

## **A Bill (or amendment) to Allow COVID-related Marijuana Rules Permanent**

**Background:** Retail and Medical Marijuana were designated critical businesses by Governor Polis, and he has issued (and renewed) two separate Executive Orders governing marijuana. The intent of these EO's are: 1) to maximize physical distancing in store transactions, allowing call-ahead and online ordering, to-go style aka "curbside" pickup, and 2) ease restrictions for in-person examinations for medical marijuana patients and permit telehealth.

There were a couple of updates to Marijuana Enforcement Division Emergency Rules governing how we could serve patients and adult retail consumers in early April, as we took exceptional care to facilitate safe environments in our stores. Ultimately, the rules now allow both medical and retail marijuana stores to be able to provide traditional in-store transactions with physical distancing, as well as facilitate online or phone orders and to-go aka "curbside" pickup.

**Concept Proposal:** The intent of these changes are to make the ongoing COVID19 public health related Executive Orders permanent for 1) retail and medical marijuana stores, and 2) patient telehealth, so that through subsequent phases of orders pertaining to the coronavirus, and changing consumer expectations and behavior in the retail environment, public health can continue to be prioritized in the retail environment and for patients seeking medical cards. None of this concept is meant to preempt local authority and jurisdictions with more restrictive rules on these issues would still have to be followed.

- **Request 1: Repeal C.R.S. 44-10-601(7)(c)**
  - Reasoning: Permits phone and online sales and to-go style "curbside" pickup. Note, this statute also repeals the prohibition of retail delivery which begins January 2021. This is not an attempt to be sneaky about anything delivery, the medical counterpart was repealed from statute in 2019, this change makes the retail statute consistent. Alternatively, add language explicitly authorizing internet and phone sales, retail delivery in 2021, and "curbside" sales.
    - Pertinent Rules:
      - Rule 2-260(A)(1) - Pertains to modifying licensed premises. *MED already believes they have rulemaking authority over this and is not contemplated in our legislative proposal.*
      - Rule 3-345(A)(B) - Emergency allowances pertaining to COVID that authorizes online ordering and to-go style "curbside" pickup, to allow for appropriate physical distancing in retail and medical stores. *This is fixed by Request 1.*
- **Request 2: Revise C.R.S. 25-1.15-106(2)(a.5)(I)**
  - Reasoning: "Appropriate personal physical examination" may include a virtual evaluation, and virtual evaluations can be done via phone or video.