

CLSB109.002

DRAFT
4.21.10

FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON SB10-109

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your second conference committee appointed on SB10-109,
concerning regulation of the physician-patient relationship for medical
marijuana patients, and making appropriations in connection therewith,
has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 6, line 1, before "CONDITION" insert
"MEDICAL".

Page 9, strike lines 5 through 27 and substitute:

~~"(2)~~ (7) **Fees - repeal.** (a) The ~~department~~ STATE HEALTH
AGENCY may collect fees from patients who, pursuant to section 14 of
article XVIII of the state constitution, apply to the medical marijuana
program established by such section for a marijuana registry identification
CARD for the purpose of offsetting the ~~department's~~ STATE HEALTH
AGENCY'S direct and indirect costs of administering the program. The
amount of ~~such~~ THE fees shall be set by rule of the ~~state board of health~~
STATE HEALTH AGENCY. THE STATE HEALTH AGENCY SHALL ALSO
PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM INDIGENCE AS IT



RELATES TO PAYING THE FEE APPROVED PURSUANT TO THIS SUBSECTION (7). THE RULES SHALL ESTABLISH THE STANDARD FOR INDIGENCE, THE PROCESS THE STATE HEALTH AGENCY SHALL USE TO DETERMINE WHETHER A PATIENT WHO CLAIMS INDIGENCE MEETS THE STANDARD FOR INDIGENCE, AND THE PROCESS FOR GRANTING A WAIVER IF THE STATE HEALTH AGENCY DETERMINES THAT THE PATIENT MEETS THE STANDARD FOR INDIGENCE. All fees collected by the ~~department~~ STATE HEALTH AGENCY through the medical marijuana program shall be transferred to the state treasurer who shall credit the same to the medical marijuana program cash fund, which fund is hereby created.

(b) (I) THE FEES COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) MAY BE USED FOR THE STATE BOARD OF MEDICAL EXAMINERS' DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

~~(3)~~ (8) **Cash fund - repeal.** (a) The medical marijuana program cash fund shall be subject to annual appropriation by the general assembly to the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing, operating, and maintaining the medical marijuana program. ~~established by section 14 of article XVIII of the state constitution.~~ All moneys credited to the medical marijuana program cash fund and all interest derived from the deposit of such moneys that are not expended during the fiscal year shall be retained in the fund for future use and shall not be credited or transferred to the general fund or any other fund.

(b) Notwithstanding any provision of paragraph (a) of this subsection ~~(3)~~ (8) to the contrary, on April 20, 2009, the state treasurer shall deduct two hundred fifty-eight thousand seven hundred thirty-five dollars from the medical marijuana program cash fund and transfer such sum to the general fund.

(c) (I) THE STATE HEALTH AGENCY SHALL TRANSFER FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND TO THE DEPARTMENT OF



REGULATORY AGENCIES FOR ALLOCATION TO THE STATE BOARD OF MEDICAL EXAMINERS MONIES TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012."

Page 10, strike lines 1 and 2.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 14, strike "A" and substitute "AN APPROPRIATE".

Page 10, after line 2, insert:

"(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019."

Page 12, after line 19 insert:

"SECTION 6. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such



invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable."

Renumber succeeding section accordingly.

