

July 31, 2017

INDUSTRY-WIDE BULLETIN: 17-05

RE: Transporter License

Dear Marijuana Industry Stakeholders:

The Division received significant feedback regarding Bulletin 17-04. The purpose of this Industry-wide Bulletin is to provide supplemental and clarifying information concerning Bulletin 17-04, and to address concerns regarding maintenance of a licensed premises, local licensure and transition to licensure.

As explained in Bulletin 17-04, statutes and rules now require, effective July 1, 2017, that any individual or business transporting marijuana on behalf of licensed businesses (other than the individual's employer) must hold a transporter license. In order to harmonize the statutory and regulatory requirements governing transporter licenses with current industry practice, only those transporter licensees that temporarily store transported marijuana on behalf of a medical marijuana business or retail marijuana establishment or who modify any information contained within the originating transport manifest are required to maintain a licensed premises. Those transporter licensees who neither temporarily store transported marijuana nor modify the originating transport manifest are not required to maintain a licensed premises, however, they are still required to apply for and receive a transporter license. The Division will consider amendment of the Rules M & R 1600 Series during the rulemaking process to comport with this Industry-wide Bulletin.

Those transporter licensees who are required to have a licensed premises must locate the licensed premises in a local jurisdiction that has approved the operation of medical marijuana centers (for storage of medical marijuana) and/or retail marijuana stores (for storage of retail marijuana). Issuance of a state transporter license is not dependent upon local licensure or approval. However, if the local jurisdiction requires local licensure or local approval for the operation of a transporter business within their jurisdiction, then the transporter licensee must meet all local requirements prior to exercising the privileges of the state issued transporter license. It is the transporter licensee's responsibility to comply with all local licensing or approval requirements.

Those transporter licensees who do not maintain a licensed premises must complete all transfers within the same day of pick-up, using the driver identified on the transport manifest generated by the originating medical marijuana business or retail marijuana establishment, and without otherwise modifying the original transport manifest. Transporter licensees without a licensed premises are required to hold a medical and/or retail transporter license in order to transport medical and/or retail marijuana.

In response to industry feedback, the Division will provide the following temporary accommodation regarding licensure of those individuals or businesses that were providing transporter services prior to the change in law:

- The temporary accommodation applies only to those individuals or businesses that were routinely providing transporter services (in full compliance with applicable statutes and rules) prior to July 1, 2017;



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- To receive the temporary accommodation, the individual and/or business providing transporter services must submit a complete application for a transporter license to the Division;
- After the Division receives a complete application¹ from an applicant qualifying for the temporary accommodation, the applicant may continue providing transporter services pending approval of the application;
- However, if a Notice of Denial issues, the transporter services must cease immediately;
- Even under the temporary accommodation, no individual and/or business may continue to provide transporter services until the Division has received a complete application for a transporter license from that individual and/or business. An individual and/or business that currently provides transporter related services must cease this activity immediately until they have filed a transporter license application with the MED. An individual and/or business that continues to provide transporter services without having submitted a complete application for a transporter license risks being subject to an enforcement action;
- The temporary accommodation applies only to those individuals and businesses that submit a complete application to the Division on or before September 1, 2017. A transporter license application received by the Division after September 1, 2017 will *not* entitle the applicant to exercise any privileges of the license until it is approved and issued by the state.

As stated in Bulletin 17-04, occupational license holders employed by a Medical Marijuana Business and Retail Marijuana Establishment may continue to transport marijuana on behalf of the Business and/or Establishment. The occupational licensee transporting marijuana must comply with all applicable laws, including inventory tracking, vehicle safety, and public health and safety requirements.

James Burack
Director
Marijuana Enforcement Division

¹ If local licensure or local approval is not required by the local jurisdiction, the applicant may leave that portion of the application blank.