



## Colorado Department of Revenue Suggested Revision to Rules and Regulations



This form is provided to suggest rule changes to the Divisions of the Department of Revenue  
*This form must be completed in its entirety, prior to submission for consideration by the Division.*

### Basic justification for suggested change:

The proposed regulations are problematic for a variety of reasons. First and foremost, it treats different types of advertising mediums differently. There is no reason that radio and television stations should be subject to different restrictions than other advertising mediums by the State of Colorado.

Secondly, the framers of Amendment 64 stated that the intent of the proposal was to regulate marijuana in the same way that alcohol is regulated. There should not be restrictions on marijuana advertising that is more restrictive than on alcohol advertising.

Additionally, radio and television stations are licensed by the Federal Communications Commission and subject to federal oversight. It is not appropriate for the state to impose regulations on them.

It is appropriate for the State of Colorado to prohibit deceptive, false or misleading statements (as suggested in R1102). Regulations that treat different advertising mediums to meet that requirement differently constitute an indefensible disparity that is unfair, bad regulatory policy and of questionable constitutionality.

### Examples when the current rule caused a problem/confusion:

*Please provide real life examples*

As these are new rules, they have not caused a current problem or confusion. Prospectively, rules that treat advertising on radio and television differently and more restrictively than other mediums is unfair, bad regulatory policy and of questionable constitutionality.

**For Department Use Only**

Tracking #

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### Explain how the change would affect/benefit the industry:

Our proposed suggestion to strike R 1104 and 1105 would benefit the industry by the establishment of a regulatory process for advertising that does not treat different advertising mediums differently, does not contain regulatory requirements that (as in version two) cannot be reasonably established and does not contain provisions that are unfair, bad regulatory policy and of questionable constitutionality.

### Explain how the change would affect/benefit the Division impacted:

The suggested changes to eliminate R 1104 and 1105 will benefit the Division as it will not be required to implement regulatory provisions in version two that would be difficult at best to prove. More importantly, the elimination of R 1104 and 1105 will not put the Division in the position of needing to defend rules that provide for disparate treatment both by the advertising medium and by the product being advertised against inevitable constitutional challenges.

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### Explain how the change would affect/benefit the public:

*ex: making the rules easier to understand, increasing efficiency/ effectiveness, fairness, etc.*

The public will benefit because the State of Colorado will not be implementing rules that are inherently unfair and of questionable constitutionality. The public will benefit if its state government is not defending lawsuits against rules that are unfair, bad regulatory policy and of questionable constitutionality.

### List any documents you have to support the proposed rule change:

Not applicable.

You will be notified via email or mail once a disposition has been determined by the Division. If email is not available please complete contact information below:

### Mailing Address

Street Address	City	State	Zip
333 W. Hampden Avenue #620	Englewood	CO	80110

Please return this request by email to: [dor\\_ruleform@state.co.us](mailto:dor_ruleform@state.co.us) or by mailing the request to the following address:

Colorado Department of Revenue  
Executive Director's Office  
RE: Rules  
1375 Sherman Street, Room 409  
Denver, Colorado 80261

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Reviewer Name	Reviewer Title	Date Reviewed
<p>Disposition:</p> <p><input type="checkbox"/> To be submitted for consideration of rule change</p> <p><input type="checkbox"/> Denied (i.e. conflicts with state statute, exceeds funding or resources limits, needs additional clarification or justification, etc.) <i>See comments</i></p>		
<p><b>Comments:</b></p>		
		<p><b>For Department Use Only</b></p> <p>Tracking #</p>