

HB1230\_L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1230 be amended as follows:

1 Strike the Business Affairs and Labor Committee Report, dated March  
2 27, 2019, and substitute:

3 "Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, 44-12-103, **amend**  
6 (24); and **add** (13.5) and (21.4) as follows:

7 **44-12-103. Definitions.** As used in this article 12, unless the  
8 context otherwise requires:

9 (13.5) "MARIJUANA HOSPITALITY ESTABLISHMENT" MEANS A  
10 FACILITY, WHICH MAY BE MOBILE, LICENSED TO PERMIT THE CONSUMPTION  
11 OF MARIJUANA PURSUANT TO THIS ARTICLE 12; RULES PROMULGATED  
12 PURSUANT TO THIS ARTICLE 12; AND THE PROVISIONS OF AN ENACTED,  
13 INITIATED, OR REFERRED ORDINANCE OR RESOLUTION OF THE LOCAL  
14 JURISDICTION IN WHICH THE LICENSEE OPERATES.

15 (21.4) "RETAIL MARIJUANA HOSPITALITY AND SALES  
16 ESTABLISHMENT" MEANS A FACILITY, WHICH CANNOT BE MOBILE,  
17 LICENSED TO PERMIT THE CONSUMPTION OF ONLY THE RETAIL MARIJUANA  
18 OR RETAIL MARIJUANA PRODUCTS IT HAS SOLD PURSUANT TO THE  
19 PROVISIONS OF AN ENACTED, INITIATED, OR REFERRED ORDINANCE OR  
20 RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE LICENSEE  
21 OPERATES.

22 (24) "Retail marijuana establishment" means a retail marijuana  
23 store, a retail marijuana cultivation facility, a retail marijuana products  
24 manufacturer, A MARIJUANA HOSPITALITY ESTABLISHMENT, A RETAIL  
25 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT, or a retail  
26 marijuana testing facility.

27 **SECTION 2.** In Colorado Revised Statutes, 44-12-202, **amend**  
28 (1) introductory portion and (2)(a); and **add** (3)(a)(XXV) and  
29 (3)(a)(XXVI) as follows:

30 **44-12-202. Powers and duties of state licensing authority -**  
31 **rules.** (1) To ensure that no marijuana grown or processed by a retail  
32 marijuana establishment is sold or otherwise transferred except by a retail  
33 marijuana store, A RETAIL MARIJUANA HOSPITALITY AND SALES  
34 ESTABLISHMENT, or as authorized by law, the state licensing authority  
35 shall develop and maintain a seed-to-sale tracking system that tracks retail  
36 marijuana from either seed or immature plant stage until the marijuana or  
37 retail marijuana product is sold to a customer at a retail marijuana store  
38 OR TO A PATRON AT A RETAIL MARIJUANA HOSPITALITY AND SALES  
39 ESTABLISHMENT; except that retail marijuana or retail marijuana product

1 is PRODUCTS ARE no longer subject to the tracking system once the retail  
2 marijuana has been:

3 (2) The state licensing authority has the authority to:

4 (a) Grant or refuse state licenses for the cultivation, manufacture,  
5 distribution, sale, HOSPITALITY, and testing of retail marijuana and retail  
6 marijuana products as provided by law; suspend, fine, restrict, or revoke  
7 such licenses, whether active, expired, or surrendered, upon a violation  
8 of this article 12 or any rule promulgated pursuant to this article 12; and  
9 impose any penalty authorized by this article 12 or any rule promulgated  
10 pursuant to this article 12. The state licensing authority may take any  
11 action with respect to a registration pursuant to this article 12 as it may  
12 with respect to a license pursuant to this article 12, in accordance with the  
13 procedures established pursuant to this article 12.

14 (3) (a) Rules promulgated pursuant to subsection (2)(b) of this  
15 section must include, but need not be limited to, the following subjects:

16 (XXV) THE IMPLEMENTATION OF MARIJUANA HOSPITALITY AND  
17 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSES,  
18 INCLUDING BUT NOT LIMITED TO:

19 (A) GENERAL INSURANCE LIABILITY REQUIREMENTS;

20 (B) A SALES LIMIT PER TRANSACTION FOR RETAIL MARIJUANA AND  
21 RETAIL MARIJUANA PRODUCTS THAT MAY BE SOLD TO A PATRON OF A  
22 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT; EXCEPT  
23 THAT THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING AUTHORITY  
24 MUST NOT BE AN AMOUNT LESS THAN ONE GRAM OF RETAIL MARIJUANA  
25 FLOWER, ONE-QUARTER OF ONE GRAM OF RETAIL MARIJUANA  
26 CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT CONTAINING NOT MORE  
27 THAN TEN MILLIGRAMS OF ACTIVE THC;

28 (C) RESTRICTIONS ON THE TYPE OF ANY RETAIL MARIJUANA OR  
29 RETAIL MARIJUANA PRODUCT AUTHORIZED TO BE SOLD INCLUDING THAT  
30 THE MARIJUANA OR PRODUCT BE MEANT FOR CONSUMPTION IN THE  
31 LICENSED PREMISES OF THE ESTABLISHMENT;

32 (D) PROHIBITIONS ON ACTIVITY THAT WOULD REQUIRE  
33 ADDITIONAL LICENSURE ON THE LICENSED PREMISES, INCLUDING BUT NOT  
34 LIMITED TO SALES, MANUFACTURING, OR CULTIVATION ACTIVITY;

35 (E) REQUIREMENTS FOR MARIJUANA HOSPITALITY  
36 ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES  
37 ESTABLISHMENTS OPERATING PURSUANT TO SECTION 44-12-408 OR  
38 44-12-409 IN A RETAIL FOOD ESTABLISHMENT;

39 (F) REQUIREMENTS FOR MARIJUANA HOSPITALITY  
40 ESTABLISHMENTS AND RETAIL MARIJUANA HOSPITALITY AND SALES  
41 ESTABLISHMENT LICENSEES TO DESTROY ANY UNCONSUMED MARIJUANA  
42 OR MARIJUANA PRODUCTS LEFT BEHIND BY A PATRON; AND

43 (G) RULES TO ENSURE COMPLIANCE WITH SECTION 42-4-1305.5;

- 1 (XXVI) FORMARIJUANA HOSPITALITY ESTABLISHMENTS THAT ARE  
2 MOBILE, REGULATIONS INCLUDING BUT NOT LIMITED TO:  
3 (A) REGISTRATION OF VEHICLES AND PROPER DESIGNATION OF  
4 VEHICLES USED AS MOBILE LICENSED PREMISES;  
5 (B) SURVEILLANCE CAMERAS INSIDE THE VEHICLES;  
6 (C) GLOBAL POSITIONING SYSTEM TRACKING AND ROUTE LOGGING  
7 IN AN ESTABLISHED ROUTE MANIFEST SYSTEM;  
8 (D) COMPLIANCE WITH SECTION 42-4-1305.5;  
9 (E) ENSURING ACTIVITY IS NOT VISIBLE OUTSIDE OF THE VEHICLE;  
10 AND  
11 (F) PROPER VENTILATION WITHIN THE VEHICLE.

12 **SECTION 3.** In Colorado Revised Statutes, 44-12-401, **amend**  
13 (1)(f); and **add** (1)(h) and (1)(i) as follows:

14 **44-12-401. Classes of licenses.** (1) For the purpose of regulating  
15 the cultivation, manufacture, distribution, sale, and testing of retail  
16 marijuana and retail marijuana products, the state licensing authority in  
17 its discretion, upon receipt of an application in the prescribed form, may  
18 issue and grant to the applicant a license from any of the following  
19 classes, subject to the provisions and restrictions provided by this article  
20 12:

- 21 (f) Retail marijuana transporter license; ~~and~~  
22 (h) MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE; AND  
23 (i) RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT  
24 LICENSE.

25 **SECTION 4.** In Colorado Revised Statutes, 44-12-402, **add**  
26 (2)(c) as follows:

27 **44-12-402. Retail marijuana store license - definition.** (2)(c) A  
28 RETAIL MARIJUANA STORE MAY SELL RETAIL MARIJUANA AND RETAIL  
29 MARIJUANA PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES  
30 ESTABLISHMENT LICENSEE.

31 **SECTION 5.** In Colorado Revised Statutes, 44-12-403, **amend**  
32 (1) as follows:

33 **44-12-403. Retail marijuana cultivation facility license - rules**  
34 **- definitions.** (1) A retail marijuana cultivation facility license may be  
35 issued only to a person who cultivates retail marijuana for sale and  
36 distribution to licensed retail marijuana stores, retail marijuana products  
37 manufacturing licensees, RETAIL MARIJUANA HOSPITALITY AND SALES  
38 ESTABLISHMENT LICENSEES, or other retail marijuana cultivation facilities.

39 **SECTION 6.** In Colorado Revised Statutes, 44-12-404, **add**  
40 (1)(e) as follows:

41 **44-12-404. Retail marijuana products manufacturing license**  
42 **- rules - definitions.** (1) (e) A RETAIL MARIJUANA PRODUCTS  
43 MANUFACTURER MAY SELL RETAIL MARIJUANA AND RETAIL MARIJUANA

1 PRODUCTS TO A RETAIL MARIJUANA HOSPITALITY AND SALES  
2 ESTABLISHMENT.

3 **SECTION 7.** In Colorado Revised Statutes, **add** 44-12-408 and  
4 44-12-409 as follows:

5 **44-12-408. Marijuana hospitality establishment license - rules**

6 - **definition.** (1) (a) ON AND AFTER JANUARY 1, 2020, THE STATE  
7 LICENSING AUTHORITY MAY ISSUE A MARIJUANA HOSPITALITY  
8 ESTABLISHMENT LICENSE AUTHORIZING THE LICENSEE TO OPERATE A  
9 LICENSED PREMISES IN WHICH MARIJUANA MAY BE CONSUMED PURSUANT  
10 TO THIS ARTICLE 12, RULES PROMULGATED PURSUANT TO THIS ARTICLE 12,  
11 AND THE PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL  
12 JURISDICTION IN WHICH THE LICENSEE OPERATES.

13 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE  
14 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE  
15 LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN  
16 SECTION 25-4-1602 (14), MAY APPLY FOR A LICENSE TO OPERATE A  
17 MARIJUANA HOSPITALITY ESTABLISHMENT IN AN ISOLATED PORTION OF  
18 THE PREMISES OF THE RETAIL FOOD ESTABLISHMENT. A RETAIL FOOD  
19 ESTABLISHMENT OPERATING A MARIJUANA HOSPITALITY ESTABLISHMENT  
20 PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT TO THE TERMS AND  
21 CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES PROMULGATED  
22 PURSUANT TO THAT ARTICLE INCLUDING BUT NOT LIMITED TO LICENSURE  
23 REQUIREMENTS AND INSPECTION AND ENFORCEMENT AUTHORITY OF THE  
24 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THIS  
25 SUBSECTION (1)(b) DOES NOT AUTHORIZE THE MARIJUANA HOSPITALITY  
26 ESTABLISHMENT TO ENGAGE IN THE MANUFACTURE OF MEDICAL  
27 MARIJUANA-INFUSED PRODUCTS OR RETAIL MARIJUANA PRODUCTS OR TO  
28 ADD MARIJUANA TO FOODS PRODUCED OR PROVIDED AT THE RETAIL FOOD  
29 ESTABLISHMENT.

30 (2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF  
31 MARIJUANA HOSPITALITY ESTABLISHMENTS WITHIN ITS JURISDICTION  
32 THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH A REFERRED  
33 OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY ACTS  
34 THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT A  
35 PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE REGISTERED  
36 ELECTORS IN THE COUNTY OR CITY AND COUNTY.

37 (b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY  
38 AUTHORIZES THE OPERATION OF MARIJUANA HOSPITALITY  
39 ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT  
40 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE  
41 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE  
42 ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED  
43 IN THIS SECTION.

1 (c) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY HAS  
2 IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AN ORDINANCE OR  
3 RESOLUTION RELATED TO CONSUMPTION OF MARIJUANA, NOTHING IN THIS  
4 SECTION RESTRICTS THE ENFORCEMENT OF THAT ORDINANCE OR  
5 RESOLUTION, AND THE LOCAL JURISDICTION MAY, BY ORDINANCE OR  
6 RESOLUTION, REQUIRE A BUSINESS OPERATING AS A PLACE FOR ON-SITE  
7 MARIJUANA CONSUMPTION TO BE LICENSED PURSUANT TO THIS SECTION.

8 (3) (a) (I) APPLICATIONS FOR A LICENSE PURSUANT TO THIS  
9 SECTION MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS  
10 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY AND  
11 MUST SET FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY  
12 MAY REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO  
13 DETERMINE WHETHER A STATE LICENSE SHOULD BE GRANTED. THE  
14 INFORMATION MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT  
15 AND ANY OTHER INFORMATION REQUESTED BY THE STATE LICENSING  
16 AUTHORITY. EACH APPLICATION MUST BE VERIFIED BY THE OATH OR  
17 AFFIRMATION OF SUCH PERSON OR PERSONS AS THE STATE LICENSING  
18 AUTHORITY MAY PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON  
19 LOCAL LICENSING AUTHORITY APPROVAL.

20 (II) AN APPLICANT IS PROHIBITED FROM OPERATING A MARIJUANA  
21 HOSPITALITY ESTABLISHMENT WITHOUT STATE AND LOCAL LICENSING  
22 AUTHORITY APPROVAL; EXCEPT THAT A BUSINESS OPERATING A LOCATION  
23 BEFORE DECEMBER 31, 2019, AT WHICH THE CONSUMPTION OF MARIJUANA  
24 IS PERMITTED PURSUANT TO A LOCAL ORDINANCE OR RESOLUTION, MAY  
25 CONTINUE TO OPERATE UNTIL A STATE LICENSE IS APPROVED OR DENIED  
26 IF THE BUSINESS APPLIES FOR A LICENSE UNDER THIS SECTION ON OR  
27 BEFORE DECEMBER 31, 2019. BEGINNING JANUARY 1, 2020, ANY SUCH  
28 BUSINESS THAT HAS NOT APPLIED FOR A STATE LICENSE SHALL CEASE  
29 OPERATION.

30 (III) IF A MARIJUANA HOSPITALITY LICENSE IS DENIED BY THE  
31 STATE, THE BUSINESS SHALL IMMEDIATELY CEASE OPERATIONS FOR WHICH  
32 A MARIJUANA HOSPITALITY LICENSE IS REQUIRED PURSUANT TO THIS  
33 ARTICLE 12. IF THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING  
34 AUTHORITY APPROVAL WITHIN ONE YEAR AFTER THE DATE OF STATE  
35 LICENSING AUTHORITY APPROVAL, THE STATE LICENSE EXPIRES AND MAY  
36 NOT BE RENEWED. IF AN APPLICATION IS DENIED BY THE LOCAL LICENSING  
37 AUTHORITY OR THE APPROVAL OF THE LOCAL LICENSING AUTHORITY IS  
38 REVOKED, THE STATE LICENSING AUTHORITY SHALL REVOKE THE  
39 STATE-ISSUED LICENSE.

40 (b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE  
41 LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS  
42 SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES  
43 TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS

1 ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE  
2 RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD  
3 CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:  
4 (I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,  
5 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR  
6 PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO  
7 THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR  
8 REGULATIONS;  
9 (II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH  
10 ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE  
11 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;  
12 OR  
13 (III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER  
14 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE  
15 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.  
16 (c) A MARIJUANA HOSPITALITY ESTABLISHMENT LICENSE IS VALID  
17 FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE LICENSING  
18 AUTHORITY, BUT FOR NO LONGER THAN ONE YEAR, AND THE LICENSE MAY  
19 BE RENEWED. THE STATE LICENSING AUTHORITY SHALL ESTABLISH BY  
20 RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL FEE FOR THE  
21 LICENSE.  
22 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF  
23 ALL MARIJUANA HOSPITALITY ESTABLISHMENTS IN THE STATE AND SHALL  
24 MAKE THE LIST AVAILABLE ON ITS WEBSITE.  
25 (4) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL NOT:  
26 (a) ENGAGE IN OR PERMIT THE SALE OR EXCHANGE FOR  
27 REMUNERATION OF RETAIL OR MEDICAL MARIJUANA, RETAIL MARIJUANA  
28 PRODUCTS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS IN THE LICENSED  
29 PREMISES;  
30 (b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO  
31 CONSUME ANY MARIJUANA IN THE LICENSED PREMISES OF THE  
32 ESTABLISHMENT;  
33 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF  
34 MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;  
35 (d) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN  
36 THE LICENSED PREMISES OF THE ESTABLISHMENT;  
37 (e) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM  
38 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED  
39 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;  
40 (f) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL  
41 LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE  
42 ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO SALES,  
43 MANUFACTURING, OR CULTIVATION;

- 1 (g) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY
- 2 CONDUCT AS DESCRIBED IN SECTION 18-9-106;
- 3 (h) PERMIT THE USE OR CONSUMPTION OF MARIJUANA BY A
- 4 PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF INTOXICATION;
- 5 (i) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES
- 6 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS
- 7 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR
- 8 (j) ADMIT INTO THE LICENSED PREMISES OF THE ESTABLISHMENT
- 9 ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE.
- 10 (5) A MARIJUANA HOSPITALITY ESTABLISHMENT SHALL:
- 11 (a) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND
- 12 RESPECTABLE MANNER;
- 13 (b) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO
- 14 SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING
- 15 PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;
- 16 (c) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY
- 17 MARIJUANA IS NOT VISIBLE FROM OUTSIDE OF THE LICENSED PREMISES OF
- 18 THE ESTABLISHMENT;
- 19 (d) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING
- 20 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF
- 21 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS
- 22 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,
- 23 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE
- 24 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS
- 25 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS
- 26 SUBSECTION (5)(d) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING
- 27 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.
- 28 (e) MAINTAIN A RECORD OF ALL EDUCATIONAL MATERIALS
- 29 REQUIRED BY SUBSECTION (5)(d) OF THIS SECTION IN THE LICENSED
- 30 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES
- 31 AND LAW ENFORCEMENT; AND
- 32 (f) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,
- 33 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER
- 34 PUBLIC SAFETY PERSONNEL TO ENTER A MARIJUANA HOSPITALITY
- 35 ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS OF THE
- 36 ESTABLISHMENT CEASE ALL CONSUMPTION AND OTHER ACTIVITIES UNTIL
- 37 SUCH PERSONNEL HAVE COMPLETED THEIR INVESTIGATION OR SERVICES
- 38 AND HAVE LEFT THE LICENSED PREMISES.
- 39 (6) A MARIJUANA HOSPITALITY ESTABLISHMENT AND ITS
- 40 EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE ESTABLISHMENT FOR
- 41 ANY REASON, INCLUDING A PATRON WHO DISPLAYS ANY VISIBLE SIGNS OF
- 42 INTOXICATION.

43 **44-12-409. Retail marijuana hospitality and sales**

1 **establishment license - rules - definition.** (1) (a) ON AND AFTER  
2 JANUARY 1, 2020, THE STATE LICENSING AUTHORITY MAY ISSUE A RETAIL  
3 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSE  
4 AUTHORIZING THE LICENSEE TO OPERATE A LICENSED PREMISES IN WHICH  
5 MARIJUANA MAY BE SOLD AND CONSUMED PURSUANT TO THIS ARTICLE 12,  
6 RULES PROMULGATED PURSUANT TO THIS ARTICLE 12, AND THE  
7 PROVISIONS OF THE ORDINANCE OR RESOLUTION OF THE LOCAL  
8 JURISDICTION IN WHICH THE LICENSEE OPERATES.

9 (b) SUBJECT TO PROVISIONS OF THIS ARTICLE 12 AND THE  
10 ORDINANCE OR RESOLUTION OF THE LOCAL JURISDICTION IN WHICH THE  
11 LICENSEE OPERATES, A RETAIL FOOD ESTABLISHMENT AS DEFINED IN  
12 SECTION 25-4-1602 (14) MAY APPLY FOR A LICENSE TO OPERATE A RETAIL  
13 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT IN AN ISOLATED  
14 PORTION OF THE PREMISES OF THE RETAIL FOOD ESTABLISHMENT. A RETAIL  
15 FOOD ESTABLISHMENT OPERATING A RETAIL MARIJUANA HOSPITALITY AND  
16 SALES ESTABLISHMENT PURSUANT TO THIS SUBSECTION (1)(b) IS SUBJECT  
17 TO THE TERMS AND CONDITIONS OF ARTICLE 4 OF TITLE 25 AND THE RULES  
18 PROMULGATED PURSUANT TO THAT ARTICLE INCLUDING BUT NOT LIMITED  
19 TO LICENSURE REQUIREMENTS AND INSPECTION AND ENFORCEMENT  
20 AUTHORITY OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND  
21 ENVIRONMENT. THIS SUBSECTION (1)(b) DOES NOT AUTHORIZE THE RETAIL  
22 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT TO ENGAGE IN THE  
23 MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL  
24 MARIJUANA PRODUCTS OR TO ADD MARIJUANA TO FOODS PRODUCED OR  
25 PROVIDED AT THE RETAIL FOOD ESTABLISHMENT.

26 (2) (a) A LOCAL JURISDICTION MAY AUTHORIZE THE OPERATION OF  
27 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN ITS  
28 JURISDICTION THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH  
29 A REFERRED OR INITIATED MEASURE. IF A COUNTY OR CITY AND COUNTY  
30 ACTS THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT  
31 A PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE  
32 REGISTERED ELECTORS IN THE COUNTY OR CITY AND COUNTY.

33 (b) IF A MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY  
34 AUTHORIZES THE OPERATION OF RETAIL MARIJUANA HOSPITALITY AND  
35 SALES ESTABLISHMENTS, IT MAY ADOPT AN APPROVAL REQUIREMENT THAT  
36 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12. THE  
37 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY MAY REQUIRE  
38 ADDITIONAL OR MORE STRINGENT REQUIREMENTS THAN THOSE PROVIDED  
39 IN THIS SECTION.

40 (3) (a) APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION  
41 MUST BE MADE TO THE STATE LICENSING AUTHORITY ON FORMS PREPARED  
42 AND FURNISHED BY THE STATE LICENSING AUTHORITY AND MUST SET  
43 FORTH SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY



1 REQUIRE TO ENABLE THE STATE LICENSING AUTHORITY TO DETERMINE  
2 WHETHER A STATE LICENSE SHOULD BE GRANTED. THE INFORMATION  
3 MUST INCLUDE THE NAME AND ADDRESS OF THE APPLICANT AND ANY  
4 OTHER INFORMATION REQUESTED BY THE STATE LICENSING AUTHORITY.  
5 EACH APPLICATION MUST BE VERIFIED BY THE OATH OR AFFIRMATION OF  
6 SUCH PERSON OR PERSONS AS THE STATE LICENSING AUTHORITY MAY  
7 PRESCRIBE. THE STATE LICENSE IS CONDITIONED UPON LOCAL LICENSING  
8 AUTHORITY APPROVAL. AN APPLICANT IS PROHIBITED FROM OPERATING A  
9 RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT WITHOUT  
10 STATE AND LOCAL LICENSING AUTHORITY APPROVAL. IF THE APPLICANT  
11 DOES NOT RECEIVE LOCAL LICENSING AUTHORITY APPROVAL WITHIN ONE  
12 YEAR AFTER THE DATE OF STATE LICENSING AUTHORITY APPROVAL, THE  
13 STATE LICENSE EXPIRES AND MAY NOT BE RENEWED. IF AN APPLICATION  
14 IS DENIED BY THE LOCAL LICENSING AUTHORITY OR THE APPROVAL OF THE  
15 LOCAL LICENSING AUTHORITY IS REVOKED, THE STATE LICENSING  
16 AUTHORITY SHALL REVOKE THE STATE-ISSUED LICENSE.

17 (b) THE STATE LICENSING AUTHORITY SHALL DENY A STATE  
18 LICENSE FOR THE REASONS SET FORTH IN SUBSECTION (3)(a) OF THIS  
19 SECTION IF THE LICENSED PREMISES IN WHICH THE APPLICANT PROPOSES  
20 TO CONDUCT ITS BUSINESS DOES NOT MEET THE REQUIREMENTS OF THIS  
21 ARTICLE 12. THE STATE LICENSING AUTHORITY MAY DENY A LICENSE  
22 RENEWAL OR REINSTATEMENT OR AN INITIAL ENDORSEMENT FOR GOOD  
23 CAUSE. FOR PURPOSES OF THIS SUBSECTION (3)(b), "GOOD CAUSE" MEANS:

24 (I) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,  
25 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR  
26 PROVISIONS OF THIS ARTICLE 12; ANY RULES PROMULGATED PURSUANT TO  
27 THIS ARTICLE 12; OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR  
28 REGULATIONS;

29 (II) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH  
30 ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE  
31 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;  
32 OR

33 (III) THE LICENSED PREMISES HAS BEEN OPERATED IN A MANNER  
34 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR THE SAFETY OF THE  
35 IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.

36 (c) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT  
37 LICENSE IS VALID FOR A PERIOD TO BE ESTABLISHED BY RULE OF THE STATE  
38 LICENSING AUTHORITY, BUT NO LONGER THAN ONE YEAR, AND THE  
39 LICENSE MAY BE RENEWED. THE STATE LICENSING AUTHORITY SHALL  
40 ESTABLISH BY RULE THE AMOUNT OF THE APPLICATION FEE AND RENEWAL  
41 FEE FOR THE LICENSE.

42 (d) THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF  
43 ALL RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS IN THE

1 STATE AND SHALL MAKE THE LIST AVAILABLE ON ITS WEBSITE.  
2 (4) A RETAIL MARIJUANA HOSPITALITY AND SALES  
3 ESTABLISHMENT LICENSEE SHALL NOT:  
4 (a) ENGAGE IN MULTIPLE SALES TRANSACTIONS TO THE SAME  
5 PATRON DURING THE SAME BUSINESS DAY WHEN THE ESTABLISHMENT'S  
6 EMPLOYEE KNOWS OR REASONABLY SHOULD HAVE KNOWN THAT THE  
7 SALES TRANSACTION WOULD RESULT IN THE PATRON POSSESSING MORE  
8 THAN THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING  
9 AUTHORITY;  
10 (b) ALLOW ON-DUTY EMPLOYEES OF THE ESTABLISHMENT TO  
11 CONSUME ANY MARIJUANA IN THE LICENSED PREMISES;  
12 (c) DISTRIBUTE OR ALLOW DISTRIBUTION OF FREE SAMPLES OF  
13 MARIJUANA IN THE LICENSED PREMISES OF THE ESTABLISHMENT;  
14 (d) ALLOW THE SMOKING OF TOBACCO OR TOBACCO PRODUCTS IN  
15 THE LICENSED PREMISES OF THE ESTABLISHMENT;  
16 (e) ALLOW THE USE OF ANY DEVICE USING ANY LIQUID PETROLEUM  
17 GAS, A BUTANE TORCH, A BUTANE LIGHTER, OR MATCHES IN THE LICENSED  
18 PREMISES IF PROHIBITED BY LOCAL ORDINANCE OR RESOLUTION;  
19 (f) ALLOW ANY ACTIVITY THAT WOULD REQUIRE AN ADDITIONAL  
20 LICENSE UNDER THIS ARTICLE 12 IN THE LICENSED PREMISES OF THE  
21 ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO MANUFACTURING OR  
22 CULTIVATION ACTIVITY;  
23 (g) KNOWINGLY PERMIT ANY ACTIVITY OR ACTS OF DISORDERLY  
24 CONDUCT AS DESCRIBED IN SECTION 18-9-106;  
25 (h) SELL, SERVE, OR PERMIT THE SALE OR SERVING OF RETAIL  
26 MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ANY PATRON WHO  
27 SHOWS SIGNS OF VISIBLE INTOXICATION;  
28 (i) PERMIT ROWDINESS, UNDUE NOISE, OR OTHER DISTURBANCES  
29 OR ACTIVITY OFFENSIVE TO THE AVERAGE CITIZEN OR TO THE RESIDENTS  
30 OF THE NEIGHBORHOOD IN WHICH THE LICENSED PREMISES IS LOCATED; OR  
31 (j) ADMIT INTO THE LICENSED PREMISES OF A RETAIL MARIJUANA  
32 HOSPITALITY AND SALES ESTABLISHMENT ANY PERSON WHO IS UNDER  
33 TWENTY-ONE YEARS OF AGE.  
34 (5) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT  
35 LICENSEE SHALL:  
36 (a) TRACK ALL OF ITS RETAIL MARIJUANA AND RETAIL MARIJUANA  
37 PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A RETAIL  
38 MARIJUANA STORE, RETAIL MARIJUANA PRODUCTS MANUFACTURER, OR  
39 RETAIL MARIJUANA CULTIVATION FACILITY TO THE POINT OF SALE TO ITS  
40 PATRONS;  
41 (b) LIMIT A PATRON TO ONE TRANSACTION OF NO MORE THAN THE  
42 SALES LIMIT SET BY THE STATE LICENSING AUTHORITY BY RULE PURSUANT  
43 TO SECTION 44-12-202 (3)(a)(XXV);

1 (c) BEFORE ALLOWING A PATRON TO LEAVE THE LICENSED  
2 PREMISES WITH ANY RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS,  
3 PACKAGE AND LABEL THE RETAIL MARIJUANA OR RETAIL MARIJUANA  
4 PRODUCTS IN ACCORDANCE WITH PROCEDURES DEVELOPED BY THE  
5 ESTABLISHMENT THAT COMPLY WITH THE REQUIREMENTS OF SECTION  
6 44-12-202 (3)(a)(VIII) AND (3)(d)(II);

7 (d) OPERATE THE ESTABLISHMENT IN A DECENT, ORDERLY, AND  
8 RESPECTABLE MANNER;

9 (e) REQUIRE ALL EMPLOYEES OF THE ESTABLISHMENT TO  
10 SUCCESSFULLY COMPLETE AN ANNUAL RESPONSIBLE VENDOR TRAINING  
11 PROGRAM AUTHORIZED PURSUANT TO SECTION 44-11-1101;

12 (f) ENSURE THAT THE DISPLAY AND CONSUMPTION OF ANY RETAIL  
13 MARIJUANA OR RETAIL MARIJUANA PRODUCT IS NOT VISIBLE FROM  
14 OUTSIDE OF THE ESTABLISHMENT;

15 (g) EDUCATE CONSUMERS OF MARIJUANA BY PROVIDING  
16 INFORMATIONAL MATERIALS REGARDING THE SAFE CONSUMPTION OF  
17 MARIJUANA. THE MATERIALS MUST BE BASED ON THE REQUIREMENTS  
18 ESTABLISHED BY THE MARIJUANA EDUCATIONAL OVERSIGHT COMMITTEE,  
19 ESTABLISHED PURSUANT TO SECTION 24-20-112 (4), AND ON THE  
20 RELEVANT RESEARCH FROM THE PANEL OF HEALTH CARE PROFESSIONALS  
21 APPOINTED PURSUANT TO SECTION 25-1.5-110. NOTHING IN THIS  
22 SUBSECTION (5)(g) PROHIBITS A LOCAL JURISDICTION FROM ADOPTING  
23 ADDITIONAL REQUIREMENTS FOR EDUCATION ON SAFE CONSUMPTION.

24 (h) MAINTAINING A RECORD OF ALL EDUCATIONAL MATERIALS  
25 REQUIRED BY SUBSECTION (5)(g) OF THIS SECTION IN THE LICENSED  
26 PREMISES FOR INSPECTION BY STATE AND LOCAL LICENSING AUTHORITIES  
27 AND LAW ENFORCEMENT; AND

28 (i) IF AN EMERGENCY REQUIRES LAW ENFORCEMENT,  
29 FIREFIGHTERS, EMERGENCY MEDICAL SERVICE PROVIDERS, OR OTHER  
30 PUBLIC SAFETY PERSONNEL TO ENTER A RETAIL MARIJUANA HOSPITALITY  
31 AND SALES ESTABLISHMENT, ENSURE THAT ALL EMPLOYEES AND PATRONS  
32 OF THE ESTABLISHMENT CEASE ALL SALES, CONSUMPTION AND OTHER  
33 ACTIVITIES UNTIL SUCH PERSONNEL HAVE COMPLETED THEIR  
34 INVESTIGATION OR SERVICES AND HAVE LEFT THE LICENSED PREMISES.

35 (6) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT  
36 AND ITS EMPLOYEES MAY REMOVE AN INDIVIDUAL FROM THE  
37 ESTABLISHMENT FOR ANY REASON, INCLUDING A PATRON WHO DISPLAYS  
38 ANY VISIBLE SIGNS OF INTOXICATION.

39 (7) A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT  
40 MAY PURCHASE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS  
41 FROM ANY RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION  
42 FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER.

43 **SECTION 8.** In Colorado Revised Statutes, 44-12-901, **amend**

1 (1) and (4)(g) as follows:

2 **44-12-901. Unlawful acts - exceptions.** (1) Except IN THE  
3 LICENSED PREMISES OF A MARIJUANA HOSPITALITY ESTABLISHMENT  
4 LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL MARIJUANA  
5 HOSPITALITY AND SALES ESTABLISHMENT LICENSED PURSUANT TO  
6 SECTION 44-12-409 OR as otherwise provided in this article 12, it is  
7 unlawful for a person to consume retail marijuana or retail marijuana  
8 products in a licensed retail marijuana establishment, and it is unlawful  
9 for a retail marijuana licensee to allow retail marijuana or retail marijuana  
10 products to be consumed upon its licensed premises.

11 (4) It is unlawful for any person licensed to sell retail marijuana  
12 or retail marijuana products pursuant to this article 12:

13 (g) EXCEPT IN THE LICENSED PREMISES OF A MARIJUANA  
14 HOSPITALITY ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408  
15 OR A RETAIL MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT  
16 LICENSED PURSUANT TO SECTION 44-12-409, to have on the licensed  
17 premises any retail marijuana, retail marijuana products, or marijuana  
18 paraphernalia that shows evidence of the retail marijuana having been  
19 consumed or partially consumed;

20 **SECTION 9.** In Colorado Revised Statutes, 18-18-406, **add**  
21 (5)(b)(IV) and (5)(b)(V) as follows:

22 **18-18-406. Offenses related to marijuana and marijuana**  
23 **concentrate - definitions.** (5) (b) (IV) PUBLIC DISPLAY, CONSUMPTION,  
24 OR USE OF MARIJUANA OR MARIJUANA CONCENTRATE PURSUANT TO THE  
25 PROVISIONS OF SECTION 44-12-408, WHEN SUCH DISPLAY, CONSUMPTION,  
26 OR USE IS WITHIN THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY  
27 ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408, IS NOT A  
28 VIOLATION OF THIS SUBSECTION (5).

29 (V) PUBLIC DISPLAY, CONSUMPTION, OR USE OF RETAIL MARIJUANA  
30 OR RETAIL MARIJUANA CONCENTRATE PURSUANT TO THE PROVISIONS OF  
31 SECTION 44-12-409, WHEN SUCH DISPLAY, CONSUMPTION, OR USE IS  
32 WITHIN THE LICENSED PREMISES OF A RETAIL MARIJUANA HOSPITALITY  
33 AND SALES ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-409  
34 AND WHEN AN INDIVIDUAL'S DISPLAY, CONSUMPTION, OR USE DOES NOT  
35 EXCEED THE SALES LIMIT ESTABLISHED BY THE STATE LICENSING  
36 AUTHORITY BY RULE PURSUANT TO SECTION 44-12-202 (3)(a)(XXV)(B),  
37 IS NOT A VIOLATION OF THIS SUBSECTION (5).

38 **SECTION 10.** In Colorado Revised Statutes, 25-14-205, **amend**  
39 (1) introductory portion, (1)(i), and (1)(k)(I)(C); and **add** (1)(l) as  
40 follows:

41 **25-14-205. Exceptions to smoking restrictions.** (1) This part 2  
42 ~~shall~~ DOES not apply to:

43 (i) A private, nonresidential building on a farm or ranch, as

1 defined in section 39-1-102, ~~C.R.S.~~, that has annual gross income of less  
2 than five hundred thousand dollars; ~~or~~

3 (k) (I) The areas of assisted living facilities:  
4 (C) To which access is restricted to the residents or their guests;  
5 OR

6 (l) IF AUTHORIZED BY LOCAL ORDINANCE, LICENSE, OR  
7 REGULATION, THE LICENSED PREMISES OF A MARIJUANA HOSPITALITY  
8 ESTABLISHMENT LICENSED PURSUANT TO SECTION 44-12-408 OR A RETAIL  
9 MARIJUANA HOSPITALITY AND SALES ESTABLISHMENT LICENSED  
10 PURSUANT TO SECTION 44-12-409; EXCEPT THAT THIS EXCEPTION ONLY  
11 APPLIES TO THE SMOKING OF MARIJUANA AND DOES NOT ALLOW THE  
12 SMOKING OF TOBACCO WITHIN SUCH PREMISES.

13 **SECTION 11.** In Colorado Revised Statutes, 44-11-1101, **amend**  
14 (2) introductory portion, (2)(b)(IV), and (2)(b)(V); and **add** (2)(b)(VI) as  
15 follows:

16 **44-11-1101. Responsible vendor program - standards -**  
17 **designation.** (2) An approved training program ~~shall~~ MUST contain, at a  
18 minimum, the following standards and ~~shall~~ MUST be taught in a  
19 classroom setting in a minimum of a two-hour period:

20 (b) A core curriculum of pertinent statutory and regulatory  
21 provisions, which curriculum includes, but need not be limited to:

22 (IV) Acceptable forms of identification, including patient registry  
23 cards and associated documents and procedures; ~~and~~

24 (V) Local and state licensing and enforcement, which may  
25 include, but need not be limited to, key statutes and rules affecting  
26 patients, owners, managers, and employees; AND

27 (VI) INFORMATION ON SERVING SIZE, THC AND CANNABINOID  
28 POTENCY, AND IMPAIRMENT.

29 **SECTION 12. Act subject to petition - effective date.** This act  
30 takes effect at 12:01 a.m. on the day following the expiration of the  
31 ninety-day period after final adjournment of the general assembly (August  
32 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
33 referendum petition is filed pursuant to section 1 (3) of article V of the  
34 state constitution against this act or an item, section, or part of this act  
35 within such period, then the act, item, section, or part will not take effect  
36 unless approved by the people at the general election to be held in  
37 November 2020 and, in such case, will take effect on the date of the  
38 official declaration of the vote thereon by the governor."."

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