

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0812.01 Nicole Myers x4326

HOUSE BILL 14-1196

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

Jahn,

House Committees

Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A LOCAL GOVERNMENT MARIJUANA
102 IMPACTS TASK FORCE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill creates the marijuana impacts task force (task force) in the department of local affairs to study the local government impacts related to the cultivation, testing, sale, consumption, and regulation of retail marijuana and retail marijuana products. The task force consists of 17 members who represent specified local government interests, state

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

government agencies, the marijuana community, and public defenders.

The task force is required to meet during the 2014 interim and may solicit input from various state and local government entities, public and private organizations, and private citizens. The bill specifies that members of the task force serve without compensation and that all staff needed to assist the task force will be provided by the department of local affairs.

The task force is required to evaluate the impacts that the cultivation, testing, sale, consumption, and regulation of retail marijuana and retail marijuana products have on the services provided by local governments and on local governments' budgets. In addition, the task force is required to develop recommendations that may be implemented at the state or local level to help address such impacts.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 34 to article
3 32 of title 24 as follows:

4 **PART 34**

5 **MARIJUANA IMPACTS TASK FORCE**

6 **24-32-3401. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

8 (a) PROPOSITION AA, PLACED ON THE BALLOT PURSUANT TO
9 HOUSE BILL 13-1318, WAS APPROVED BY VOTERS IN THE STATE ON
10 NOVEMBER 5, 2013;

11 (b) THE TEN PERCENT STATE SALES TAX ON RETAIL MARIJUANA
12 AND RETAIL MARIJUANA PRODUCTS THAT THE VOTERS APPROVED
13 THROUGH THE PASSAGE OF PROPOSITION AA WAS PRESENTED TO VOTERS
14 IN THE 2013 STATE BALLOT INFORMATION BOOKLET AS A REVENUE
15 SOURCE THAT WOULD "BE USED TO FUND THE REGULATORY STRUCTURE,
16 AS WELL AS RELATED COSTS FOR HEALTH, EDUCATION, AND PUBLIC
17 SAFETY, WHICH ARE NOT CURRENTLY FUNDED" IN CONNECTION WITH THE
18 CULTIVATION, TESTING, SALE, CONSUMPTION, AND REGULATION OF RETAIL

1 MARIJUANA AND RETAIL MARIJUANA PRODUCTS;

2 (c) OF THE GROSS REVENUE COLLECTED FROM THE TEN PERCENT
3 STATE SALES TAX ON RETAIL MARIJUANA AND RETAIL MARIJUANA
4 PRODUCTS, FIFTEEN PERCENT IS DISTRIBUTED TO LOCAL GOVERNMENTS
5 THAT PERMIT SALES IN THEIR JURISDICTIONS;

6 (d) LOCAL GOVERNMENTS THAT HAVE CHOSEN TO PROHIBIT THE
7 SALE OF RETAIL OF MARIJUANA AND RETAIL MARIJUANA PRODUCTS MAY
8 STILL EXPERIENCE IMPACTS ON LOCAL GOVERNMENT SERVICES OR
9 BUDGETS AS A RESULT OF SUCH SALES, AND THOSE IMPACTS MAY
10 WARRANT THE USE OF A PORTION OF THE REMAINING EIGHTY-FIVE
11 PERCENT OF THE GROSS REVENUE COLLECTED BY THE STATE FROM THE
12 RETAIL MARIJUANA SALES TAX;

13 (e) IT IS IMPORTANT TO UNDERSTAND WHETHER LOCAL
14 GOVERNMENTS THAT HAVE CHOSEN TO ALLOW THE SALE OF RETAIL
15 MARIJUANA AND RETAIL MARIJUANA PRODUCTS EXPERIENCE THE IMPACTS
16 ON LOCAL GOVERNMENT SERVICES AND BUDGETS IN THE SAME MANNER AS
17 LOCAL GOVERNMENTS THAT HAVE CHOSEN TO PROHIBIT SUCH SALES; AND

18 (f) IT IS IMPORTANT TO UNDERSTAND THE FISCAL IMPACTS, IF ANY,
19 OF THE LEGALIZATION OF RETAIL MARIJUANA AND RETAIL MARIJUANA
20 PRODUCTS IN LOCAL COMMUNITIES ACROSS THE STATE AND TO WHAT
21 EXTENT THE REMAINING PORTION OF THE STATE SALES TAX REVENUE
22 FROM THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS
23 COULD BE USED TO ADDRESS THOSE IMPACTS AT THE LOCAL GOVERNMENT
24 LEVEL.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
26 DECLARES THAT THE CREATION OF A TASK FORCE TO BE OVERSEEN BY THE
27 DEPARTMENT OF LOCAL AFFAIRS TO EXAMINE HOW THE LEGALIZATION OF

1 RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS HAS ALREADY
2 AFFECTED LOCAL GOVERNMENTS AND MAY POTENTIALLY AFFECT LOCAL
3 GOVERNMENTS IN THE FUTURE WILL HELP THE STATE AND LOCAL
4 GOVERNMENTS TO ADDRESS ANY IMPACTS ON LOCAL GOVERNMENT
5 SERVICES OR BUDGETS DUE TO THE CULTIVATION, TESTING, SALE,
6 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL
7 MARIJUANA PRODUCTS.

8 **24-32-3402. Marijuana impacts task force - creation -**
9 **members.** (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF
10 LOCAL AFFAIRS A MARIJUANA IMPACTS TASK FORCE, REFERRED TO IN THIS
11 PART 34 AS THE "TASK FORCE", TO STUDY THE LOCAL GOVERNMENT
12 IMPACTS RELATED TO THE CULTIVATION, TESTING, SALE, CONSUMPTION,
13 AND REGULATION OF RETAIL MARIJUANA AND RETAIL MARIJUANA
14 PRODUCTS.

15 (2) THE TASK FORCE CONSISTS OF THE FOLLOWING SEVENTEEN
16 MEMBERS:

17 (a) SIX REPRESENTATIVES OF LOCAL GOVERNMENTS, THREE OF
18 WHOM REPRESENT LOCAL GOVERNMENTS THAT ALLOW THE SALE OF
19 RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, AS FOLLOWS:

20 (I) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
21 COUNTY COMMISSIONERS TO BE APPOINTED BY COLORADO COUNTIES,
22 INCORPORATED;

23 (II) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
24 DISTRICT ATTORNEYS TO BE APPOINTED BY THE COLORADO DISTRICT
25 ATTORNEYS' COUNCIL;

26 (III) ONE REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
27 COUNTY SHERIFFS TO BE APPOINTED BY THE COUNTY SHERIFFS OF

1 COLORADO;

2 (IV) ONE REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
3 MUNICIPAL OFFICIALS TO BE APPOINTED BY THE COLORADO MUNICIPAL
4 LEAGUE;

5 (V) ONE REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
6 POLICE CHIEFS TO BE APPOINTED BY THE COLORADO ASSOCIATION OF
7 CHIEFS OF POLICE; AND

8 (VI) ONE REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
9 SPECIAL DISTRICT OFFICIALS TO BE APPOINTED BY THE SPECIAL DISTRICT
10 ASSOCIATION OF COLORADO;

11 (b) FIVE REPRESENTATIVES OF THE STATE GOVERNMENT AS
12 FOLLOWS:

13 (I) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S
14 DESIGNEE;

15 (II) ONE REPRESENTATIVE OF THE DEPARTMENT OF HUMAN
16 SERVICES TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH
17 DEPARTMENT;

18 (III) ONE REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC
19 HEALTH AND ENVIRONMENT TO BE APPOINTED BY THE EXECUTIVE
20 DIRECTOR OF SUCH DEPARTMENT;

21 (IV) ONE REPRESENTATIVE OF THE MARIJUANA ENFORCEMENT
22 DIVISION IN THE DEPARTMENT OF REVENUE TO BE APPOINTED BY THE
23 EXECUTIVE DIRECTOR OF SUCH DEPARTMENT; AND

24 (V) ONE REPRESENTATIVE OF THE DEPARTMENT OF LOCAL AFFAIRS
25 TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

26 (c) FIVE REPRESENTATIVES OF THE COMMUNITY OF CITIZENS WHO
27 SUPPORT THE LEGALIZATION OF RETAIL MARIJUANA AND RETAIL

1 MARIJUANA PRODUCTS AS FOLLOWS:

2 (I) ONE CONSUMER ADVOCATE TO BE APPOINTED BY THE STATE
3 CHAPTER OF THE NATIONAL ORGANIZATION FOR THE REFORM OF
4 MARIJUANA LAWS;

5 (II) ONE MEDICAL MARIJUANA PATIENT TO BE APPOINTED BY
6 SENSIBLE COLORADO;

7 (III) ONE DRUG POLICY EXPERT TO BE APPOINTED BY THE DRUG
8 POLICY ALLIANCE;

9 (IV) ONE REPRESENTATIVE OF THE CAMPAIGN TO PASS
10 AMENDMENT 64, THE RETAIL MARIJUANA INITIATED MEASURE, WHICH WAS
11 APPROVED BY THE VOTERS AT THE 2012 ELECTION AND TOOK EFFECT UPON
12 THE GOVERNOR'S PROCLAMATION ON DECEMBER 10, 2012, TO BE
13 APPOINTED BY THE DIRECTORS OF THE AMENDMENT 64 CAMPAIGN; AND

14 (V) ONE REPRESENTATIVE WHO WORKS IN THE MARIJUANA
15 INDUSTRY APPOINTED BY THE LOCAL CHAPTER OF THE UNITED FOOD AND
16 COMMERCIAL WORKERS INTERNATIONAL UNION; AND

17 (d) ONE REPRESENTATIVE OF PUBLIC DEFENDERS TO BE APPOINTED
18 BY THE OFFICE OF STATE PUBLIC DEFENDER.

19 (3) THE DEPARTMENT OF LOCAL AFFAIRS SHALL ENSURE THAT ALL
20 APPOINTMENTS TO THE TASK FORCE AS REQUIRED BY SUBSECTION (2) OF
21 THIS SECTION ARE MADE ON OR BEFORE JUNE 13, 2014.

22 (4) THE MEMBERS OF THE TASK FORCE SHALL CHOOSE A CHAIR
23 AND VICE-CHAIR OF THE TASK FORCE AT THE FIRST MEETING OF THE TASK
24 FORCE.

25 (5) THE TASK FORCE SHALL MEET AS NECESSARY, AS DETERMINED
26 BY THE MEMBERS OF THE TASK FORCE, AFTER THE SECOND REGULAR
27 SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY. THE TASK FORCE

1 SHALL HOLD ITS FIRST MEETING ON OR BEFORE JULY 18, 2014.

2 (6) THE TASK FORCE MAY INVITE PRIVATE CITIZENS,
3 REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENTAL ENTITIES,
4 AND REPRESENTATIVES FROM PUBLIC OR PRIVATE ORGANIZATIONS TO
5 PARTICIPATE IN THE MEETINGS OF THE TASK FORCE, AS DEEMED
6 NECESSARY AND APPROPRIATE BY THE MEMBERS OF THE TASK FORCE. THE
7 TASK FORCE MAY ALSO SOLICIT AND ACCEPT REPORTS, WRITTEN
8 COMMENTS, PUBLIC TESTIMONY, AND OTHER DATA RELEVANT TO THE
9 TASK FORCE.

10 (7) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
11 COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR
12 EXPENSES. THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO PREVENT
13 MEMBERS OF THE TASK FORCE FROM RECEIVING THEIR REGULAR SALARY
14 IF THEY PARTICIPATE IN TASK FORCE MEETINGS DURING THEIR REGULAR
15 BUSINESS HOURS.

16 (8) ALL STAFF NEEDED TO ASSIST THE TASK FORCE IN CONDUCTING
17 ITS DUTIES SHALL BE PROVIDED BY THE DEPARTMENT OF LOCAL AFFAIRS.

18 **24-32-3403. Marijuana impacts task force - duties.** (1) THE
19 TASK FORCE SHALL EVALUATE THE IMPACTS, IF ANY, THAT THE
20 CULTIVATION, TESTING, SALE, CONSUMPTION, AND REGULATION OF RETAIL
21 MARIJUANA AND RETAIL MARIJUANA PRODUCTS HAVE ON THE SERVICES
22 PROVIDED BY LOCAL GOVERNMENTS AND ON LOCAL GOVERNMENTS'
23 BUDGETS, INCLUDING:

24 (a) THE IMPACT THAT THE CULTIVATION, TESTING, SALE,
25 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL
26 MARIJUANA PRODUCTS HAS ON LAW ENFORCEMENT, INCLUDING ARRESTS,
27 TRAFFIC VIOLATIONS, AND OTHER LAW ENFORCEMENT ACTIVITIES

1 ASSOCIATED WITH RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS;

2 (b) THE IMPACT THAT THE CULTIVATION, TESTING, SALE,
3 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL
4 MARIJUANA PRODUCTS HAS ON CHILD WELFARE AND OTHER SOCIAL
5 SERVICES THAT ARE REQUIRED IN CONNECTION WITH RETAIL MARIJUANA
6 OR RETAIL MARIJUANA PRODUCTS;

7 (c) THE IMPACT THAT THE CULTIVATION, TESTING, SALE,
8 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL
9 MARIJUANA PRODUCTS HAS ON OTHER SERVICES PROVIDED BY
10 GOVERNMENTS AND WHETHER THERE HAS BEEN ANY IMPACT, POSITIVE OR
11 NEGATIVE, ON THE BUDGETS OR BUDGETING PROCESSES OF LOCAL
12 GOVERNMENTS;

13 (d) WHETHER LOCAL GOVERNMENTS THAT ALLOW THE
14 CULTIVATION, TESTING, SALE, CONSUMPTION, AND REGULATION OF RETAIL
15 MARIJUANA AND RETAIL MARIJUANA PRODUCTS HAVE EXPERIENCED ANY
16 IMPACTS THAT HAVE NOT BEEN EXPERIENCED BY LOCAL GOVERNMENTS
17 THAT DO NOT ALLOW SUCH ACTIVITIES; AND

18 (e) ANY OTHER CONSIDERATIONS DEEMED NECESSARY OR
19 RELEVANT BY THE TASK FORCE.

20 (2) THE TASK FORCE SHALL DEVELOP RECOMMENDATIONS, IF ANY,
21 THAT MAY BE IMPLEMENTED AT THE STATE OR LOCAL LEVEL TO HELP
22 ADDRESS THE IMPACTS THAT THE CULTIVATION, TESTING, SALE,
23 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL
24 MARIJUANA PRODUCTS HAVE ON LOCAL GOVERNMENTS.

25 (3) THE TASK FORCE SHALL COMPLETE ITS WORK AND MAKE
26 WRITTEN RECOMMENDATIONS TO THE GENERAL ASSEMBLY, IF NECESSARY,
27 ON OR BEFORE DECEMBER 15, 2014.

1 **24-32-3404. Repeal of part.** THIS PART 34 IS REPEALED,
2 EFFECTIVE JULY 1, 2015.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.