

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0150.01 Nicole Myers x4326

HOUSE BILL 15-1090

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HOUSE SPONSORSHIP

Dore,

SENATE SPONSORSHIP

(None),

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House Committees

Local Government  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A GRANT PROGRAM TO ASSIST  
102 COUNTIES THAT ARE EXPERIENCING IMPACTS FROM THE  
103 LEGALIZATION OF RETAIL MARIJUANA.

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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/billsummaries>.)*

The bill creates the county retail marijuana impact grant program (program) in the division of local government (division) in the department of local affairs. The purpose of the program is to provide assistance and resources to counties that are experiencing impacts to services or budgets as a result of the cultivation, testing, sale, consumption, and regulation of

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.*

retail marijuana and retail marijuana products in the state.

A county is eligible to apply for a grant through the program regardless of whether it has chosen to allow or prohibit the cultivation, testing, and sale of retail marijuana and retail marijuana products. A county that receives a grant through the program is required to use the grant money, in the county's discretion, to assist in managing the impact that the cultivation, testing, sale, consumption, and regulation of retail marijuana and retail marijuana products have on law enforcement, child welfare, and other services that the county provides, as well as to develop and implement youth marijuana education and prevention campaigns and services.

The division is required to adopt rules for implementation of the program, and a county that receives a grant through the program is required to provide certain information to the division each year during the term of the grant.

Beginning on June 30, 2015, and on each June 30 thereafter, the state treasurer is required to transfer 30% of the moneys in the marijuana tax cash fund to the county retail marijuana impact fund. The division is also authorized to seek and accept gifts, grants, or donations from private or public sources to be used for the program.

The division is required to include an update regarding the effectiveness of the program in its report to the members of the applicable committees of reference in the senate and house of representatives required by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-117 as  
3 follows:

4           **24-32-117. County retail marijuana impact grants - county**  
5 **retail marijuana impact cash fund - creation.** (1) THERE IS HEREBY  
6 CREATED IN THE DIVISION THE COUNTY RETAIL MARIJUANA IMPACT GRANT  
7 PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO  
8 PROVIDE ASSISTANCE AND RESOURCES TO COUNTIES THAT ARE  
9 EXPERIENCING IMPACTS TO SERVICES OR BUDGETS AS A RESULT OF THE  
10 CULTIVATION, TESTING, SALE, CONSUMPTION, AND REGULATION OF RETAIL  
11 MARIJUANA AND RETAIL MARIJUANA PRODUCTS IN THE STATE.

1           (2) A COUNTY THAT RECEIVES A GRANT THROUGH THE GRANT  
2 PROGRAM SHALL USE THE MONEYS, IN THE COUNTY'S DISCRETION, TO  
3 ASSIST IN MANAGING THE IMPACT THAT THE CULTIVATION, TESTING, SALE,  
4 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL  
5 MARIJUANA PRODUCTS HAVE ON SERVICES THAT IT PROVIDES WITHIN THE  
6 BOUNDARIES OF THE COUNTY. A COUNTY MAY USE THE GRANT MONEY FOR  
7 THE FOLLOWING PURPOSES:

8           (a) TO MANAGE THE COSTS OF INCREASED ARRESTS, INCREASED  
9 TRAFFIC VIOLATIONS, AND OTHER LAW ENFORCEMENT ACTIVITIES  
10 ASSOCIATED WITH RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS;

11           (b) TO DEVELOP AND IMPLEMENT YOUTH MARIJUANA EDUCATION  
12 AND PREVENTION CAMPAIGNS AND SERVICES;

13           (c) TO MITIGATE THE IMPACT THAT THE CULTIVATION, TESTING,  
14 SALE, CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL  
15 MARIJUANA PRODUCTS HAS ON CHILD WELFARE AND OTHER SOCIAL  
16 SERVICES THAT ARE REQUIRED IN CONNECTION WITH RETAIL MARIJUANA  
17 OR RETAIL MARIJUANA PRODUCTS; AND

18           (d) TO MITIGATE THE IMPACT THAT THE CULTIVATION, TESTING,  
19 SALE, CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL  
20 MARIJUANA PRODUCTS HAS ON OTHER SERVICES PROVIDED BY A COUNTY  
21 AS DEEMED NECESSARY AND RELEVANT BY THE COUNTY.

22           (3) A COUNTY IS ELIGIBLE TO APPLY FOR A GRANT THROUGH THE  
23 GRANT PROGRAM REGARDLESS OF WHETHER IT HAS CHOSEN TO ALLOW OR  
24 PROHIBIT THE CULTIVATION, TESTING, AND SALE OF RETAIL MARIJUANA  
25 AND RETAIL MARIJUANA PRODUCTS WITHIN THE BOUNDARIES OF THE  
26 COUNTY.

27           (4) THE DIVISION SHALL ADOPT RULES PURSUANT TO THE "STATE

1 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE, FOR  
2 IMPLEMENTATION OF THE GRANT PROGRAM, INCLUDING BUT NOT LIMITED  
3 TO:

4 (a) THE TIMELINE FOR SUBMITTING APPLICATIONS TO THE DIVISION;

5 (b) THE FORM OF THE GRANT APPLICATION AND THE INFORMATION  
6 TO BE INCLUDED IN THE APPLICATION;

7 (c) THE CRITERIA FOR AWARDING GRANTS; AND

8 (d) THE LEVEL OF SPECIFICATION THAT A COUNTY SHALL INCLUDE  
9 IN ITS REPORT TO THE DIVISION REQUIRED IN SUBSECTION (6) OF THIS  
10 SECTION.

11 (5) IN AWARDING GRANTS PURSUANT TO THIS SECTION, THE  
12 DIVISION SHALL PRIORITIZE COUNTIES WITH A POPULATION OF THIRTY  
13 THOUSAND RESIDENTS OR FEWER.

14 (6) EACH COUNTY THAT RECEIVES A GRANT THROUGH THE GRANT  
15 PROGRAM SHALL PROVIDE A REPORT TO THE DIVISION EACH YEAR DURING  
16 THE TERM OF THE GRANT. IN THE REPORT, THE COUNTY SHALL SPECIFY THE  
17 PURPOSES FOR WHICH IT USED THE GRANT MONEYS.

18 (7) ON JUNE 30, 2015, AND ON EACH JUNE 30 THEREAFTER, THE  
19 STATE TREASURER SHALL TRANSFER THIRTY PERCENT OF THE MONEYS IN  
20 THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501,  
21 C.R.S., TO THE COUNTY RETAIL MARIJUANA IMPACT CASH FUND CREATED  
22 IN SUBSECTION (9) OF THIS SECTION.

23 (8) THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,  
24 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO BE USED  
25 TO PROVIDE THE GRANTS AUTHORIZED IN THIS SECTION. THE DIVISION  
26 SHALL TRANSMIT ALL MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR  
27 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO

1 THE COUNTY RETAIL MARIJUANA IMPACT CASH FUND CREATED IN  
2 SUBSECTION (9) OF THIS SECTION.

3 (9) (a) THE COUNTY RETAIL MARIJUANA IMPACT CASH FUND,  
4 REFERRED TO IN THIS SUBSECTION (9) AS THE "FUND", IS CREATED IN THE  
5 STATE TREASURY. THE FUND CONSISTS OF:

6 (I) ANY MONEYS THAT THE STATE TREASURER TRANSFERS TO THE  
7 FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION;

8 (II) ANY MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATES  
9 TO THE FUND FROM THE GENERAL FUND OR ANY OTHER FUND; AND

10 (III) ANY MONEYS THAT THE DIVISION RECEIVES FROM GIFTS,  
11 GRANTS, OR DONATIONS PURSUANT TO SUBSECTION (8) OF THIS SECTION.

12 (b) THE MONEYS IN THE FUND ARE ANNUALLY APPROPRIATED TO  
13 THE DIVISION FOR COUNTY GRANTS TO PROVIDE ASSISTANCE AND  
14 RESOURCES TO COUNTIES THAT ARE EXPERIENCING IMPACTS TO SERVICES  
15 OR BUDGETS AS A RESULT OF THE CULTIVATION, TESTING, SALE,  
16 CONSUMPTION, AND REGULATION OF RETAIL MARIJUANA AND RETAIL  
17 MARIJUANA PRODUCTS IN THE STATE.

18 (c) ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT  
19 AND DEPOSIT OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. ANY  
20 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT  
21 THE END OF A FISCAL YEAR SHALL NOT BE TRANSFERRED TO THE GENERAL  
22 FUND OR ANY OTHER FUND.

23 (10) ON OR BEFORE NOVEMBER 1, 2017, AND ON OR BEFORE  
24 NOVEMBER 1 EACH YEAR THEREAFTER, THE DIVISION SHALL INCLUDE AN  
25 UPDATE REGARDING THE EFFECTIVENESS OF THE COUNTY RETAIL  
26 MARIJUANA IMPACT GRANT PROGRAM CREATED IN THIS SECTION IN ITS  
27 REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE

1 IN THE SENATE AND HOUSE OF REPRESENTATIVES REQUIRED BY THE  
2 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
3 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
4 TITLE 2, C.R.S.

5 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-501, **amend**  
6 (2) (b) introductory portion as follows:

7 **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
8 **- repeal.** (2) (b) Subject to the limitations in subsection (5) of this  
9 section, any moneys in the fund that are not appropriated to the  
10 department of revenue pursuant to paragraph (a) of this subsection (2) are  
11 subject to annual appropriation by the general assembly for any fiscal year  
12 following the fiscal year in which they were received by the state. The  
13 general assembly shall initially appropriate moneys in the fund based on  
14 the most recent estimate of revenue prepared by the staff of the legislative  
15 council or the department of revenue for the applicable fiscal year. The  
16 general assembly may appropriate moneys in the fund THAT ARE NOT  
17 TRANSFERRED TO THE COUNTY RETAIL MARIJUANA IMPACT CASH FUND  
18 PURSUANT TO SECTION 24-32-117, C.R.S., for the following purposes:

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