



January 7, 2020

INDUSTRY-WIDE BULLETIN: 20-01

RE: Medical Marijuana Delivery

Dear Marijuana Industry Stakeholders:

The Department of Revenue's Marijuana Enforcement Division is issuing this Industry-Wide Bulletin in response to stakeholder inquiries regarding delivery of Medical Marijuana¹ pursuant to [House Bill 19-1234](#).²

Who can apply for a delivery permit?

- Beginning **January 2, 2020**, only Medical Marijuana Stores may apply for a delivery permit, which, if issued, authorizes the Medical Marijuana Store to deliver Medical Marijuana. § 44-10-501(11)(m) C.R.S; Rule 3-615(A)(1), 1 CCR 212-3.
- Beginning **January 2, 2021**, Retail Marijuana Stores, Retail Marijuana Transporters, and Medical Marijuana Transporters may apply for a delivery permit. §§ 44-10-601(13)(m), 44-10-609(5)(j), and 44-10-505(5)(j), C.R.S; Rule 3-615(A)(2), 1 CCR 212-3.

Is a municipality, county or city and county required to allow Medical Marijuana Stores in its jurisdiction to deliver Medical Marijuana?

- No, a municipality, county or city and county is not required to allow a Medical Marijuana Store in its jurisdiction to deliver Medical Marijuana. Delivery of Medical Marijuana is prohibited in a municipality, county, or city and county unless it has enacted an ordinance or resolution expressly permitting such delivery. § 44-10-501(11)(k), C.R.S.; Rule 3-615(A)(3), 1 CCR 212-3.
- Prior to the issuance of a delivery permit by the State, applicants must establish:
 - The Local Licensing Authority or Jurisdiction in which the applicant is located has an ordinance or resolution that allows delivery of Medical Marijuana; and
 - The Local Licensing Authority or Jurisdiction is accepting delivery permit applications, if required.
- A Medical Marijuana Store with a State-issued delivery permit must also obtain a permit, license or other approval from the applicable Local Licensing Authority or Jurisdiction before conducting any delivery activities. A Local Licensing Authority or Jurisdiction may impose additional requirements for Medical Marijuana delivery, which may be more restrictive than the rules.

¹ "Medical Marijuana" means marijuana that is grown and sold pursuant to the Marijuana Code. Unless the context otherwise requires, Medical Marijuana includes Medical Marijuana Concentrate and Medical Marijuana Products. See Rule 1-115, 1 CCR 212-3.

² See the Colorado Marijuana Code, 44-10-101, *et seq.*, C.R.S.

Can a Medical Marijuana Store with a delivery permit deliver Medical Marijuana in a municipality, county, or city and county beyond where it is physically located?

- Yes, unless the municipality, county, or city and county has enacted an ordinance or resolution that prohibits the delivery of Medical Marijuana from Medical Marijuana Stores outside its jurisdictional boundaries. An ordinance or resolution adopted by a municipality, county, or city and county may expressly prohibit delivery of Medical Marijuana from Medical Marijuana Stores located outside of its jurisdiction. § 44-10-501(11)(k)(II), C.R.S.

How does a Medical Marijuana Store with a delivery permit determine the amount and remit the sales tax for deliveries outside its municipality, county or city and county?

- State and local sales taxes are generally determined at the point of delivery, not the location where the Medical Marijuana Store is located. For example, if a Medical Marijuana Store with a delivery permit is located in municipality A, and delivers Medical Marijuana to a patient in municipality B, the tax is collected at the rate established by municipality B. § 39-26-104(3), C.R.S. Home-rule cities that administer their own sales taxes may establish their own rules and should be contacted directly for additional information.

What is the one-dollar surcharge and when is it required to be submitted?

- A Medical Marijuana Store is required to charge a one-dollar surcharge on each delivery, and remit the surcharge on a monthly basis to the municipality where the Medical Marijuana Store is located (or county if in an unincorporated area). Failure to collect or timely remit the surcharge may result in a denial of the permit at the time of renewal. § 44-10-501(11)(c), C.R.S.; Rule 3-615(A)(5)(c), 1 CCR 212-3.

Are age requirements for deliveries the same as for sales at Medical Marijuana Stores?

- No. Delivery of Medical Marijuana to patients ages 18 to 20 is not permitted. A Medical Marijuana Store with a valid delivery permit may only accept orders for delivery from patients who are at least 21 years of age, or from parents or guardians of a patient who is under 18 years of age. § 44-10-501(11)(d)(I), C.R.S.; Rule 3-615(E)(1), 1 CCR 212-3.

What are the inventory tracking requirements for deliveries of Medical Marijuana to a private residence?

- A Medical Marijuana Store must track all Medical Marijuana delivered to a patient. This requires use of the inventory tracking system and a transport manifest. A point of sale receipt for in-store purchases does not satisfy the inventory tracking requirements for deliveries. § 44-10-501(11)(h)(I), C.R.S.; Rule 3-615(C), and (F)(5), 1 CCR 212-3. Metrc® has developed the functionality necessary for a Medical Marijuana Store with a valid delivery permit to identify a private residence as the delivery destination.
- A transport manifest must include the following information:
 - Time of delivery;
 - The name and Identification number reflected on the valid acceptable identification (e.g. driver's license) presented by the patient, or if applicable, by the patient's parent or guardian;
 - Delivery address;
 - Patient registry number, and if applicable, the primary caregiver registry number of the patient's parent or guardian; and
 - Acknowledgement of receipt of the delivery by the patient, or if applicable, by the patient's parent or guardian.

- If the delivery cannot be completed the manifest must document the reason the delivery could not be completed. Rule 3-615(F)(5), 1 CCR 212-3.

What are the daily delivery limits?

- A Medical Marijuana Store with a valid delivery permit may not deliver individually, or in any combination, more than the following to a patient in a single business day:
 - Two ounces of Medical Marijuana;
 - 40 grams of Medical Marijuana Concentrate; or
 - Medical Marijuana Products containing more than 20,000 milligrams of THC.
- The above-noted delivery limits apply to all patients, including those with an extended plant count, but do not prohibit a patient from purchasing his or her entire recommended amount at a Medical Marijuana Store. § 44-10-501(11)(f)(II) C.R.S; Rule 3-615(f)(8)(a), 1 CCR 212-3.
- A Medical Marijuana Store with a valid delivery permit may not deliver to the same patient more than once per day and must not deliver to a patient, parent or guardian or private residence where the licensee knows or reasonably should know that the patient, parent or guardian or private residence already received a delivery during that same business day. § 44-10-501(11)(f)(IV) C.R.S., Rule 3-615(f)(8)(b), 1 CCR 212-3.

To view all rules regarding Regulated Marijuana delivery, see the [Colorado Marijuana Rules, 1 CCR 212-3](#), effective January 1, 2020. Please be aware that the information contained in this Industry Bulletin does not represent legal advice or replace a licensee's responsibility to read, understand, and maintain compliance with all relevant statutes and rules.

Sincerely,



Jim Burack, Director
Marijuana Enforcement Division