

HB1230\_L.015

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1230 be amended as follows:

1 Amend proposed committee amendment (HB1230\_L.010), page 10, after  
2 line 32 insert:

3 "SECTION 22. In Colorado Revised Statutes, add 44-10-1102  
4 as follows:

5 **44-10-1102. Civil liability - legislative declaration - definition.**

6 (1) AS USED IN THIS SECTION, "LICENSEE" MEANS A MARIJUANA  
7 HOSPITALITY BUSINESS OR A RETAIL MARIJUANA HOSPITALITY AND SALES  
8 BUSINESS LICENSED UNDER THE PROVISIONS OF THIS ARTICLE 10 AND THE  
9 AGENTS OF THE LICENSEE.

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

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

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

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

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

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

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