACTICABLE BUT NO LATER THAN NINETY DAYS AFTER THE RECEIPT OF THE ORDER:

(I) THE PROBATION OFFICE IF THE JUVENILE WAS PLACED ON PROBATION AT ANY POINT DURING THE CASE;

(II) THE DIVISION OF YOUTH SERVICES IF THE JUVENILE WAS DETAINED IN A FACILITY OPERATED BY THE DIVISION, COMMITTED TO THE CUSTODY OF THE DIVISION, OR SCREENED THROUGH THE COLORADO YOUTH DETENTION CONTINUUM AT ANY POINT DURING THE CASE;

(III) ANY COUNTY DEPARTMENT OF HUMAN SERVICES THROUGH WHICH THE JUVENILE RECEIVED SERVICES AT ANY POINT DURING THE

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JUVENILE'S CASE; AND

(IV) ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION NAMED IN THE ORDER IF THE COURT IS AWARE THAT THE ENTITY HAS RECORDS RELATED TO THE CASE IN ITS POSSESSION.

(c) EACH ENTITY DESCRIBED IN THIS SUBSECTION (11) SHALL EXPUNGE THE RECORDS IN ITS CUSTODY AS DIRECTED BY THE ORDER.

(d) THE PERSON WHO IS THE SUBJECT OF RECORDS EXPUNGED PURSUANT TO THIS SECTION MAY PETITION THE COURT TO PERMIT INSPECTION OF THE RECORDS HELD BY PERSONS NAMED IN THE ORDER, AND THE COURT MAY SO ORDER.

SECTION 2. In Colorado Revised Statutes, add 13-10-115.5 as follows:

13-10-115.5. Expungement of juvenile delinquent records - definition. (1) (a) FOR THE PURPOSES OF THIS SECTION, "EXPUNGEMENT" IS DEFINED IN SECTION 19-1-103 (48). UPON THE ENTRY OF AN EXPUNGEMENT ORDER BY A MUNICIPAL COURT, THE PERSON WHO IS THE SUBJECT OF THE RECORD THAT HAS BEEN EXPUNGED MAY ASSERT THAT HE OR SHE HAS NO JUVENILE MUNICIPAL COURT RECORD. THE PERSON WHO IS THE SUBJECT OF THE RECORD THAT HAS BEEN EXPUNGED MAY LAWFULLY DENY THAT HE OR SHE HAS EVER BEEN ARRESTED, CHARGED, ADJUDICATED, CONVICTED, OR SENTENCED IN REGARD TO THE EXPUNGED CASE, MATTER, OR CHARGE.

(b) THE COURT, LAW ENFORCEMENT AGENCY, AND ALL OTHER AGENCIES SHALL REPLY TO ANY INQUIRY REGARDING AN EXPUNGED RECORD THAT NO RECORD EXISTS WITH RESPECT TO THE PERSON NAMED IN THE RECORD, UNLESS INFORMATION MAY BE SHARED WITH THE INQUIRING PARTY PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) (a) IF A JUVENILE IS SENTENCED BY A MUNICIPAL COURT, THE MUNICIPAL COURT, AT SENTENCING, SHALL PROVIDE THE JUVENILE AND ANY RESPONDENT PARENT OR GUARDIAN WITH A WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR EXPUNGING THE RECORD. THE MUNICIPAL COURT MAY PROVIDE THE NOTICE THROUGH A MUNICIPAL DIVERSION PROGRAM, THE CITY ATTORNEY, OR A MUNICIPAL PROBATION PROGRAM.

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(b) EXPUNGEMENT MUST BE EFFECTUATED BY PHYSICALLY SEALING OR CONSPICUOUSLY INDICATING ON THE FACE OF THE RECORD OR AT THE BEGINNING OF THE COMPUTERIZED FILE OF THE RECORD THAT THE RECORD HAS BEEN DESIGNATED AS EXPUNGED.

(c) A PROSECUTING ATTORNEY SHALL NOT REQUIRE AS A CONDITION OF A PLEA AGREEMENT THAT A JUVENILE WAIVE HIS OR HER RIGHT TO EXPUNGEMENT PURSUANT TO THIS SECTION UPON THE COMPLETION OF THE JUVENILE'S SENTENCE.

(d) PRIOR TO THE COURT ORDERING ANY RECORDS EXPUNGED, THE COURT SHALL DETERMINE WHETHER THE JUVENILE HAS ANY ACTIONS PENDING BEFORE THE MUNICIPAL COURT, AND, IF THE COURT DETERMINES THAT THERE IS AN ACTION PENDING AGAINST THE JUVENILE, THE COURT SHALL STAY THE PETITION FOR EXPUNGEMENT PROCEEDINGS UNTIL THE RESOLUTION OF THE PENDING CASE.

(3) (a) AFTER EXPUNGEMENT, BASIC IDENTIFICATION INFORMATION ON THE JUVENILE AND A LIST OF ANY STATE AND LOCAL AGENCIES AND OFFICIALS HAVING CONTACT WITH THE JUVENILE, AS THEY APPEAR IN THE RECORDS, ARE NOT OPEN TO THE PUBLIC BUT ARE AVAILABLE TO A PROSECUTING ATTORNEY, LOCAL LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF HUMAN SERVICES, THE STATE AND MUNICIPAL JUDICIAL DEPARTMENTS, AND THE VICTIM, AS DEFINED IN SECTION 24-4.1-302 (5); EXCEPT THAT SUCH INFORMATION IS NOT AVAILABLE TO AN AGENCY OF THE MILITARY FORCES OF THE UNITED STATES.

(b) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT PURSUANT TO THIS SECTION, ANY RECORD THAT IS ORDERED EXPUNGED IS AVAILABLE TO ANY JUDGE AND THE PROBATION DEPARTMENT FOR USE IN ANY FUTURE PROCEEDING IN WHICH THE PERSON WHOSE RECORD WAS EXPUNGED IS CHARGED WITH AN OFFENSE AS EITHER A JUVENILE OR AS AN ADULT. A NEW CRIMINAL, DELINQUENCY, OR MUNICIPAL CHARGE MAY NOT BE BROUGHT AGAINST THE JUVENILE BASED UPON INFORMATION GAINED INITIALLY OR SOLELY FROM EXAMINATION OF THE EXPUNGED RECORDS.

(c) NOTWITHSTANDING AN ORDER FOR EXPUNGEMENT PURSUANT TO THIS SECTION, ANY CRIMINAL JUSTICE RECORD OF A JUVENILE WHO HAS BEEN CHARGED, ADJUDICATED, OR CONVICTED OF ANY OFFENSE MUST BE AVAILABLE FOR USE BY THE JUVENILE, THE JUVENILE'S ATTORNEY, A

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PROSECUTING ATTORNEY, ANY LAW ENFORCEMENT AGENCY, OR ANY AGENCY OF THE STATE OR MUNICIPAL JUDICIAL DEPARTMENTS IN ANY SUBSEQUENT CRIMINAL INVESTIGATION OR PROSECUTION AS A SUBSTANTIVE PREDICATE OFFENSE CONVICTION OR ADJUDICATION OF RECORD.

(d) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, NOTHING PREVENTS THE PROSECUTING ATTORNEY, INCLUDING THE STAFF OF A PROSECUTING ATTORNEY'S OFFICE, A VICTIM OR WITNESS ASSISTANCE PROGRAM, A LAW ENFORCEMENT AGENCY, OR LAW ENFORCEMENT VICTIM ASSISTANCE PROGRAM FROM DISCUSSING WITH THE VICTIM THE CASE, THE RESULTS OF ANY EXPUNGEMENT PROCEEDINGS, INFORMATION REGARDING RESTITUTION, AND INFORMATION RELATED TO ANY VICTIM SERVICES AVAILABLE TO THE VICTIM AS DEFINED IN SECTION 24-4.1-302(5), BUT COPIES OF EXPUNGED RECORDS MUST NOT BE PROVIDED TO THE VICTIM. THE VICTIM MAY PETITION THE COURT AND REQUEST THAT A COPY OF THE EXPUNGED RECORDS BE PROVIDED TO THE VICTIM. IF THE COURT FINDS THAT THERE ARE COMPELLING REASONS FOR THE RELEASE, A COPY OF THE EXPUNGED RECORDS MAY BE RELEASED TO THE VICTIM. IF THE COURT ORDERS THE RELEASE OF A COPY OF THE EXPUNGED RECORDS TO THE VICTIM, THE COURT MUST ISSUE A PROTECTIVE ORDER REGARDING THE USE OF THE EXPUNGED RECORDS.

(e) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, ANY INFORMATION, INCLUDING POLICE AFFIDAVITS AND REPORTS AND RECORDS RELATED TO ANY PRIOR CONVICTION OR ADJUDICATION, ARE AVAILABLE WITHOUT COURT ORDER TO THE PERSONS, GOVERNMENT AGENCIES, OR ENTITIES ALLOWED ACCESS TO OR ALLOWED TO EXCHANGE SUCH INFORMATION PURSUANT TO SECTION 19-1-303 FOR THE PURPOSES DESCRIBED THEREIN. ANY PERSON WHO KNOWINGLY VIOLATES THE CONFIDENTIALITY PROVISIONS OF SECTION 19-1-303 IS SUBJECT TO THE PENALTY IN SECTION 19-1-303 (4.7).

(4) (a) IN A JUVENILE MUNICIPAL CASE WHERE NO NATURAL PERSON IS LISTED AS A VICTIM, THE MUNICIPAL COURT SHALL ORDER ALL RECORDS IN THE JUVENILE MUNICIPAL CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED WITHIN FORTY-TWO DAYS AFTER THE CONCLUSION OF THE CASE.

(b) IN A JUVENILE MUNICIPAL CASE WHERE A NATURAL PERSON IS

LISTED AS A VICTIM, THE MUNICIPAL COURT SHALL SEND NOTICE ON THE DATE THE SENTENCE IS COMPLETED TO THE PROSECUTING ATTORNEY THAT ALL RECORDS IN A CASE CHARGING A JUVENILE WITH A VIOLATION OF A MUNICIPAL CODE OR ORDINANCE, EXCLUDING OFFENSES CHARGED PURSUANT TO TITLE 42, ALL RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION WILL BE EXPUNGED FORTY-TWO DAYS AFTER COMPLETION OF THE MUNICIPAL SENTENCE.

(c) IF THE PROSECUTING ATTORNEY DOES NOT FILE AN OBJECTION WITHIN FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE FROM THE COURT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, THE MUNICIPAL COURT SHALL ORDER ALL RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION EXPUNGED.

(d) IF THE PROSECUTING ATTORNEY FILES AN OBJECTION WITHIN FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE BY THE COURT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, THE COURT SHALL SCHEDULE A HEARING ON THE ISSUE OF EXPUNGEMENT. THE COURT SHALL NOTIFY THE PROSECUTING ATTORNEY OF THE HEARING DATE.

(e) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST-KNOWN ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS BEEN REHABILITATED AND WHETHER THE EXPUNGEMENT IS IN THE BEST INTERESTS OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT REQUIRED TO APPEAR AT THE HEARING.

(f) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (4), THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED IF THE JUVENILE HAS SUCCESSFULLY COMPLETED THE SENTENCE, OR THE MUNICIPAL COURT CASE IS CLOSED, UNLESS THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE, THAT THE JUVENILE HAS NOT BEEN

REHABILITATED AND THAT EXPUNGEMENT IS NOT IN THE BEST INTERESTS OF THE JUVENILE OR THE COMMUNITY. IF THE COURT ENTERS AN ORDER DENYING EXPUNGEMENT OF THE RECORDS, THE JUVENILE SHALL HAVE THE RIGHT TO APPEAL TO THE DISTRICT COURT, AND ALL FEES RELATED TO THE APPEAL MUST BE WAIVED.

(g) THE MUNICIPAL COURT SHALL, ON THE FIRST DAY OF EVERY MONTH, REVIEW ALL JUVENILE MUNICIPAL COURT FILES FOR THAT SAME MONTH FOR THE PREVIOUS TWO YEARS THAT RESULTED IN A FINDING OF NOT GUILTY OR GUILTY OR RESULTED IN DIVERSION, DEFERRED ADJUDICATION, DISMISSAL, OR OTHER DISPOSITION OR RESOLUTION, AND ENTER AN EXPUNGEMENT ORDER FOR ALL JUVENILES ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION (4) IF THE EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE.

(h) UNLESS A HEARING HAS TAKEN PLACE AND FINDINGS MADE PURSUANT TO SUBSECTION (4)(f) OF THIS SECTION, THE COURT SHALL ORDER ALL RECORDS RELATED TO THE MUNICIPAL CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED PURSUANT TO THIS SUBSECTION (4) IF THE COURT FINDS THAT THE SENTENCE HAS BEEN COMPLETED OR THE MUNICIPAL COURT CASE IS CLOSED.

(i) WITH THE VICTIM'S CONSENT, OR IF THERE IS NO NAMED VICTIM, THE PROSECUTING ATTORNEY MAY AGREE AT THE TIME OF A PLEA THAT THERE WILL BE NO OBJECTION TO EXPUNGEMENT UPON THE COMPLETION OF THE JUVENILE'S SENTENCE. IN SUCH A CASE, THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED UPON COMPLETION OF THE JUVENILE'S SENTENCE. A HEARING IS NOT REQUIRED.

(5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION, A MUNICIPAL COURT SHALL NOT EXPUNGE THE RECORD OF A PERSON WHO IS CHARGED, ADJUDICATED, OR CONVICTED OF ANY TRAFFIC OFFENSE OR TRAFFIC INFRACTION PURSUANT TO TITLE 42 OR A CORRESPONDING MUNICIPAL TRAFFIC CODE.

(6) UPON THE ENTRY OF AN ORDER EXPUNGING A RECORD PURSUANT TO THIS SECTION, THE COURT SHALL ORDER, IN WRITING, THE EXPUNGEMENT

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OF ALL CASE RECORDS IN THE CUSTODY OF THE COURT AND ANY RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION. THE COURT MAY ORDER EXPUNGED ANY RECORDS, BUT, AT A MINIMUM, THE FOLLOWING RECORDS MUST BE EXPUNGED PURSUANT TO EVERY EXPUNGEMENT ORDER:

(a) ALL COURT RECORDS;

(b) ALL RECORDS RETAINED WITHIN THE OFFICE OF THE PROSECUTING ATTORNEY;

(c) ALL PROBATION AND PAROLE RECORDS;

(d) ALL LAW ENFORCEMENT RECORDS;

(e) ALL DIVISION OF YOUTH SERVICES RECORDS AND JAIL RECORDS IF THE JUVENILE WAS DETAINED IN A DIVISION OF YOUTH SERVICES FACILITY OR IN A JAIL;

(f) ALL DEPARTMENT OF HUMAN SERVICES RECORDS; AND

(g) REFERENCES TO THE MUNICIPAL CASE OR CHARGE CONTAINED IN THE SCHOOL RECORDS.

(7)(a) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE, THE JUVENILE'S LAST ATTORNEY OF RECORD, THE PROSECUTING ATTORNEY, THE LAW ENFORCEMENT AGENCY OR AGENCIES THAT INVESTIGATED THE CASE, AND THE COLORADO BUREAU OF INVESTIGATION DIRECTING THE ENTITY TO EXPUNGE ITS RECORDS WITHIN THIRTY-FIVE DAYS AFTER THE RECEIPT OF THE ORDER.

(b) THE COURT SHALL ALSO SEND A COPY OF THE ORDER TO THE MUNICIPAL PROBATION DEPARTMENT IF THE JUVENILE WAS PLACED ON MUNICIPAL PROBATION AT ANY POINT DURING THE CASE, THE DIVISION OF YOUTH SERVICES IF THE JUVENILE WAS SENTENCED OR ORDERED TO ANY PERIOD OF DETENTION IN A DIVISION OF YOUTH SERVICES FACILITY BY THE MUNICIPAL COURT, AND THE JAIL IF THE JUVENILE WAS HELD IN OR SENTENCED TO TIME IN A JAIL BY THE MUNICIPAL COURT, DIRECTING THE ENTITY TO EXPUNGE THE RECORDS IN ITS CUSTODY AS SOON AS PRACTICABLE

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BUT NO LATER THAN NINETY DAYS AFTER THE RECEIPT OF THE ORDER.

(c) THE JUVENILE, THE JUVENILE'S ATTORNEY, OR THE JUVENILE'S PARENT OR LEGAL GUARDIAN MAY PROVIDE TO THE COURT, WITHIN SEVEN DAYS AFTER THE COMPLETION OF THE SENTENCE OR THE CASE BEING CLOSED, A LIST OF ALL AGENCY CUSTODIANS THAT MAY HAVE CUSTODY OF ANY RECORDS SUBJECT TO THE EXPUNGEMENT ORDER. AT NO COST TO THE JUVENILE, THE COURT SHALL SEND A COPY OF THE EXPUNGEMENT ORDER TO THE AGENCY, PERSON, COMPANY, OR ORGANIZATION, AS REQUESTED, DIRECTING THE ENTITY TO EXPUNGE ITS RECORDS WITHIN THIRTY-FIVE DAYS. ADDITIONALLY, THE JUVENILE OR HIS OR HER PARENT OR GUARDIAN MAY ALSO PROVIDE A COPY OF THE ORDER TO ANY OTHER CUSTODIAN OF RECORDS SUBJECT TO THE ORDER.

(d) EACH ENTITY DESCRIBED IN THIS SUBSECTION (7) THAT IS IN POSSESSION OF SUCH RECORDS SHALL EXPUNGE THE RECORDS IN ITS CUSTODY AS DIRECTED BY THE ORDER.

(e) THE PERSON WHO IS THE SUBJECT OF RECORDS EXPUNGED PURSUANT TO THIS SECTION MAY PETITION THE COURT TO PERMIT INSPECTION OF THE RECORDS HELD BY PERSONS NAMED IN THE ORDER, AND THE COURT MAY SO ORDER.

(8) ANY AGENCY, PERSON, COMPANY, OR ORGANIZATION THAT VIOLATES THIS SECTION AND KNEW THAT THE RECORDS IN QUESTION WERE SUBJECT TO AN EXPUNGEMENT ORDER MAY BE SUBJECT TO CRIMINAL AND CIVIL CONTEMPT OF COURT AND MAY BE PUNISHED BY A FINE.

(9) EMPLOYERS; EDUCATIONAL INSTITUTIONS; LANDLORDS; AND STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN EXPUNGED RECORDS. IN ANSWER TO ANY QUESTION CONCERNING ARREST OR JUVENILE AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN EXPUNGED, AN APPLICANT NEED NOT INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE EXPUNGED INFORMATION AND MAY STATE THAT NO RECORD EXISTS. AN APPLICATION MAY NOT BE DENIED SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE RECORDS OR INFORMATION THAT HAS BEEN EXPUNGED.

(10) NOTHING IN THIS SECTION AUTHORIZES THE PHYSICAL DESTRUCTION OF ANY JUVENILE OR CRIMINAL JUSTICE RECORD.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

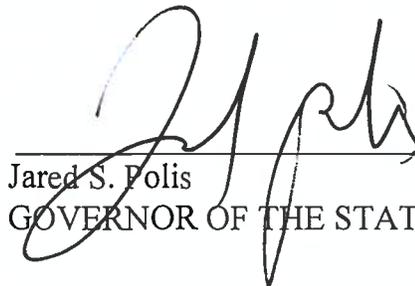


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 28, 2019 at 1:34 P.M.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

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