

# STATE OF COLORADO

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John W. Hickenlooper  
Governor

**B 2012-004**

## EXECUTIVE ORDER

### Creating a Task Force on the Implementation of Amendment 64

Pursuant to the authority vested in me under Article IV, Section 2, of the Colorado Constitution and the laws of the state of Colorado, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order creating a Task Force on the Implementation of Amendment 64 – Use and Regulation of Marijuana.

#### **I. Background and Purpose**

On November 6, 2012, the voters of the State of Colorado endorsed Amendment 64 – an amendment to Article XVIII of the Colorado constitution providing for the regulation of marijuana like alcohol – by a vote of approximately 55% of the electorate. Amendment 64 makes the personal use, possession, and limited home-growing of marijuana legal under Colorado law for adults 21 years of age and older. Additionally, it allows for the lawful operation of marijuana-related facilities. Amendment 64 presents issues of first impression in Colorado and in the United States, as no state previously has legalized marijuana for recreational use in the face of federal legal restrictions.

Amendment 64 requires state and local governments to act with speed and efficiency. The voters approved very short timelines for the implementation of this new law. It is prudent that the General Assembly enact enabling legislation to implement Amendment 64. Amendment 64 directs the General Assembly to enact an excise tax on the sale of marijuana and requires the Colorado Department of Revenue to adopt necessary regulations by July 1, 2013. The Department of Revenue must begin accepting and processing applications for licenses to operate a marijuana establishment on October 1, 2013 and the Department must begin issuing licenses by January 1, 2014 or cede regulatory authority to local government if it fails to do so. Amendment 64 also permits local governments to enact ordinances that are compatible with the new state laws to regulate the time, place, manner and number of marijuana establishment operations.

Colorado state and local governments must consider and resolve a number of legal, policy and procedural issues, involving various interests and stakeholders, in order to implement this new law. All stakeholders share an interest in creating efficient and effective regulations that provide for the responsible development of the new marijuana laws. As such, there is a need to create a task force

through which we can coordinate and create a regulatory structure that promotes the health and safety of the people of Colorado.

The incoming majority and minority leaders of the General Assembly support this Task Force.

The Amendment 64 Implementation Task Force is hereby established with the following mission and scope.

## **II. Mission and Scope**

The Task Force's mission shall be to identify the legal, policy and procedural issues that need to be resolved, and to offer suggestions and proposals for legislative, regulatory and executive actions that need to be taken, for the effective and efficient implementation of Amendment 64. The Task Force is encouraged to develop a comprehensive framework and timeline for legislation and regulations needed to implement Amendment 64. The Task Force shall report its recommendations and findings to the Governor, to the General Assembly and to the Attorney General.

Task Force members are charged with finding practical and pragmatic solutions to the challenges of implementing Amendment 64 while at all times respecting the diverse perspectives that each member will bring to the work of the task force. The Task Force shall respect the will of the voters of Colorado and shall not engage in a debate of the merits of marijuana legalization or Amendment 64.

The issues that the Task Force shall address include, but are not limited to:

1. The need to amend current state and local laws regarding the possession, sale, distribution or transfer of marijuana and marijuana products to conform them to Amendment 64's decriminalization provisions, including, but not limited to, laws related to:
  - a. Possession of drug paraphernalia;
  - b. Possession of marijuana; and
  - c. Marijuana cultivation.
2. The possible need for new statutes, including, but not limited to, laws related to:
  - a. Marijuana testing facilities;
  - b. Marijuana product manufacturing facilities;
  - c. Marijuana retail facilities;
  - d. Time, place, and manner restrictions for marijuana consumption, including conforming to existing non-smoking laws;
  - e. Industrial hemp cultivation, processing, and sale; and
  - f. Driving while under the influence of and/or impaired by marijuana.
3. Amendment 64's directive to the General Assembly that it enact an excise tax on the sale or other transfer of marijuana.
4. The need for new regulations including, but not limited to, those related to:

- a. Procedures for issuing, renewing, suspending, and revoking a license to operate a marijuana establishment;
  - b. A schedule of application, licensing and renewal fees;
  - c. Qualifications for a license that are related to operating a marijuana establishment;
  - d. Security requirements for marijuana establishments;
  - e. Labeling requirements;
  - f. Health and safety standards for the manufacture of marijuana products, including food, and the cultivation of marijuana;
  - g. Restrictions on advertising and display of marijuana and marijuana products; and
  - h. Penalties for noncompliance with regulations.
5. Education regarding long-term health effects of marijuana use and harmful effects of marijuana use by those under the age of 18.
  6. Reconciliation of Colorado and Federal laws such that the new laws and regulations do not subject Colorado state and local governments and state and local government employees to prosecution by the federal government.
  7. The impact of Amendment 64 on employers and employees and the Colorado economy.

The Task Force shall explore any and all options that address the preceding issues and help clarify and/or better coordinate state and local government implementation of Amendment 64. Such options examined shall include, but are not limited to:

- memorandums of agreement, intergovernmental agreements, and letters of cooperation and consent between the state and any other jurisdiction;
- changes to existing laws or regulations; and
- new laws and regulations.

### **III. Membership**

The Task Force shall be co-chaired by the Governor's Chief Legal Counsel and the Executive Director of the Colorado Department of Revenue. The Task Force co-chairs will have the ability to issue guidelines for operation of the Task Force and amend those guidelines as needed. The Task Force co-chairs will form and appoint working groups, chaired by one or more members of the Task Force and comprised of persons with subject matter expertise, to aid it in its work. The Task Force co-chairs will identify and approve the scope of work and issues for the Task Force and working groups.

In addition to the co-chairs, Task Force membership shall also include the following:

- One member of the General Assembly appointed by the incoming Speaker of the House;
- One member of the General Assembly appointed by the incoming President of the Senate;
- One member of the General Assembly appointed by the incoming House Minority Leader;
- One member of the General Assembly appointed by the incoming Senate Minority Leader;
- The Colorado Attorney General, or his designee;
- A representative of the Colorado Municipal League;

- A representative of Colorado Counties, Inc.;
- The Executive Director of the Colorado Department of Public Health and Environment, or his designee;
- The Executive Director of the Colorado Department of Public Safety, or his designee;
- The Colorado Commissioner of Agriculture, or his designee;
- The Senior Director responsible for the Colorado Medical Marijuana Enforcement Division, or his designee;
- A representative of the campaign to pass Amendment 64;
- A representative of the medical marijuana dispensary and cultivation industry;
- A representative of marijuana consumers;
- A person with expertise in legal issues related to the legalization of marijuana;
- A person with expertise in the treatment of marijuana addiction;
- A representative of the Colorado Commission on Criminal & Juvenile Justice;
- The Executive Director of the Colorado District Attorney's Council, or his designee;
- The Colorado State Public Defender, or his designee;
- A person representing the interests of employers;
- A person representing the interests of employees; and
- One at-large member who is not a resident of the Denver-metro area.

#### IV. Open Meetings

All meetings of the Task Force and any working groups of the Task Force shall be open to the public and the Task Force shall endeavor to solicit public comment as part of its consideration of the policy, legal and procedural issues that need to be resolved to implement Amendment 64. To the extent it deems appropriate, the Task Force shall incorporate the public input it receives into its recommendations and findings.

#### V. Duration

This Executive Order shall continue in existence until the Task Force reports its recommendations and findings to the Governor, the General Assembly and the Attorney General but no later than February 28, 2013, unless it is either earlier terminated or extended beyond that date by further executive order.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this tenth day of  
December, 2012.

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper". The signature is fluid and cursive, written over the printed name and title.

John W. Hickenlooper  
Governor