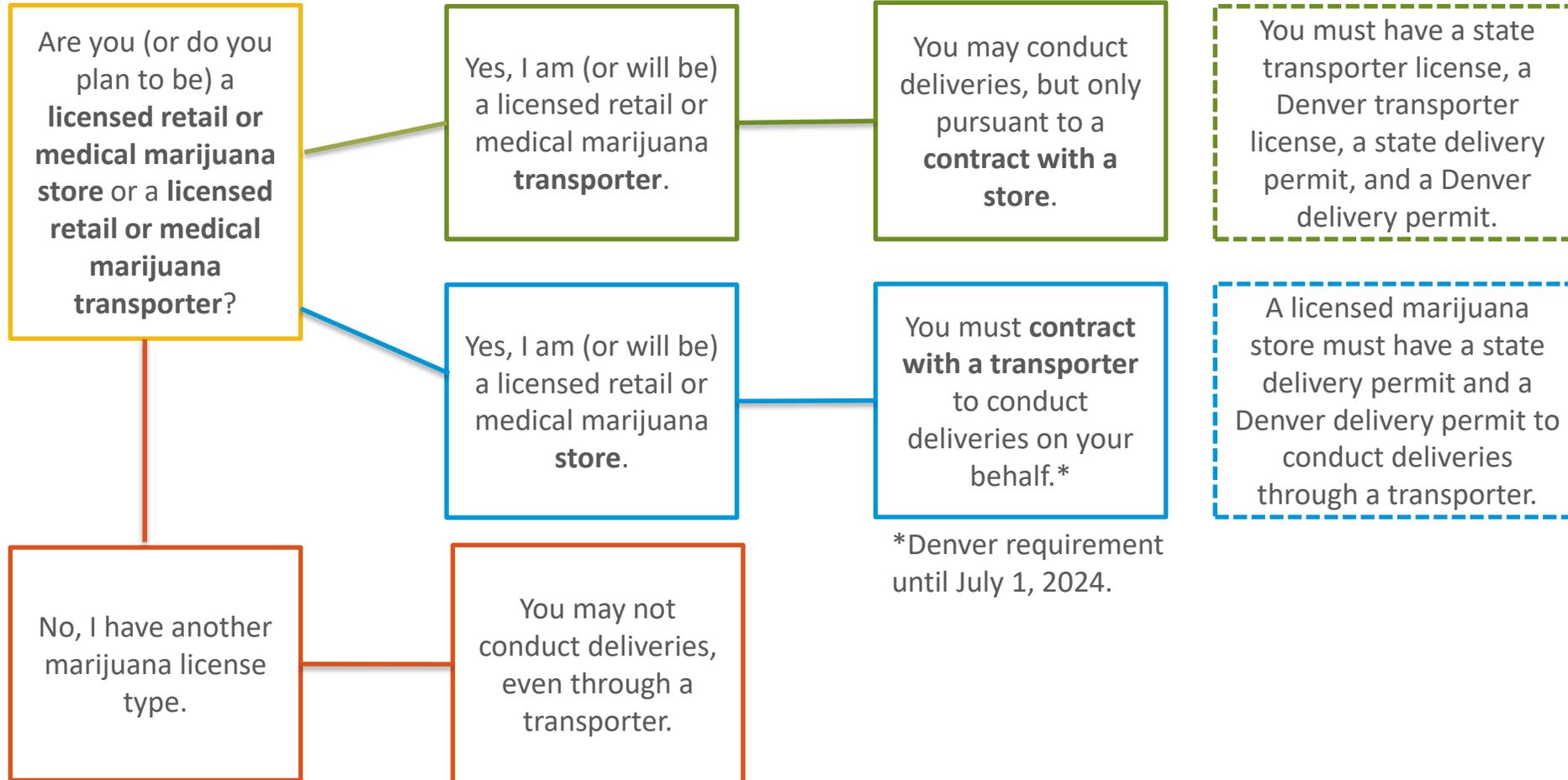


# Marijuana Delivery in Denver

Excise and Licenses  
Office of Marijuana Policy

July 27, 2021

# Who can deliver marijuana to patients and consumers?



# Where can marijuana be delivered?

## Marijuana **CAN** be delivered to...

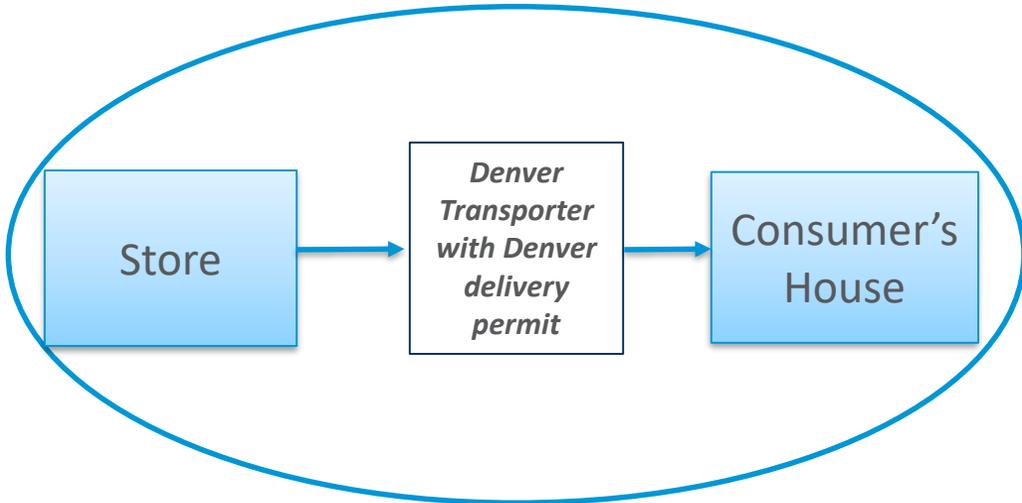
- A private residence in Denver, which includes, but is not limited to, a private premises where a person lives such as a private dwelling, place of habitation, a house, a multi-dwelling unit for residential occupants, or an apartment unit
- A private residence in any other Colorado jurisdiction that affirmatively allows marijuana delivery

## Marijuana **CANNOT** be delivered to...

- Any premises located at a school, institution of higher education, public property, commercial property such as offices or retail space, or a drug or alcohol treatment facility
- Any jurisdiction that does not affirmatively allow marijuana delivery
- A consumer or private residence where the licensee knows or reasonably should know that the consumer or private residence has already received a delivery during that same business day

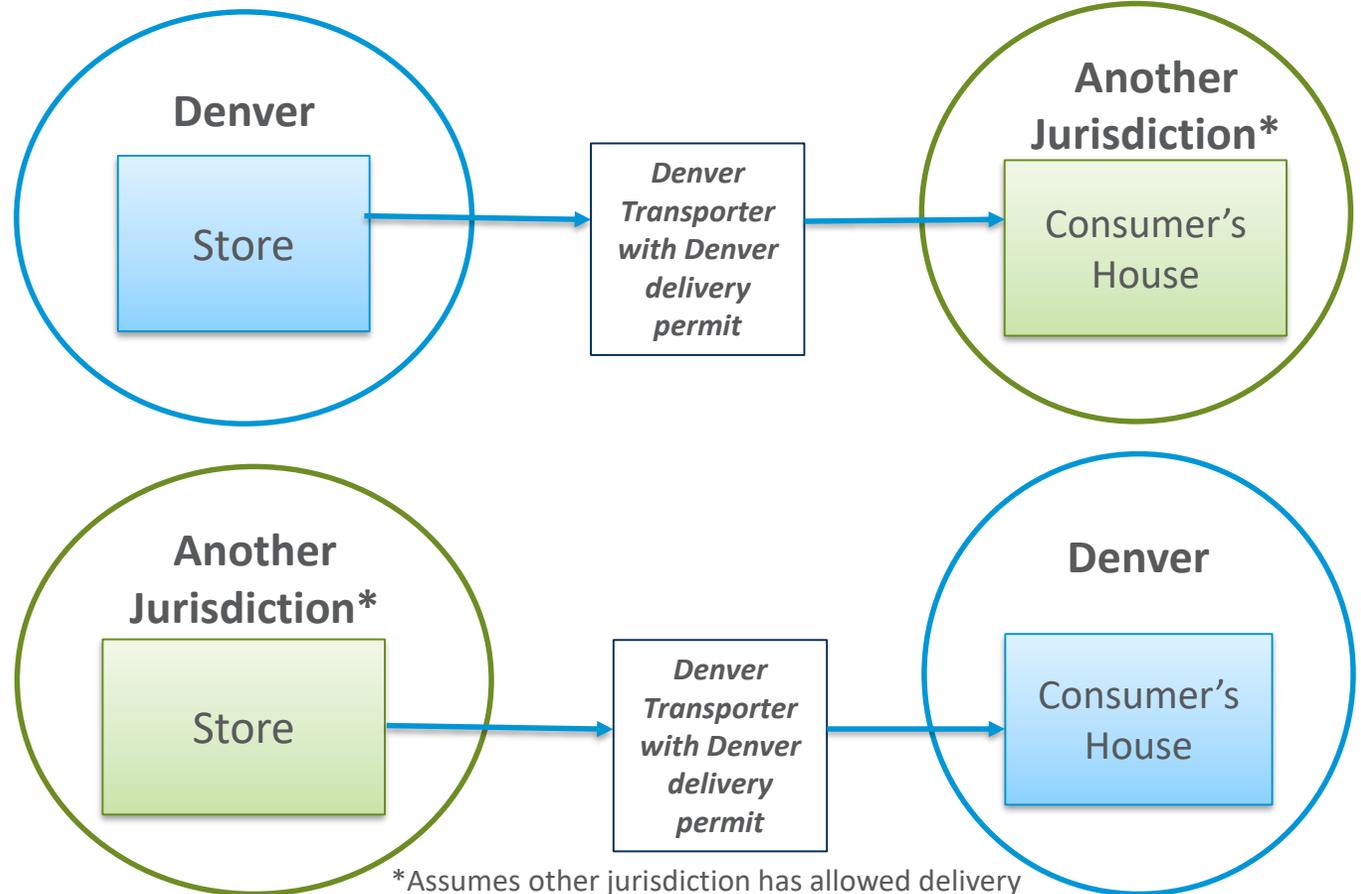
# Where can marijuana be delivered?

## Delivery within Denver



Licenses and permits issued by other cities are **not valid** in Denver. To deliver into Denver, you must have a valid Denver transporter license and Denver delivery permit.

## Cross-Jurisdictional Deliveries



\*Assumes other jurisdiction has allowed delivery

# Does a transporter need a licensed premises?

A transporter is **not** required to maintain a licensed premises in Denver. If you don't have a licensed premises anywhere, you only need one state transporter license.

However, state rules require a transporter to maintain a licensed premises if it:

- Temporarily stores any marijuana, or
- Modifies any information in the inventory tracking system-generated transport manifest.

In Denver, a transporter's licensed premises or associated off-premises storage facility may only be located in certain zone districts. Within these zone districts, the premises must be at least 500 feet from a residential zone district.

Denver Zoning Code Allowed Locations		
D-AS*	I-A*	M-GMX*
D-C*	I-B*	M-IMX-12*
D-CV*	I-MX-3*	M-IMX-5*
D-GT*	I-MX-5*	M-IMX-8*
D-LD*	I-MX-8*	
D-TD*		

Former Chapter 59 Zoning Code Allowed Locations			
B-4	B-8	I-1*	C-MU-30
B-5	B-8-A**	I-2*	
B-5-T	B-8-G**		
B-7			

# Operating Requirements

## Responsible Vendor Training

Stores and transporters must obtain a responsible vendor designation prior to conducting their first delivery.

- View the Marijuana Enforcement Division's [list of approved responsible vendor program providers](#).

## Hours of Operation

8:00 a.m. – 12:00 a.m.

- Stores may accept orders 24 hours a day but may only send orders out for delivery between 8:00 a.m. - 12:00 a.m.

## Delivery Orders

A medical marijuana or retail marijuana store may accept orders for delivery.

- Transporters may not accept orders for delivery.

## Payment

A medical marijuana or retail marijuana store may accept payment for delivery.

- Any legal method of payment is acceptable, including but not limited to gift card pre-payments, payment on delivery, pre-payment accounts established with the store, or online payment. Payment with an Electronic Benefits Transfer (EBT) Services Card is not permitted.

## Age Requirements

Patients and consumers must be at least 21 to order and receive a delivery.

- The parent or guardian of a patient under 18 may accept deliveries on the patient's behalf. Deliveries to patients ages 18-20 are not permitted.

# Verification of Patient and Age Identification

## Medical Marijuana

Prior to transferring the order, the Owner or Employee Licensee delivering medical marijuana to a patient or a patient's parent or guardian must:

- ✓ Inspect the patient's or parent's or guardian's identification and registry identification card;
- ✓ Verify the possession of a valid registry identification card;
- ✓ Verify that the information provided at the time of order match the name and age on the patient's or parent or guardian's identification; and
- ✓ Verify that the identification and registry identification card belong to the person receiving the delivery.
- ✓ In Denver, you must use an electronic ID scanner to verify the ID presented as proof of age.

 [Learn more about what medical marijuana registry cards can look like.](#)

## Retail Marijuana

Prior to transferring the order, the Owner or Employee Licensee delivering retail marijuana to a consumer must:

- ✓ Verify that the person accepting the delivery has a valid ID demonstrating they are at least 21 years old. In Denver, you must use an electronic ID scanner to verify the ID.
- ✓ Verify that the person accepting the delivery is the same person that placed the order for delivery.

*If any of these cannot be verified, refuse to complete the delivery and return it to the store or off-premises storage facility from which it came.*

# Daily Quantity Limits

## Medical Marijuana

2 ounces of marijuana

40 grams of marijuana concentrate (8 grams effective Jan. 1, 2022)

Products containing up to 20,000 mg of THC

## Retail Marijuana

1 ounce of marijuana

8 grams of marijuana concentrate

Products containing no more than ten 80 mg servings of THC

- Limits apply individually or in any combination.
- Limit is per business day.
- A licensee may not deliver to a consumer, patient, parent or guardian, or private residence where the licensee knows or reasonably should know has already received a delivery that same business day. This restriction applies even if a person placed a delivery order for less than the total delivery limit.

# Delivery Motor Vehicle Requirements

## What is a Delivery Motor Vehicle?

“Delivery Motor Vehicle” means any self-propelled vehicle that is designed primarily for travel on the public highways, that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle that is used for delivery of Regulated Marijuana to patients or consumers; except that the term does not include electric assisted bicycles, wheelchairs, or vehicles moved solely by human power.

- ✓ Must be registered in the State of Colorado and insured.
- ✓ Must have a tracking system capable of recording the route taken by the vehicle while conducting deliveries that can be accessed remotely in real-time by the store or transporter. (Real-time location of the vehicle cannot be displayed to patients or consumers.)
- ✓ Must not have any external markings, words, or symbols that indicate the vehicle is used for delivery or is owned or leased by a marijuana business.
- ✓ Must be equipped with a security alarm system.
- ✓ Must have a secure, locked, opaque storage compartment that is securely affixed to the vehicle for the purpose of securing marijuana.

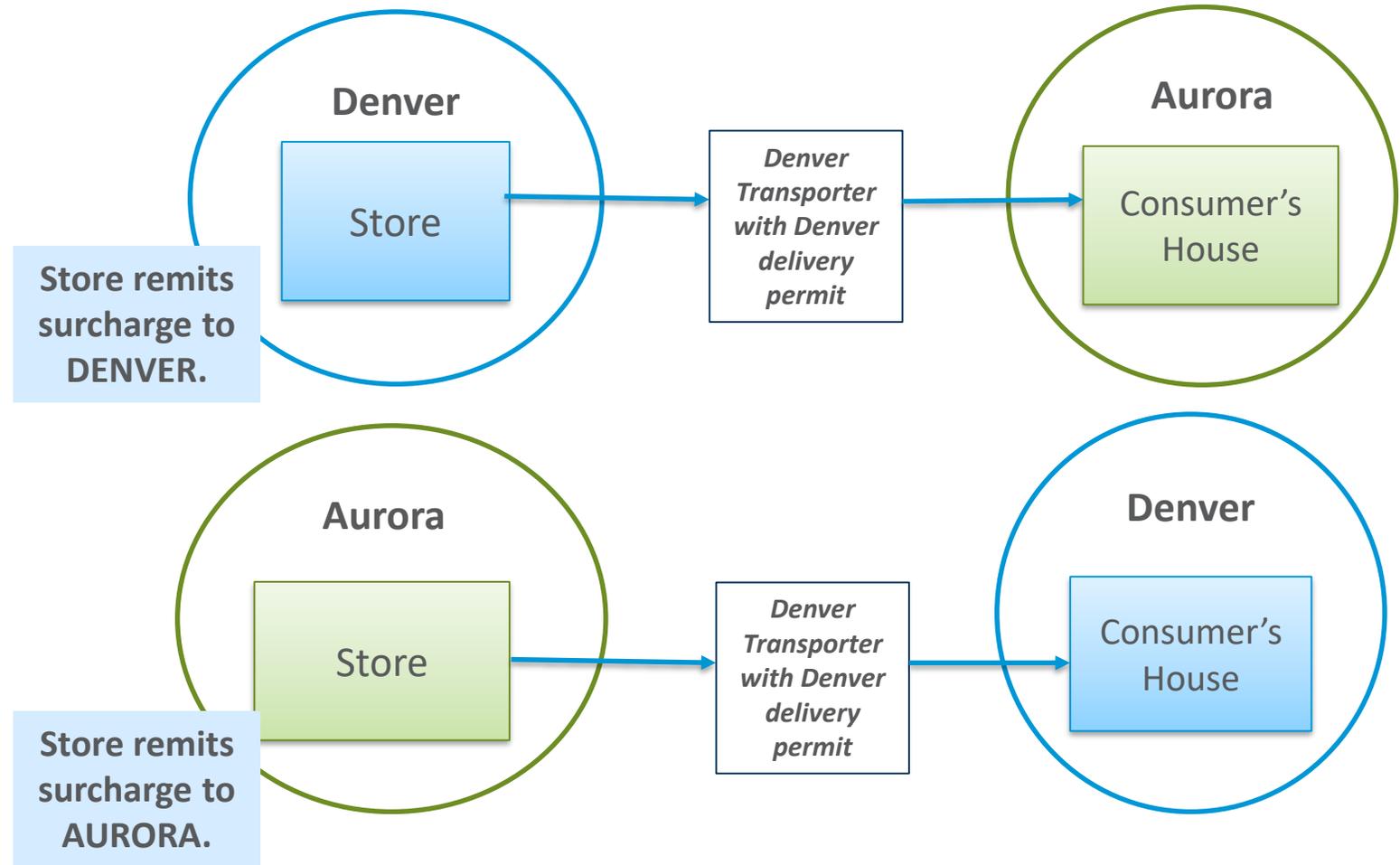
# Delivery Motor Vehicle Requirements

- ✓ Must be equipped with video surveillance that records the marijuana storage compartment and the front view of the vehicle. (Video surveillance must be kept for at least 40 days.)
- ✓ An enclosed delivery vehicle may not contain more than \$5,000 in retail value of marijuana. (Denver requirement)
- ✓ A non-enclosed delivery vehicle may not contain more than \$2,000 in retail value of marijuana.
- ✓ Must keep receipts for each item in the vehicle.
- ✓ Only persons with an Employee License or Owner License identified on the transport manifest may occupy a delivery motor vehicle while conducting deliveries.

Review the Marijuana Enforcement Division's [Delivery Compliance Checklist](#) and MED Rules to ensure you comply with all requirements for Delivery Motor Vehicles.

# Delivery Surcharge

- State law requires stores to collect a \$1 surcharge on every delivery.
- Each month, stores must remit revenue from the \$1 surcharge to the jurisdiction where the store is located (origin).
- Stores will be able to pay the surcharge using a payment portal on Excise & Licenses' website. No in-person payments will be accepted.



# Application Process

## Who can apply for a delivery permit?

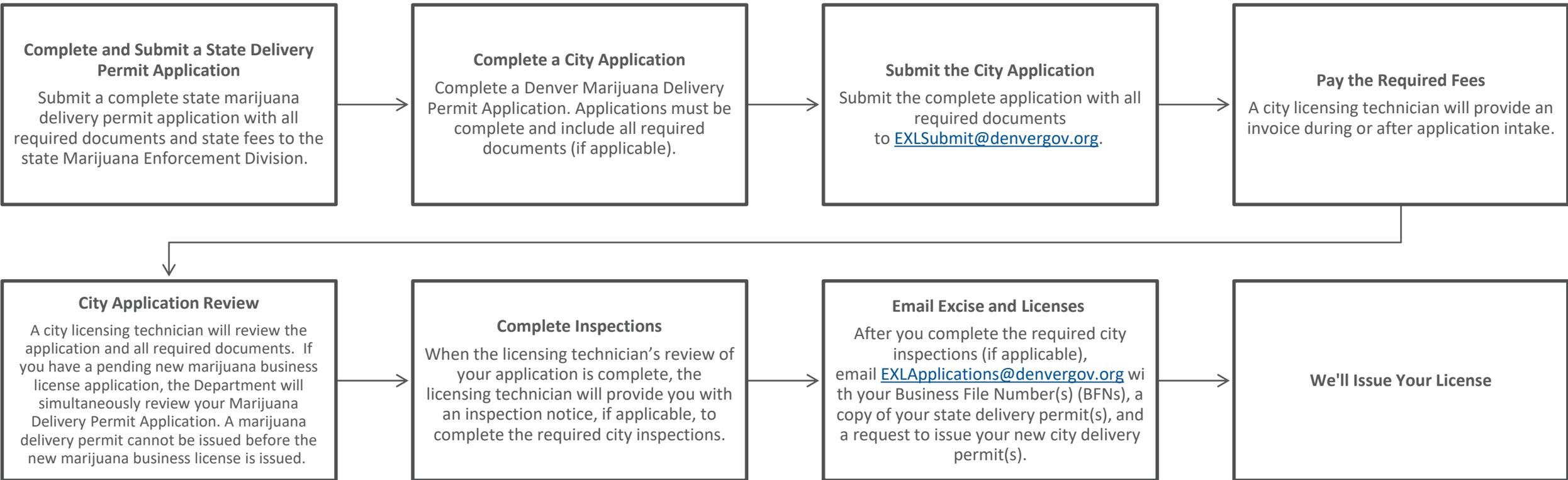
- New retail and medical marijuana transporter licensees that qualify as Social Equity Licensees
- Retail and medical marijuana store licensees

## To apply for a delivery permit, you must:

- Have an active marijuana store license in Denver; or
- Have submitted new state and Denver marijuana business license applications for a new marijuana store or transporter license; or
- Have an active state transporter license and have submitted a new Denver transporter license application.

*You may apply for a state and city delivery permit at the same time you submit new state and city marijuana business license applications.*

# Application Process



Visit Denver's [Delivery Permit Application website](#) for more details.

# Local Fees

License Type	Fee Type	Fee for Non-Social Equity Applicants	Fee for Social Equity Applicants
Medical marijuana transporter	Application fee (one-time)	\$2,000	\$0
	License fee (annual)	\$3,000	\$1,500
Retail marijuana transporter	Application fee (one-time)	N/A	N/A
	License fee (annual)	\$5,000	\$2,500 (\$0 for first year)
Medical marijuana delivery permit	Application fee (one-time)	\$500	\$0
	License fee (annual)	\$2,000	\$2,000
Retail marijuana delivery permit	Application fee (one-time)	\$500	\$0
	License fee (annual)	\$2,000	\$2,000

*This reflects fees collected by the City of Denver. Please contact the state Marijuana Enforcement Division for information about state fees.*

# Resources

## DENVER RESOURCES

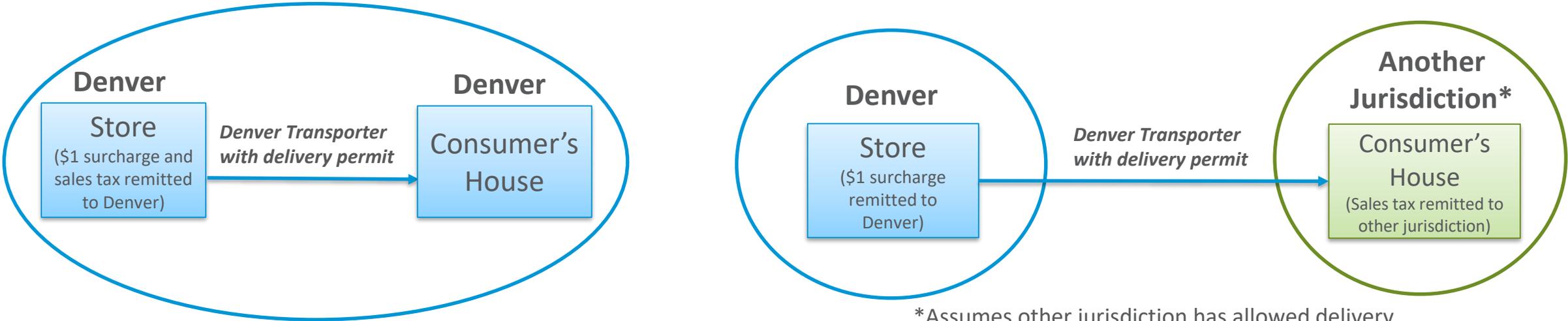
- Read [Denver's Marijuana Code](#) (D.R.M.C. Chapter 6, Article V).
- Visit the Denver [Marijuana Social Equity](#) webpage.
- Visit the Denver [Medical and Retail Marijuana Licenses and Permits](#) webpage.
- Subscribe to Denver's [Marijuana Information Bulletin](#).

## STATE RESOURCES

- Read the Colorado Marijuana Enforcement Division's (MED) [Regulated Marijuana Rules](#) (under **Currently Effective Rules**).
- Visit the MED's [Applications and Forms](#) webpage.
- Visit the MED'S [Social Equity](#) webpage and read their [Social Equity FAQs](#).
- Visit the MED's [Compliance Tools](#) webpage.
- Review the MED's [Regulated Marijuana Delivery Checklist](#).
- Watch a recording of the MED's [Delivery Town Hall](#).
- Read the MED's Industry Bulletin 21-03, [Regulated Marijuana Delivery FAQs](#).
- Subscribe to the MED's [email list](#).

# Delivery Taxes - Stores

**Sales Tax:** Stores must pay sales tax on deliveries to the jurisdiction where the delivery was made (destination). Denver stores who have a delivery permit and are delivering to non-Denver addresses need to contact the destination jurisdiction for sales tax licensing requirements. Non-Denver stores who are using a Denver-licensed transporter to deliver into Denver need to get a sales tax license with the City and County of Denver Treasury. To verify addresses as Denver or non-Denver you may lookup information on <https://colorado.ttr.services/>. [Learn more about marijuana taxation in Denver.](#)



# Delivery Taxes - Transporters

Because stores process orders and payments for delivery, they are responsible for the \$1 surcharge and sales tax. Transporters are not responsible for the surcharge or sales tax. **Transporters are responsible for Occupational Privilege Tax (OPT).**

- Occupational Privilege Tax (OPT) has two components, the Business OPT and the Employee OPT.
- There is no additional fee for the OPT license registration. Transporters may use [eBiz](#) to create their online profile for filing the tax due.
- Transporters who are sole proprietors and have no employees need an annual OPT license to file the Business OPT which will cost \$48.00 per year (\$4.00 per month times 12 months) and is due in January.
  - Any entity which performs any business, trade, occupation, or profession of any kind, is liable for a minimum of \$4.00 per month for each month in which that entity has any activity in Denver related to its business, trade, occupation, or profession, regardless of whether a permanent location is maintained in Denver.
- Transporters who have employees may register for a quarterly OPT license if they have less than 10 employees per month and a monthly license for reporting OPT for more than 10 applicable employees.
  - Employees who earn \$500 or more in wages or compensation in a month in Denver are applicable to the Employee OPT withholding of \$5.75, plus the employer will remit an additional Business OPT of \$4.00 per applicable employee for a total of \$9.75 per employee per month.
- The \$500 earnings test does not apply to owners or partners who file as a partnership or disregarded entity with the IRS since they are not employees.
- Transporters who are employed by a store, who already reports the transporter as an employee on their own OPT accounts and do not have their own transporter business are not required to report and get licensed for an additional OPT license.
- [Learn more about OPT in Denver.](#)

# Questions?

Denver

- If you have questions about Denver's licensing process, email [marijuanainfo@denvergov.org](mailto:marijuanainfo@denvergov.org).
- ¿Necesitas ayuda en español? Email [licenses@denvergov.org](mailto:licenses@denvergov.org)

State

If you have questions about the state's licensing process, use the Colorado Marijuana Enforcement Division's [inquiry form](#).

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# Q&A

- Please use the “raise hand” feature to ask a question live.
- To ensure everyone has an opportunity to speak, each speaker is limited to one question. You may raise your hand to get back in the queue.
- You may also type questions in the Q&A box and we will try to get to them after the live questions.