

HB1230\_L.014

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1230 be amended as follows:

1 Amend reengrossed bill, page 19, after line 25 insert:

2 "SECTION 8. In Colorado Revised Statutes, **add** 44-12-802 as  
3 follows:

4 **44-12-802. Civil liability - legislative declaration - definition.**

5 (1) AS USED IN THIS SECTION, "LICENSEE" MEANS A MARIJUANA  
6 HOSPITALITY ESTABLISHMENT OR A RETAIL MARIJUANA HOSPITALITY AND  
7 SALES ESTABLISHMENT LICENSED UNDER THE PROVISIONS OF THIS ARTICLE  
8 12 AND THE AGENTS OF THE LICENSEE.

9 (2) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND  
10 DECLARES THAT IN CERTAIN CASES THE CONSUMPTION OF MARIJUANA  
11 RATHER THAN THE SALE, SERVICE, OR PROVISION THEREOF IS THE  
12 PROXIMATE CAUSE OF INJURIES OR DAMAGES INFLICTED UPON ANOTHER  
13 BY AN INTOXICATED PERSON, EXCEPT AS OTHERWISE PROVIDED IN THIS  
14 SECTION.

15 (3) (a) NO LICENSEE IS CIVILLY LIABLE TO ANY INJURED  
16 INDIVIDUAL OR HIS OR HER ESTATE FOR ANY INJURY TO THE INDIVIDUAL OR  
17 DAMAGE TO ANY PROPERTY SUFFERED BECAUSE OF THE INTOXICATION OF  
18 ANY PERSON DUE TO THE SALE OR SERVICE OF ANY MARIJUANA TO THE  
19 PERSON, EXCEPT WHEN:

20 (I) IT IS PROVEN THAT THE LICENSEE WILLFULLY AND KNOWINGLY  
21 SOLD OR SERVED ANY MARIJUANA TO THE PERSON WHO WAS UNDER  
22 TWENTY-ONE YEARS OF AGE OR WHO WAS VISIBLY INTOXICATED; AND

23 (II) THE CIVIL ACTION IS COMMENCED WITHIN ONE YEAR AFTER  
24 THE SALE OR SERVICE.

25 (b) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO THIS  
26 SUBSECTION (3) BY THE PERSON TO WHOM THE MARIJUANA WAS SOLD OR  
27 SERVED OR BY HIS OR HER ESTATE, LEGAL GUARDIAN, OR DEPENDENT.

28 (c) (I) IN ANY CIVIL ACTION BROUGHT PURSUANT TO THIS  
29 SUBSECTION (3), THE TOTAL LIABILITY IN ANY SUCH ACTION SHALL NOT  
30 EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS ADJUSTED PURSUANT  
31 TO SUBSECTION (3)(c)(II) OF THIS SECTION.

32 (II) (A) THE LIMITATIONS ON DAMAGES SET FORTH IN SUBSECTION  
33 (3)(c)(I) OF THIS SECTION MUST BE ADJUSTED FOR INFLATION AS OF  
34 JANUARY 1, 2020, AND EACH JANUARY 1 EVERY TWO YEARS THEREAFTER.  
35 THE ADJUSTMENTS MADE ON JANUARY 1, 2020, AND EACH JANUARY 1  
36 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE  
37 ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE  
38 EFFECTIVE DATE OF THE DAMAGES LIMITATIONS IN SUBSECTION (3)(c)(I)  
39 OF THIS SECTION. THE ADJUSTMENTS MADE PURSUANT TO THIS  
40 SUBSECTION (3)(c)(II)(A) MUST BE ROUNDED UPWARD OR DOWNWARD TO  
41 THE NEAREST TEN-DOLLAR INCREMENT.