

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 10-0773.02 Michael Dohr

HOUSE BILL 10-1284

HOUSE SPONSORSHIP

Massey and Summers, McCann, Rice

SENATE SPONSORSHIP

Romer and Spence,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REGULATION OF MEDICAL MARIJUANA.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1. The bill creates the medical marijuana licensing authority (state licensing authority) in the department of revenue. The state licensing authority grants, refuses, or renews a medical marijuana center license after the licensee has received local approval. The state licensing authority also administers aspects of medical marijuana licensure, including rulemaking. Many of the functions and duties of the state licensing authority are similar to those held by the state licensing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

authority for alcoholic beverages.

Section 2. Under the bill, the department of public health and environment (department) will promulgate new rules related to standards for issuing registry identification cards, documentation for physicians who prescribe medical marijuana, and sanctions for physicians who violate the bill.

A physician who certifies that a patient can use medical marijuana shall certify certain information to the department and maintain a record-keeping system for his or her medical marijuana patients. A physician who certifies that a patient can use medical marijuana shall not receive remuneration from or offer it to a primary caregiver, distributor, or any other provider of medical marijuana.

The bill requires patients under 21 years of age who want to be registered medical marijuana patients to receive recommendations from 2 doctors.

A primary caregiver may serve no more than 5 patients on the registry at one time, unless the department allows more patients due to exceptional circumstances.

A patient who is permitted to use medical marijuana must have in his or her possession a registry identification card at all times when in possession of medical marijuana.

The bill lists various places and situations in which the patient or primary caregiver may not use or possess medical marijuana. A physician who certifies that a patient can use medical marijuana may not receive remuneration from a primary caregiver related to medical marijuana or from a medical marijuana center.

The bill imposes a one-year moratorium on the opening of new medical marijuana centers, but allows current medical marijuana centers to operate for a year before becoming licensed.

Section 3. The bill provides an exception to the adulterated food offenses for medical marijuana centers that manufacture or sell food that contains medical marijuana if the food is labeled as containing medical marijuana and the label specifies the amount of medical marijuana.

Sections 4, 5, and 6 make conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 43.3**
5 **Medical Marijuana**

1 PART 1

2 MEDICAL MARIJUANA LICENSING AUTHORITY

3 **12-43.3-101. State licensing authority - creation.** (1) FOR THE
4 PURPOSE OF REGULATING AND CONTROLLING THE LICENSING OF THE
5 CULTIVATION, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA IN THIS
6 STATE, THERE IS HEREBY CREATED THE MEDICAL MARIJUANA LICENSING
7 AUTHORITY, WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE
8 DEPARTMENT OF REVENUE, REFERRED TO IN THIS ARTICLE AS THE
9 "DEPARTMENT", OR THE DEPUTY DIRECTOR OF THE DEPARTMENT IF THE
10 EXECUTIVE DIRECTOR SO DESIGNATES.

11 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL BE THE
12 CHIEF ADMINISTRATIVE OFFICER OF THE MEDICAL MARIJUANA LICENSING
13 AUTHORITY AND MAY EMPLOY, PURSUANT TO SECTION 13 OF ARTICLE XII
14 OF THE STATE CONSTITUTION, SUCH CLERKS AND INSPECTORS AS THE
15 EXECUTIVE DIRECTOR MAY DETERMINE TO BE NECESSARY.

16 **12-43.3-102. Duties of state licensing authority - rules.**

17 (1) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL:

18 (a) AFTER A MEDICAL MARIJUANA CENTER HAS OBTAINED LOCAL
19 APPROVAL, GRANT, REFUSE, OR RENEW A MEDICAL MARIJUANA CENTER
20 LICENSE FOR THE CULTIVATION, DISTRIBUTION, AND SALE OF MEDICAL
21 MARIJUANA AS PROVIDED BY LAW AND SUSPEND OR REVOKE THE LICENSE
22 UPON A VIOLATION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO
23 THIS ARTICLE;

24 (b) PROMULGATE GENERAL RULES AND MAKE SPECIAL RULINGS
25 AND FINDINGS AS NECESSARY FOR THE PROPER REGULATION AND CONTROL
26 OF THE CULTIVATION, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA
27 AND FOR THE ENFORCEMENT OF THIS ARTICLE;

1 (c) HEAR AND DETERMINE AT A PUBLIC HEARING ALL COMPLAINTS
2 AGAINST A MEDICAL MARIJUANA CENTER AND ADMINISTER OATHS AND
3 ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF PERSONS AND
4 PRODUCTION OF PAPERS, BOOKS, AND RECORDS NECESSARY TO THE
5 DETERMINATION OF ANY HEARING SO HELD;

6 (d) KEEP COMPLETE RECORDS OF ALL ACTS AND TRANSACTIONS OF
7 THE MEDICAL MARIJUANA LICENSING AUTHORITY, ALL OF WHICH RECORDS
8 SHALL BE AVAILABLE FOR INSPECTION BY THE DEPARTMENT AND LAW
9 ENFORCEMENT AGENCIES AND WHICH RECORDS, EXCEPT CONFIDENTIAL
10 REPORTS OBTAINED FROM THE MEDICAL MARIJUANA CENTER LICENSEE
11 SHOWING THE SALES VOLUME OR QUANTITY OF MEDICAL MARIJUANA
12 SOLD, SHALL BE OPEN FOR INSPECTION BY THE PUBLIC;

13 (e) PREPARE AND TRANSMIT ANNUALLY, IN THE FORM AND
14 MANNER PRESCRIBED BY THE HEADS OF THE PRINCIPAL DEPARTMENTS
15 PURSUANT TO SECTION 24-1-136, C.R.S., A REPORT ACCOUNTING TO THE
16 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES
17 ASSIGNED BY LAW OR DIRECTIVE TO THE MEDICAL MARIJUANA LICENSING
18 AUTHORITY;

19 (f) DETERMINE THE AMOUNT OF THE STATE LICENSE FEE; AND

20 (g) MAKE A REQUEST BY JANUARY 1, 2012, TO THE FEDERAL DRUG
21 ENFORCEMENT ADMINISTRATION TO CONSIDER RESCHEDULING, FOR
22 PHARMACEUTICAL PURPOSES, MARIJUANA FROM A SCHEDULE I
23 CONTROLLED SUBSTANCE TO A SCHEDULE II CONTROLLED SUBSTANCE.

24 (2) (a) RULES PROMULGATED PURSUANT TO THIS ARTICLE SHALL
25 ADDRESS, BUT NEED NOT BE LIMITED TO, THE FOLLOWING SUBJECTS
26 RELATED TO MEDICAL MARIJUANA:

27 (I) COMPLIANCE WITH, ENFORCEMENT OF, OR VIOLATION OF ANY

1 PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO
2 THIS ARTICLE INCLUDING PROCEDURES AND GROUNDS FOR SUSPENDING OR
3 REVOKING THE LICENSE OF A MEDICAL MARIJUANA CENTER;

4 (II) SPECIFICATION OF THE DUTIES OF THE OFFICERS AND
5 EMPLOYEES OF THE MEDICAL MARIJUANA LICENSING AUTHORITY;

6 (III) INSTRUCTIONS FOR LOCAL LICENSING AUTHORITIES AND LAW
7 ENFORCEMENT OFFICERS;

8 (IV) ALL FORMS NECESSARY OR CONVENIENT FOR THE
9 ADMINISTRATION OF THIS ARTICLE;

10 (V) MISREPRESENTATION, UNFAIR PRACTICES, AND UNFAIR
11 COMPETITION;

12 (VI) DEVELOPMENT OF INDIVIDUAL IDENTIFICATION CARDS FOR
13 OWNERS, OFFICERS, AND EMPLOYEES OF ENTITIES LICENSED PURSUANT TO
14 THIS ARTICLE, INCLUDING A FINGERPRINT-BASED CRIMINAL HISTORY
15 RECORD CHECK OR A NAME-BASED CRIMINAL HISTORY RECORD CHECK IF
16 THE APPLICANT'S FINGERPRINTS ARE UNCLASSIFIABLE PRIOR TO ISSUING
17 THE CARD;

18 (VII) REGULATION OF STORAGE, WAREHOUSES, AND
19 TRANSPORTATION;

20 (VIII) HEALTH AND SANITARY REQUIREMENTS;

21 (IX) PRACTICES DESIGNED TO AVOID AN UNDUE INCREASE IN THE
22 CONSUMPTION OF MEDICAL MARIJUANA;

23 (X) THE FORM AND CONTENT OF THE LICENSE, IDENTIFICATION
24 CARD, AND RENEWAL APPLICATIONS;

25 (XI) RECORD-KEEPING AND AUDIT REQUIREMENTS FOR MEDICAL
26 MARIJUANA CENTERS;

27 (XII) SECURITY REQUIREMENTS FOR MEDICAL MARIJUANA

1 CENTERS THAT AT A MINIMUM INCLUDE LIGHTING AND ALARMS;
2 (XIII) STATE LICENSING PROCEDURES, INCLUDING RENEWALS, THE
3 FORM AND CONTENT OF LICENSING APPLICATIONS AND LICENSES, AND
4 LICENSING FEES;
5 (XIV) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES TAX
6 PAYMENTS BY MEDICAL MARIJUANA CENTERS;
7 (XV) UNLAWFUL FINANCIAL ARRANGEMENTS BETWEEN LICENSED
8 MEDICAL MARIJUANA CENTERS;
9 (XVI) AUTHORIZATION FOR THE DEPARTMENT TO HAVE ACCESS TO
10 LICENSING INFORMATION TO ENSURE INCOME TAX PAYMENT;
11 (XVII) WHAT CONSTITUTES GOOD MORAL CHARACTER PURSUANT
12 TO SECTION 12-43.3-301 (1) (a) (I);
13 (XVIII) THE SIZE, DIMENSIONS, AND ACCEPTABLE COLORS FOR A
14 MEDICAL MARIJUANA CENTER SIGN AUTHORIZED PURSUANT TO SECTION
15 12-43.3-305 (5); AND
16 (XIX) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,
17 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
18 ARTICLE.
19 (b) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS
20 DELEGATING TO THE MEDICAL MARIJUANA LICENSING AUTHORITY THE
21 AUTHORITY TO FIX PRICES;
22 (c) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT A
23 LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL
24 ACTIVITY IN RELATION TO A MEDICAL MARIJUANA CENTER.
25 (3) IN ANY HEARING HELD BY THE MEDICAL MARIJUANA LICENSING
26 AUTHORITY PURSUANT TO THIS ARTICLE, A PERSON MAY NOT REFUSE,
27 UPON REQUEST OF THE MEDICAL MARIJUANA LICENSING AUTHORITY, TO

1 TESTIFY OR PROVIDE OTHER INFORMATION ON THE GROUNDS OF
2 SELF-INCRIMINATION; BUT THE TESTIMONY OR OTHER INFORMATION
3 PRODUCED IN THE HEARING AND ANY INFORMATION DIRECTLY OR
4 INDIRECTLY DERIVED FROM THE TESTIMONY OR OTHER INFORMATION MAY
5 NOT BE USED AGAINST THE PERSON IN ANY CRIMINAL PROSECUTION BASED
6 ON A VIOLATION OF THIS ARTICLE EXCEPT A PROSECUTION FOR PERJURY IN
7 THE FIRST DEGREE COMMITTED IN SO TESTIFYING. CONTINUED REFUSAL
8 TO TESTIFY OR PROVIDE OTHER INFORMATION SHALL CONSTITUTE
9 GROUNDS FOR SUSPENSION OR REVOCATION OF A MEDICAL MARIJUANA
10 CENTER LICENSE GRANTED PURSUANT TO THIS ARTICLE.

11 **12-43.3-103. License.** (1) FOR THE PURPOSE OF REGULATING THE
12 CULTIVATION, SALE, AND DISTRIBUTION OF MEDICAL MARIJUANA, THE
13 MEDICAL MARIJUANA LICENSING AUTHORITY IN ITS DISCRETION, UPON
14 APPLICATION IN THE PRESCRIBED FORM MADE TO IT, MAY ISSUE AND
15 GRANT TO THE APPLICANT A MEDICAL MARIJUANA CENTER LICENSE,
16 SUBJECT TO THE PROVISIONS AND RESTRICTIONS PROVIDED BY THIS
17 ARTICLE.

18 (2) ALL LICENSES GRANTED PURSUANT TO THIS ARTICLE SHALL BE
19 VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF ISSUANCE UNLESS
20 REVOKED OR SUSPENDED PURSUANT TO SECTION 12-43.3-401.

21 **12-43.3-104. Medical marijuana center license cash fund.** ALL
22 MONEYS COLLECTED PURSUANT TO THIS ARTICLE SHALL BE TRANSMITTED
23 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE MEDICAL
24 MARIJUANA CENTER LICENSE CASH FUND, WHICH FUND IS HEREBY
25 CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE
26 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
27 THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND

1 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY
2 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE
3 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL
4 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
5 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
6 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
7 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
8 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

9 PART 2

10 STATE AND LOCAL LICENSING PROCESS

11 **12-43.3-201. Local authority - applications.** PRIOR TO
12 SUBMITTING AN APPLICATION TO THE MEDICAL MARIJUANA LICENSING
13 AUTHORITY FOR A LICENSE DESCRIBED IN SECTION 12-43.3-103, AN
14 APPLICANT SHALL FILE AN APPLICATION FOR APPROVAL WITH THE
15 APPROPRIATE LOCAL LICENSING AUTHORITY, INCLUDING A FEE
16 DETERMINED BY THE LOCAL LICENSING AUTHORITY, ON FORMS PROVIDED
17 BY THE MEDICAL MARIJUANA LICENSING AUTHORITY AND CONTAINING
18 SUCH INFORMATION AS THE MEDICAL MARIJUANA LICENSING AUTHORITY
19 MAY REQUIRE. EACH APPLICATION SHALL BE VERIFIED BY THE OATH OR
20 AFFIRMATION OF SUCH PERSONS AS ARE PRESCRIBED BY THE MEDICAL
21 MARIJUANA LICENSING AUTHORITY.

22 **12-43.3-202. Public notice - posting and publication - public**
23 **hearing.** (1) UPON RECEIPT OF AN APPLICATION, EXCEPT AN APPLICATION
24 FOR RENEWAL OR FOR TRANSFER OF OWNERSHIP, A LOCAL LICENSING
25 AUTHORITY SHALL SCHEDULE A PUBLIC HEARING ON THE APPLICATION NOT
26 LESS THAN THIRTY DAYS AFTER THE FILING DATE OF THE APPLICATION AND
27 SHALL POST AND PUBLISH THE PUBLIC NOTICE THEREOF NOT LESS THAN

1 TEN DAYS PRIOR TO THE HEARING. PUBLIC NOTICE SHALL BE GIVEN BY THE
2 APPLICANT POSTING A SIGN IN A CONSPICUOUS PLACE ON THE PREMISES
3 FOR WHICH APPLICATION HAS BEEN MADE AND BY PUBLICATION IN A
4 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
5 PREMISES ARE LOCATED.

6 (2) NOTICE GIVEN BY POSTING SHALL INCLUDE A SIGN OF SUITABLE
7 MATERIAL, NOT LESS THAN TWENTY-TWO INCHES WIDE AND TWENTY-SIX
8 INCHES HIGH, COMPOSED OF LETTERS NOT LESS THAN ONE INCH IN HEIGHT
9 AND STATING THE TYPE OF LICENSE APPLIED FOR, THE DATE OF THE
10 APPLICATION, THE DATE OF THE HEARING, AND THE NAME AND ADDRESS
11 OF THE APPLICANT, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED
12 TO FULLY APPRISE THE PUBLIC OF THE NATURE OF THE APPLICATION. IF
13 THE APPLICANT IS A PARTNERSHIP, THE SIGN SHALL CONTAIN THE NAMES
14 AND ADDRESSES OF ALL PARTNERS, AND IF THE APPLICANT IS A
15 CORPORATION, AN ASSOCIATION, OR ANOTHER ORGANIZATION, THE SIGN
16 SHALL CONTAIN THE NAMES AND ADDRESSES OF THE PRESIDENT,
17 VICE-PRESIDENT, SECRETARY, AND MANAGER OR OTHER MANAGING
18 OFFICERS.

19 (3) NOTICE GIVEN BY PUBLICATION SHALL CONTAIN THE SAME
20 INFORMATION AS THAT REQUIRED FOR SIGNS.

21 (4) IF THE BUILDING IN WHICH THE MEDICAL MARIJUANA IS TO BE
22 SOLD IS IN EXISTENCE AT THE TIME OF THE APPLICATION, ANY SIGN POSTED
23 AS REQUIRED IN SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE
24 PLACED SO AS TO BE CONSPICUOUS AND PLAINLY VISIBLE TO THE GENERAL
25 PUBLIC. IF THE BUILDING IS NOT CONSTRUCTED AT THE TIME OF THE
26 APPLICATION, THE APPLICANT SHALL POST THE NOTICE ON THE PREMISES
27 UPON WHICH THE BUILDING IS TO BE CONSTRUCTED IN SUCH A MANNER

1 THAT THE NOTICE SHALL BE CONSPICUOUS AND PLAINLY VISIBLE TO THE
2 GENERAL PUBLIC.

3 (5) (a) AT THE PUBLIC HEARING HELD PURSUANT TO THIS SECTION,
4 EACH PARTY IN INTEREST SHALL BE ALLOWED TO PRESENT EVIDENCE AND
5 TO CROSS-EXAMINE WITNESSES.

6 (b) AS USED IN THIS SUBSECTION (5) AND IN SECTION 12-43.3-203,
7 "PARTY IN INTEREST" MEANS ANY OF THE FOLLOWING:

8 (I) THE APPLICANT;

9 (II) AN ADULT RESIDENT OF THE NEIGHBORHOOD UNDER
10 CONSIDERATION WHO DOES NOT REPRESENT A GROUP IDENTIFIED IN
11 SUBPARAGRAPH (V) OF THIS PARAGRAPH (b);

12 (III) THE OWNER OR MANAGER OF A BUSINESS LOCATED IN THE
13 NEIGHBORHOOD UNDER CONSIDERATION;

14 (IV) THE PRINCIPAL OR REPRESENTATIVE OF A SCHOOL OR DAY
15 CARE CENTER LOCATED WITHIN THE NEIGHBORHOOD AND WITHIN ONE
16 THOUSAND FEET OF THE PREMISES FOR WHICH A MEDICAL MARIJUANA
17 CENTER LICENSE IS UNDER CONSIDERATION;

18 (V) ONE REPRESENTATIVE OF AN ORGANIZED NEIGHBORHOOD
19 GROUP THAT ENCOMPASSES PART OR ALL OF THE NEIGHBORHOOD UNDER
20 CONSIDERATION FROM PRESENTING EVIDENCE SUBJECT TO THIS SECTION.

21 THE REPRESENTATIVE SHALL RESIDE WITHIN THE NEIGHBORHOOD GROUP'S
22 GEOGRAPHIC BOUNDARIES AND SHALL BE A MEMBER OF THE
23 NEIGHBORHOOD GROUP.

24 (VI) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT AGENCY.

25 (c) THE LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, MAY
26 LIMIT THE PRESENTATION OF EVIDENCE AND CROSS-EXAMINATION SO AS
27 TO PREVENT REPETITIVE AND CUMULATIVE EVIDENCE OR EXAMINATION.

1 **12-43.3-203. Results of local investigation - decision of**
2 **authorities.** (1) NOT LESS THAN FIVE DAYS PRIOR TO THE DATE OF THE
3 HEARING REQUIRED IN SECTION 12-43.3-202, THE LOCAL LICENSING
4 AUTHORITY SHALL MAKE KNOWN ITS FINDINGS, BASED ON THE
5 INFORMATION IN THE APPLICATION, IN WRITING TO THE APPLICANT AND A
6 PARTY IN INTEREST. THE LOCAL LICENSING AUTHORITY HAS AUTHORITY
7 TO REFUSE TO ISSUE AN APPROVAL FOR GOOD CAUSE, SUBJECT TO JUDICIAL
8 REVIEW.

9 (2) (a) BEFORE ENTERING A DECISION APPROVING OR DENYING AN
10 APPLICATION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER, EXCEPT
11 WHERE THIS ARTICLE SPECIFICALLY PROVIDES OTHERWISE:

12 (I) THE FACTS AND EVIDENCE ADDUCED AS A RESULT OF ITS
13 INVESTIGATION, AS WELL AS ANY OTHER FACTS;

14 (II) THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD FOR
15 THE TYPE OF LICENSE FOR WHICH APPLICATION HAS BEEN MADE;

16 (III) THE DESIRES OF THE ADULT INHABITANTS OF THE
17 NEIGHBORHOOD;

18 (IV) THE NUMBER, TYPE, AND AVAILABILITY OF MEDICAL
19 MARIJUANA OUTLETS LOCATED IN OR NEAR THE NEIGHBORHOOD UNDER
20 CONSIDERATION; AND

21 (V) ANY OTHER PERTINENT MATTERS AFFECTING THE
22 QUALIFICATIONS OF THE APPLICANT FOR THE CONDUCT OF THE TYPE OF
23 BUSINESS PROPOSED.

24 (b) THE LOCAL LICENSING AUTHORITY MAY, BUT IS NOT REQUIRED
25 TO, CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD
26 IN CONSIDERING THE CONVERSION OR TRANSFER OF A LICENSE.

27 (3) A DECISION OF THE LOCAL LICENSING AUTHORITY APPROVING

1 OR DENYING AN APPLICATION SHALL BE RELEASED IN WRITING STATING
2 THE REASONS FOR THE DECISION WITHIN THIRTY DAYS AFTER THE DATE OF
3 THE PUBLIC HEARING; EXCEPT THAT A LOCAL LICENSING AUTHORITY MAY
4 DELAY APPROVING AN APPLICATION IF NECESSARY UNDER THE PROVISIONS
5 OF SUBSECTION (4) OF THIS SECTION. THE LOCAL LICENSING AUTHORITY
6 SHALL SEND A COPY OF THE DECISION BY CERTIFIED MAIL TO THE
7 APPLICANT AT THE ADDRESS SHOWN IN THE APPLICATION. A DECISION
8 APPROVING A MEDICAL MARIJUANA CENTER LICENSE MAY INCLUDE A LIMIT
9 ON THE NUMBER OF PATIENTS THE CENTER MAY SERVE IN ORDER TO MEET
10 THE NEEDS AND NECESSITIES OF THE NEIGHBORHOOD.

11 (4) A LOCAL LICENSING AUTHORITY SHALL NOT APPROVE AN
12 APPLICATION UNTIL THE BUILDING IN WHICH THE BUSINESS IS TO BE
13 CONDUCTED IS READY FOR OCCUPANCY WITH THE FURNITURE, FIXTURES,
14 AND EQUIPMENT IN PLACE AS NECESSARY TO COMPLY WITH THE
15 APPLICABLE PROVISIONS OF THIS ARTICLE, AND THEN ONLY AFTER
16 INSPECTION OF THE PREMISES HAS BEEN MADE BY THE LOCAL LICENSING
17 AUTHORITY TO DETERMINE THAT THE APPLICANT HAS COMPLIED WITH THE
18 ARCHITECT'S DRAWING AND THE PLOT PLAN AND DETAILED SKETCH FOR
19 THE INTERIOR OF THE BUILDING SUBMITTED WITH THE APPLICATION.

20 (5) AFTER APPROVAL OF AN APPLICATION, THE LOCAL LICENSING
21 AUTHORITY SHALL NOTIFY THE MEDICAL MARIJUANA LICENSING
22 AUTHORITY OF THE APPROVAL, AND THE MEDICAL MARIJUANA AUTHORITY
23 SHALL INVESTIGATE AND EITHER APPROVE OR DISAPPROVE THE
24 APPLICATION FOR A STATE LICENSE.

25 **12-43.3-204. Medical marijuana licensing authority**
26 **consideration of a license application.** (1) THE MEDICAL MARIJUANA
27 LICENSING AUTHORITY SHALL DENY A MEDICAL MARIJUANA CENTER

1 LICENSE IF:

2 (a) THE APPLICANT HAS NOT PAID THE STATE OR LOCAL LICENSING
3 FEE;

4 (b) THE PREMISES ON WHICH THE APPLICANT PROPOSES TO
5 CONDUCT ITS BUSINESS DO NOT MEET THE REQUIREMENTS OF THIS
6 ARTICLE;

7 (c) THE CHARACTER OF THE APPLICANT IS SUCH THAT VIOLATIONS
8 OF THIS ARTICLE WOULD BE LIKELY TO RESULT IF A LICENSE WERE
9 GRANTED; OR

10 (d) THE MEDICAL MARIJUANA LICENSING AUTHORITY DETERMINES
11 THE LICENSES ALREADY GRANTED FOR THE PARTICULAR LOCALITY ARE
12 ADEQUATE FOR THE REASONABLE NEEDS OF THE COMMUNITY BASED ON
13 THE TESTIMONY AND EVIDENCE OF THE MEDICAL NEEDS AND NECESSITY
14 OF THE POTENTIAL CUSTOMERS FOR THE APPROVAL OF THE LICENSE AT THE
15 PROPOSED LOCATION FOR THE SALE OF THE MEDICAL MARIJUANA.

16 (2) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL NOT
17 DENY A MEDICAL MARIJUANA CENTER LICENSE EXCEPT UPON CONCLUSION
18 OF A HEARING CONDUCTED AFTER FIFTEEN DAYS' NOTICE TO THE
19 APPLICANT AND TO THE LOCAL LICENSING AUTHORITY. THE NOTICE SHALL
20 BE IN WRITING AND SHALL STATE THE GROUNDS UPON WHICH THE
21 APPLICATION MAY BE REFUSED. IF THE APPLICANT DOES NOT RESPOND TO
22 THE NOTICE WITHIN FIFTEEN DAYS AFTER THE DATE OF THE NOTICE, THE
23 MEDICAL MARIJUANA LICENSING AUTHORITY SHALL DENY THE
24 APPLICATION FOR A LICENSE. THE MEDICAL MARIJUANA LICENSING
25 AUTHORITY SHALL CONDUCT THE HEARING IN ACCORDANCE WITH THE
26 PROVISIONS OF SECTION 24-4-105, C.R.S., AND ANY JUDICIAL REVIEW OF
27 THE MEDICAL MARIJUANA LICENSING AUTHORITY'S DECISION SHALL BE

1 PURSUANT TO SECTION 24-4-106, C.R.S.

2 PART 3

3 LICENSE PROVISIONS

4 **12-43.3-301. Persons prohibited as licensees.** (1) (a) A
5 MEDICAL MARIJUANA CENTER LICENSE ISSUED PURSUANT TO THIS ARTICLE
6 SHALL NOT BE ISSUED TO OR HELD BY:

7 (I) A PERSON WHO IS NOT OF GOOD MORAL CHARACTER. THE
8 APPLICANT FOR A MEDICAL MARIJUANA CENTER LICENSE SHALL PRESENT
9 TESTIMONY AND OPINION EVIDENCE AS WELL AS PETITIONS AND
10 DOCUMENTATION AT THE HEARING HELD PURSUANT TO SECTION
11 12-43.3-202 TO PROVE THAT THE APPLICANT IS QUALIFIED TO HOLD A
12 LICENSE BASED UPON SATISFACTORY PROOF OF GOOD MORAL CHARACTER
13 AS WELL AS THE TESTIMONY OF BUSINESS PERSONS AND NEIGHBORS FROM
14 INSIDE THE DESIGNATED NEIGHBORHOOD OF THE RELEVANT AREA UNDER
15 CONSIDERATION, AS DETERMINED BY THE LOCAL LICENSING AUTHORITY.

16 (II) A NATURAL PERSON UNDER TWENTY-ONE YEARS OF AGE;

17 (III) A LICENSED PHYSICIAN;

18 (IV) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101, C.R.S.,
19 OR A FAMILY MEMBER OF A PEACE OFFICER;

20 (V) A PERSON WHO IS DELINQUENT IN FILING ANY TAX RETURNS
21 WITH A TAXING AGENCY; PAYING ANY TAXES, INTEREST, OR PENALTIES;
22 PAYING ANY JUDGMENTS DUE TO A GOVERNMENT AGENCY; REPAYING
23 GOVERNMENT-INSURED STUDENT LOANS; OR PAYING CHILD SUPPORT;

24 (VI) A PERSON WHO HAS BEEN CONVICTED OF ANY FELONY OR OF
25 A MISDEMEANOR PURSUANT TO PART 4 OF ARTICLE 18 OF TITLE 18, C.R.S.;

26 OR

27 (VII) A PERSON WHO EMPLOYEES A PERSON AT THE MEDICAL

1 MARIJUANA CENTER WHO HAS NOT PASSED A CRIMINAL HISTORY RECORD
2 CHECK.

3 (b) IN MAKING A DETERMINATION AS TO CHARACTER OR WHEN
4 CONSIDERING THE CONVICTION OF A CRIME, THE MEDICAL MARIJUANA OR
5 LOCAL LICENSING AUTHORITY SHALL BE GOVERNED BY THE PROVISIONS OF
6 SECTION 24-5-101, C.R.S.

7 (2) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OR
8 RENEWAL OF A MEDICAL MARIJUANA CENTER LICENSE, AN APPLICANT
9 SHALL SUBMIT A SET OF HIS OR HER FINGERPRINTS AND FILE PERSONAL
10 HISTORY INFORMATION CONCERNING THE APPLICANT'S QUALIFICATIONS
11 FOR A LICENSE ON FORMS PREPARED BY THE MEDICAL MARIJUANA
12 LICENSING AUTHORITY. THE MEDICAL MARIJUANA LICENSING AUTHORITY
13 SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO BUREAU OF
14 INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED
15 CRIMINAL HISTORY RECORD CHECKS. THE COLORADO BUREAU OF
16 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL
17 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE MEDICAL
19 MARIJUANA LICENSING AUTHORITY MAY ACQUIRE A NAME-BASED
20 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT OR A LICENSE
21 HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL
22 HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.
23 AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED FINGERPRINTS FOR
24 MEDICAL MARIJUANA LICENSING PURPOSES MAY REQUEST THAT THE
25 FINGERPRINTS ON FILE BE USED. THE MEDICAL MARIJUANA LICENSING
26 AUTHORITY SHALL USE THE INFORMATION RESULTING FROM THE
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE

1 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
2 LICENSE PURSUANT TO THIS ARTICLE. THE MEDICAL MARIJUANA
3 LICENSING AUTHORITY MAY VERIFY ANY OF THE INFORMATION AN
4 APPLICANT IS REQUIRED TO SUBMIT.

5 (3) THE LOCAL LICENSING AUTHORITY SHALL MAKE THE FINDINGS
6 OF THE INFORMATION ON THE APPLICATION KNOWN FIVE DAYS PRIOR TO
7 THE HEARING CONDUCTED PURSUANT TO SECTION 12-43.3-202.

8 **12-43.3-302. Location restrictions.** (1) A MEDICAL MARIJUANA
9 CENTER OPERATION SHALL ESTABLISH LEGAL CONTROL OF ITS PHYSICAL
10 LOCATION. THE PHYSICAL LOCATION SHALL MEET ALL APPLICABLE LOCAL
11 AND STATE ZONING LAWS.

12 (2) A MEDICAL MARIJUANA CENTER OPERATION SHALL NOT BE
13 LOCATED WITHIN ONE THOUSAND FEET OF THE PERIMETER OF A PUBLIC OR
14 PRIVATE ELEMENTARY OR SECONDARY SCHOOL, PRESCHOOL, OR DAY CARE
15 CENTER THAT EXISTED AT THE LOCATION PRIOR TO THE ESTABLISHMENT
16 OF THE OPERATION; EXCEPT THAT THE LOCAL LICENSING AUTHORITY MAY
17 ISSUE A VARIANCE.

18 **12-43.3-303. Transfer of ownership and temporary permits.**
19 (1) (a) A MEDICAL MARIJUANA CENTER LICENSE GRANTED UNDER THE
20 PROVISIONS OF THIS ARTICLE SHALL NOT BE TRANSFERABLE EXCEPT AS
21 PROVIDED IN THIS SUBSECTION (1).

22 (b) WHEN A MEDICAL MARIJUANA CENTER LICENSE HAS BEEN
23 ISSUED TO A HUSBAND AND WIFE, OR TO GENERAL OR LIMITED PARTNERS,
24 THE DEATH OF A SPOUSE OR PARTNER SHALL NOT REQUIRE THE SURVIVING
25 SPOUSE OR PARTNER TO OBTAIN A NEW LICENSE. ALL RIGHTS AND
26 PRIVILEGES GRANTED UNDER THE ORIGINAL LICENSE SHALL CONTINUE IN
27 FULL FORCE AND EFFECT AS TO THE SURVIVING SPOUSE OR PARTNERS FOR

1 THE BALANCE OF THE LICENSE PERIOD.

2 (c) FOR ANY OTHER TRANSFER OF OWNERSHIP, A MEDICAL
3 MARIJUANA CENTER LICENSEE SHALL APPLY TO THE MEDICAL MARIJUANA
4 AND LOCAL LICENSING AUTHORITIES ON FORMS PREPARED AND FURNISHED
5 BY THE MEDICAL MARIJUANA LICENSING AUTHORITY. IN DETERMINING
6 WHETHER TO PERMIT A TRANSFER OF OWNERSHIP, THE MEDICAL
7 MARIJUANA AND LOCAL LICENSING AUTHORITIES SHALL CONSIDER ONLY
8 THE REQUIREMENTS OF SECTION 12-43.3-204. THE LOCAL LICENSING
9 AUTHORITY MAY HOLD A HEARING ON THE APPLICATION FOR TRANSFER OF
10 OWNERSHIP. THE LOCAL LICENSING AUTHORITY SHALL NOT HOLD A
11 HEARING PROVIDED FOR BY THIS PARAGRAPH (c) UNTIL IT HAS
12 CONSPICUOUSLY POSTED A NOTICE OF HEARING ON THE LICENSED
13 PREMISES FOR A PERIOD OF TEN DAYS AND PROVIDED NOTICE OF THE
14 HEARING TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE HEARING.
15 ANY TRANSFER OF OWNERSHIP HEARING BY THE MEDICAL MARIJUANA
16 LICENSING AUTHORITY SHALL BE HELD PURSUANT TO SECTION 12-43.3-204
17 (2).

18 (2) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE TO THE
19 CONTRARY, A LOCAL LICENSING AUTHORITY SHALL HAVE DISCRETIONARY
20 AUTHORITY TO ISSUE A TEMPORARY PERMIT TO A TRANSFEREE OF A
21 MEDICAL MARIJUANA CENTER LICENSE APPLICATION APPROVED BY THE
22 LOCAL LICENSING AUTHORITY PURSUANT TO THIS ARTICLE. A TEMPORARY
23 PERMIT SHALL AUTHORIZE A TRANSFEREE TO CONTINUE SELLING MEDICAL
24 MARIJUANA AS PERMITTED UNDER THE PERMANENT LICENSE DURING THE
25 PERIOD IN WHICH AN APPLICATION TO TRANSFER THE OWNERSHIP OF THE
26 LICENSE IS PENDING.

27 (3) A TEMPORARY PERMIT SHALL AUTHORIZE A TRANSFEREE TO

1 CONDUCT BUSINESS, SELL, AND CULTIVATE MEDICAL MARIJUANA IN
2 ACCORDANCE WITH THE MEDICAL MARIJUANA CENTER LICENSE OF THE
3 TRANSFEROR SUBJECT TO COMPLIANCE WITH ALL OF THE FOLLOWING
4 CONDITIONS:

5 (a) THE PREMISES WHERE MEDICAL MARIJUANA IS SOLD OR
6 CULTIVATED SHALL HAVE BEEN PREVIOUSLY LICENSED BY THE MEDICAL
7 MARIJUANA AND LOCAL LICENSING AUTHORITIES, AND THE MEDICAL
8 MARIJUANA CENTER LICENSE SHALL HAVE BEEN VALID AT THE TIME THE
9 APPLICANT FILED THE APPLICATION FOR TRANSFER OF OWNERSHIP WITH
10 THE LOCAL LICENSING AUTHORITY THAT HAS JURISDICTION TO APPROVE
11 AN APPLICATION FOR A TEMPORARY PERMIT.

12 (b) THE APPLICANT HAS FILED WITH THE LOCAL LICENSING
13 AUTHORITY ON FORMS PROVIDED BY THE MEDICAL MARIJUANA LICENSING
14 AUTHORITY AN APPLICATION FOR THE TEMPORARY PERMIT. THE
15 APPLICATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE
16 FOLLOWING INFORMATION:

17 (I) THE NAME AND ADDRESS OF THE APPLICANT;

18 (II) THE APPLICANT'S FINANCIAL INTEREST IN THE PROPOSED
19 TRANSFER;

20 (III) THE PREMISES FOR WHICH THE TEMPORARY PERMIT IS
21 SOUGHT;

22 (IV) SUCH OTHER INFORMATION AS THE LOCAL LICENSING
23 AUTHORITY MAY REQUIRE; AND

24 (V) A STATEMENT THAT ALL ACCOUNTS FOR MEDICAL MARIJUANA
25 SOLD TO THE APPLICANT ARE PAID.

26 (c) THE APPLICANT SHALL FILE THE APPLICATION FOR A
27 TEMPORARY PERMIT NO LATER THAN THIRTY DAYS AFTER THE FILING OF

1 THE APPLICATION FOR TRANSFER OF OWNERSHIP AND SHALL INCLUDE WITH
2 THE APPLICATION PAYMENT OF A TEMPORARY PERMIT FEE NOT TO EXCEED
3 ONE HUNDRED DOLLARS.

4 (d) WHEN APPLYING TO THE LOCAL LICENSING AUTHORITY FOR A
5 TEMPORARY PERMIT, THE APPLICANT SHALL PROVIDE TO THE MEDICAL
6 MARIJUANA LICENSING AUTHORITY, BY FACSIMILE OR OTHERWISE, A COPY
7 OF THE STATEMENT MADE PURSUANT TO SUBPARAGRAPH (V) OF
8 PARAGRAPH (b) OF THIS SUBSECTION (3). THE STATEMENT IS A PUBLIC
9 RECORD AND SHALL BE OPEN TO INSPECTION BY THE PUBLIC.

10 (4) A LOCAL LICENSING AUTHORITY SHALL ISSUE OR DENY A
11 TEMPORARY PERMIT WITHIN FIVE WORKING DAYS AFTER RECEIVING THE
12 APPLICATION. A TEMPORARY PERMIT ISSUED PURSUANT TO THIS SECTION
13 SHALL BE VALID UNTIL SUCH TIME AS THE APPLICATION TO TRANSFER
14 OWNERSHIP OF THE MEDICAL MARIJUANA CENTER LICENSE TO THE
15 APPLICANT IS GRANTED OR DENIED OR FOR ONE HUNDRED TWENTY DAYS,
16 WHICHEVER OCCURS FIRST; EXCEPT THAT, IF THE APPLICATION TO
17 TRANSFER THE LICENSE HAS NOT BEEN GRANTED OR DENIED WITHIN THE
18 ONE-HUNDRED-TWENTY-DAY PERIOD AND THE TRANSFEREE
19 DEMONSTRATES GOOD CAUSE, THE LOCAL LICENSING AUTHORITY MAY, IN
20 ITS DISCRETION, EXTEND THE VALIDITY OF THE TEMPORARY PERMIT FOR
21 AN ADDITIONAL PERIOD NOT TO EXCEED SIXTY DAYS.

22 (5) A LOCAL LICENSING AUTHORITY SHALL ISSUE A TEMPORARY
23 PERMIT IN THE EVENT OF A TRANSFER OF POSSESSION OF THE LICENSED
24 PREMISES BY OPERATION OF LAW, A PETITION IN BANKRUPTCY PURSUANT
25 TO FEDERAL BANKRUPTCY LAW, THE APPOINTMENT OF A RECEIVER, A
26 FORECLOSURE ACTION BY A SECURED PARTY, OR A COURT ORDER
27 DISPOSSESSING THE PRIOR MEDICAL MARIJUANA CENTER LICENSEE OF ALL

1 RIGHTS OF POSSESSION PURSUANT TO ARTICLE 40 OF TITLE 13, C.R.S.

2 (6) A LOCAL LICENSING AUTHORITY MAY CANCEL, REVOKE, OR
3 SUMMARILY SUSPEND A TEMPORARY PERMIT IF IT DETERMINES THERE IS
4 PROBABLE CAUSE TO BELIEVE THAT THE TRANSFEREE HAS VIOLATED ANY
5 PROVISION OF THIS ARTICLE OR HAS VIOLATED ANY RULE ADOPTED BY THE
6 MEDICAL MARIJUANA OR LOCAL LICENSING AUTHORITY OR HAS FAILED TO
7 TRUTHFULLY DISCLOSE THOSE MATTERS REQUIRED PURSUANT TO THE
8 APPLICATION FORMS REQUIRED BY THE MEDICAL MARIJUANA LICENSING
9 AUTHORITY.

10 **12-43.3-304. General license provisions.** (1) THIS ARTICLE
11 DOES NOT PROHIBIT A POLITICAL SUBDIVISION OF THIS STATE FROM
12 LIMITING THE NUMBER OF MEDICAL MARIJUANA CENTERS THAT MAY
13 OPERATE IN THE POLITICAL SUBDIVISION OR FROM ENACTING REASONABLE
14 ZONING REGULATIONS APPLICABLE TO MEDICAL MARIJUANA CENTERS
15 BASED ON LOCAL GOVERNMENT ZONING, HEALTH, AND SAFETY LAWS FOR
16 THE DISTRIBUTION OF MEDICAL MARIJUANA.

17 (2) A MEDICAL MARIJUANA CENTER SHALL NOTIFY THE MEDICAL
18 MARIJUANA LICENSING AUTHORITY IN WRITING WITHIN TEN DAYS AFTER
19 AN OFFICER OR EMPLOYEE CEASES TO WORK AT OR OTHERWISE BE
20 ASSOCIATED WITH THE CENTER. THE OFFICER OR EMPLOYEE SHALL
21 SURRENDER HIS OR HER IDENTIFICATION CARD TO THE MEDICAL
22 MARIJUANA LICENSING AUTHORITY.

23 (3) A MEDICAL MARIJUANA CENTER SHALL NOTIFY THE MEDICAL
24 MARIJUANA LICENSING AUTHORITY IN WRITING OF THE NAME, ADDRESS,
25 AND DATE OF BIRTH OF AN OFFICER OR EMPLOYEE BEFORE THE NEW
26 OFFICER OR EMPLOYEE BEGINS WORKING AT OR IS ASSOCIATED WITH THE
27 CENTER OPERATION. THE OFFICER OR EMPLOYEE SHALL PASS A CRIMINAL

1 HISTORY RECORD CHECK AND OBTAIN THE IDENTIFICATION PRIOR TO BEING
2 ASSOCIATED WITH OR WORKING AT THE MEDICAL MARIJUANA CENTER.

3 (4) A MEDICAL MARIJUANA CENTER SHALL NOT ACQUIRE, POSSESS,
4 CULTIVATE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, OR DISPENSE
5 MARIJUANA FOR ANY PURPOSE EXCEPT TO ASSIST PATIENTS, AS DEFINED
6 BY SECTION 14 (1) (d) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

7 (5) ALL OPERATORS OF A MEDICAL MARIJUANA CENTER SHALL BE
8 RESIDENTS OF COLORADO.

9 **12-43.3-305. Medical marijuana center requirements.** (1) A
10 MEDICAL MARIJUANA CENTER SHALL BE A COLORADO NONPROFIT
11 CORPORATION, BUT NEED NOT BE DESIGNATED AS A NONPROFIT
12 CORPORATION BY THE FEDERAL GOVERNMENT.

13 (2) A MEDICAL MARIJUANA CENTER MAY OPERATE ONLY BETWEEN
14 THE HOURS OF 8 A.M. AND 7 P.M., MONDAY THROUGH SUNDAY. A
15 MEDICAL MARIJUANA CENTER SHALL NOT PERMIT SMOKING OR
16 CONSUMPTION OF MEDICAL MARIJUANA ON ITS PREMISES.

17 (3) (a) A MEDICAL MARIJUANA CENTER MAY POSSESS NO MORE
18 THAN SIX MEDICAL MARIJUANA PLANTS AND TWO OUNCES OF MEDICAL
19 MARIJUANA FOR EACH PATIENT WHO HAS REGISTERED THE CENTER AS HIS
20 OR HER PRIMARY CENTER PURSUANT TO SECTION 25-1.5-106 (10) (e),
21 C.R.S.; EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY HAVE A TOTAL
22 OF NO MORE THAN THREE THOUSAND MEDICAL MARIJUANA PLANTS AND
23 NO MORE THAN ONE THOUSAND OUNCES OF MEDICAL MARIJUANA IN ITS
24 INVENTORY AT ANY ONE TIME.

25 (b) A MEDICAL MARIJUANA CENTER MAY CULTIVATE ITS OWN
26 MEDICAL MARIJUANA OR PURCHASE IT FROM ANOTHER LICENSED MEDICAL
27 MARIJUANA CENTER IN COLORADO. A MEDICAL MARIJUANA CENTER MAY

1 NOT PURCHASE MEDICAL MARIJUANA FROM A SOURCE OTHER THAN A
2 LICENSED COLORADO MEDICAL MARIJUANA CENTER AND THE CENTER MAY
3 PURCHASE MEDICAL MARIJUANA ONLY IN AN AMOUNT THAT IS TEN
4 PERCENT OR LESS OF THE CENTER'S TOTAL INVENTORY OF MEDICAL
5 MARIJUANA. A MEDICAL MARIJUANA CENTER MAY SELL NO MORE THAN
6 TEN PERCENT OF ITS INVENTORY TO OTHER LICENSED MEDICAL MARIJUANA
7 CENTERS. A MEDICAL MARIJUANA CENTER SHALL ONLY PURCHASE OR
8 SELL MEDICAL MARIJUANA THAT IS CULTIVATED IN COLORADO.

9 (c) A MEDICAL MARIJUANA CENTER SHALL KEEP RECORDS
10 NECESSARY TO ENSURE ITS COMPLIANCE WITH THIS SUBSECTION (3).

11 (4) A MEDICAL MARIJUANA CENTER SHALL ALLOW REASONABLE
12 INSPECTION OF ITS PREMISES BY THE MEDICAL MARIJUANA LICENSING
13 AUTHORITY, INCLUDING DURING REASONABLE BUSINESS HOURS.

14 (5) A MEDICAL MARIJUANA CENTER MAY ONLY DISPLAY ONE
15 IDENTIFICATION SIGN AT ITS LOCATION. THE SIGN MAY NOT CONTAIN THE
16 NAME OR LOGO OF THE CENTER LOCATION AND SHALL CONFORM TO THE
17 RULES PROMULGATED BY THE MEDICAL MARIJUANA AUTHORITY PURSUANT
18 TO SECTION 12-43.3-102 (2) (a) (XVIII).

19 (6) A MEDICAL MARIJUANA CENTER THAT ADVERTISES ITS
20 SERVICES SHALL NOT:

21 (a) USE DEPICTIONS OF ANY PART OF THE MARIJUANA PLANT, THE
22 WHOLE PLANT, MARIJUANA LEAVES, OR PARAPHERNALIA IN THE
23 ADVERTISING;

24 (b) USE A LOGO OR ANY FORM OF BRANDING IN THE ADVERTISING;

25 OR

26 (c) PROVIDE ANY PRICING FOR ITS PRODUCTS IN THE ADVERTISING.

27 (7) A VIOLATION OF ANY OF SUBSECTIONS (1) TO (6) OF THIS

1 SECTION IS GROUNDS FOR SUSPENSION OR REVOCATION OF A MEDICAL
2 MARIJUANA CENTER LICENSE.

3

PART 4

4

DISCIPLINARY ACTIONS

5

12-43.3-401. Suspension - revocation - fines. (1) IN ADDITION

6

TO ANY OTHER PENALTIES PRESCRIBED BY THIS ARTICLE, THE MEDICAL

7

MARIJUANA LICENSING AUTHORITY HAS THE POWER, ON ITS OWN MOTION

8

OR ON COMPLAINT, AFTER INVESTIGATION AND PUBLIC HEARING AT WHICH

9

THE MEDICAL MARIJUANA CENTER LICENSEE SHALL BE AFFORDED AN

10

OPPORTUNITY TO BE HEARD, TO SUSPEND OR REVOKE A MEDICAL

11

MARIJUANA CENTER LICENSE ISSUED BY THE AUTHORITY. THE MEDICAL

12

MARIJUANA AUTHORITY MAY SUSPEND OR REVOKE A LICENSE FOR ANY

13

VIOLATION BY THE LICENSEE OR BY A PRINCIPAL OFFICER, A BOARD

14

MEMBER, AN AGENT, OR AN EMPLOYEE OF THE LICENSEE OF THE

15

PROVISIONS OF THIS ARTICLE OR ANY OF THE RULES AUTHORIZED

16

PURSUANT TO THIS ARTICLE OR OF ANY OF THE TERMS, CONDITIONS, OR

17

PROVISIONS OF THE LICENSE ISSUED BY THE AUTHORITY. THE MEDICAL

18

MARIJUANA LICENSING AUTHORITY HAS THE POWER TO ADMINISTER OATHS

19

AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF PERSONS AND THE

20

PRODUCTION OF PAPERS, BOOKS, AND RECORDS NECESSARY TO THE

21

DETERMINATION OF ANY HEARING THAT THE LICENSING AUTHORITY IS

22

AUTHORIZED TO CONDUCT.

23

(2) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL

24

PROVIDE NOTICE OF SUSPENSION OR REVOCATION, AS WELL AS ANY

25

REQUIRED NOTICE OF A HEARING, BY MAILING THE SAME IN WRITING TO

26

THE MEDICAL MARIJUANA CENTER LICENSEE AT THE ADDRESS CONTAINED

27

IN THE MEDICAL MARIJUANA CENTER LICENSE. A SUSPENSION SHALL NOT

1 BE FOR A LONGER PERIOD THAN SIX MONTHS. IF A LICENSE IS SUSPENDED
2 OR REVOKED, NO PART OF THE FEES PAID FOR THE LICENSE SHALL BE
3 RETURNED TO THE LICENSEE. THE MEDICAL MARIJUANA LICENSING
4 AUTHORITY MAY SUMMARILY SUSPEND A LICENSE WITHOUT NOTICE
5 PENDING ANY PROSECUTION, INVESTIGATION, OR PUBLIC HEARING.
6 NOTHING IN THIS SECTION SHALL PREVENT THE SUMMARY SUSPENSION OF
7 A LICENSE FOR A TEMPORARY PERIOD OF NOT MORE THAN FIFTEEN DAYS.

8 (3) (a) WHENEVER A DECISION OF THE MEDICAL MARIJUANA
9 LICENSING AUTHORITY SUSPENDING A MEDICAL MARIJUANA CENTER
10 LICENSE FOR FOURTEEN DAYS OR LESS BECOMES FINAL, WHETHER BY
11 FAILURE OF THE LICENSEE TO APPEAL THE DECISION OR BY EXHAUSTION OF
12 ALL APPEALS AND JUDICIAL REVIEW, THE LICENSEE MAY, BEFORE THE
13 OPERATIVE DATE OF THE SUSPENSION, PETITION FOR PERMISSION TO PAY
14 A FINE IN LIEU OF HAVING THE LICENSE SUSPENDED FOR ALL OR PART OF
15 THE SUSPENSION PERIOD. UPON THE RECEIPT OF THE PETITION, THE
16 MEDICAL MARIJUANA LICENSING AUTHORITY MAY, IN ITS SOLE
17 DISCRETION, STAY THE PROPOSED SUSPENSION AND CAUSE ANY
18 INVESTIGATION TO BE MADE THAT IT DEEMS DESIRABLE AND MAY, IN ITS
19 SOLE DISCRETION, GRANT THE PETITION IF IT IS SATISFIED:

20 (I) THAT THE PUBLIC WELFARE AND MORALS WOULD NOT BE
21 IMPAIRED BY PERMITTING THE MEDICAL MARIJUANA CENTER LICENSEE TO
22 OPERATE DURING THE PERIOD SET FOR SUSPENSION AND THAT THE
23 PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY
24 PURPOSES;

25 (II) THAT THE BOOKS AND RECORDS OF THE MEDICAL MARIJUANA
26 CENTER LICENSEE ARE KEPT IN SUCH A MANNER THAT THE LOSS OF SALES
27 THAT THE LICENSEE WOULD HAVE SUFFERED HAD THE SUSPENSION GONE

1 INTO EFFECT CAN BE DETERMINED WITH REASONABLE ACCURACY
2 THEREFROM; AND

3 (III) THAT THE MEDICAL MARIJUANA CENTER LICENSEE HAS NOT
4 HAD HIS OR HER MEDICAL MARIJUANA CENTER LICENSE SUSPENDED OR
5 REVOKED, NOR HAD ANY SUSPENSION STAYED BY PAYMENT OF A FINE,
6 DURING THE TWO YEARS IMMEDIATELY PRECEDING THE DATE OF THE
7 MOTION OR COMPLAINT THAT HAS RESULTED IN A FINAL DECISION TO
8 SUSPEND THE LICENSE.

9 (b) THE FINE ACCEPTED SHALL BE NOT LESS THAN FIVE HUNDRED
10 DOLLARS NOR MORE THAN ONE HUNDRED THOUSAND DOLLARS.

11 (c) PAYMENT OF A FINE PURSUANT TO THE PROVISIONS OF THIS
12 SUBSECTION (3) SHALL BE IN THE FORM OF CASH OR IN THE FORM OF A
13 CERTIFIED CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE MEDICAL
14 MARIJUANA LICENSING AUTHORITY.

15 (4) UPON PAYMENT OF A FINE PURSUANT TO SUBSECTION (3) OF
16 THIS SECTION, THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
17 ENTER ITS FURTHER ORDER PERMANENTLY STAYING THE IMPOSITION OF
18 THE SUSPENSION. FINES PAID TO THE MEDICAL MARIJUANA LICENSING
19 AUTHORITY PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL BE
20 TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO
21 THE STATE GENERAL FUND.

22 (5) IN CONNECTION WITH ANY PETITION PURSUANT TO SUBSECTION
23 (3) OF THIS SECTION, THE MEDICAL MARIJUANA LICENSING AUTHORITY IS
24 LIMITED TO THE GRANTING OF SUCH STAYS AS ARE NECESSARY FOR IT TO
25 COMPLETE ITS INVESTIGATION AND MAKE ITS FINDINGS AND, IF IT MAKES
26 SUCH FINDINGS, TO THE GRANTING OF AN ORDER PERMANENTLY STAYING
27 THE IMPOSITION OF THE ENTIRE SUSPENSION OR THAT PORTION OF THE

1 SUSPENSION NOT OTHERWISE CONDITIONALLY STAYED.

2 (6) IF THE MEDICAL MARIJUANA LICENSING AUTHORITY DOES NOT
3 MAKE THE FINDINGS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (3) OF
4 THIS SECTION AND DOES NOT ORDER THE SUSPENSION PERMANENTLY
5 STAYED, THE SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE
6 FINALLY SET BY THE MEDICAL MARIJUANA LICENSING AUTHORITY.

7 (7) NO LATER THAN JANUARY 15 OF EACH YEAR, THE MEDICAL
8 MARIJUANA LICENSING AUTHORITY SHALL COMPILE A REPORT OF THE
9 PRECEDING YEAR'S ACTIONS IN WHICH FINES, SUSPENSIONS, OR
10 REVOCATIONS WERE IMPOSED BY THE MEDICAL MARIJUANA LICENSING
11 AUTHORITY. THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL FILE
12 ONE COPY OF SAID REPORT WITH THE CHIEF CLERK OF THE HOUSE OF
13 REPRESENTATIVES, ONE COPY WITH THE SECRETARY OF THE SENATE, AND
14 SIX COPIES IN THE JOINT LEGISLATIVE LIBRARY.

15 PART 5

16 JUDICIAL REVIEW

17 **12-43.3-501. Judicial review.** A PERSON APPLYING TO THE COURT
18 FOR A REVIEW OF THE MEDICAL MARIJUANA LICENSING AUTHORITY'S
19 DECISION DENYING THE ISSUANCE OR RENEWAL OF A LICENSE OR A LOCAL
20 LICENSING AUTHORITY'S DECISION GRANTING OR DENYING APPROVAL
21 SHALL APPLY FOR REVIEW WITHIN THIRTY DAYS AFTER THE DATE OF THE
22 DECISION BY THE LOCAL LICENSING AUTHORITY OR, IN THE CASE OF A
23 REVIEW OF A DECISION BY THE MEDICAL MARIJUANA LICENSING
24 AUTHORITY, WITHIN THIRTY DAYS AFTER THE DATE OF THE DECISION BY
25 THE MEDICAL MARIJUANA LICENSING AUTHORITY. THE PERSON APPLYING
26 FOR REVIEW SHALL BE REQUIRED TO PAY THE COST OF PREPARING A
27 TRANSCRIPT OF PROCEEDINGS BEFORE THE LICENSING AUTHORITY IF HE OR

1 SHE REQUESTS A TRANSCRIPT OR IF THE LICENSING AUTHORITY FURNISHES
2 A TRANSCRIPT PURSUANT TO COURT ORDER.

3 **SECTION 2.** 25-1.5-106, Colorado Revised Statutes, is amended
4 to read:

5 **25-1.5-106. Medical marijuana program - powers and duties**
6 **of the state health agency. (1) Legislative declaration.** (a) THE
7 GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS NECESSARY TO
8 IMPLEMENT RULES TO ENSURE THAT PATIENTS SUFFERING FROM
9 LEGITIMATE DEBILITATING MEDICAL CONDITIONS ARE ABLE TO SAFELY
10 GAIN ACCESS TO MEDICAL MARIJUANA AND TO ENSURE THAT THESE
11 PATIENTS:

12 (I) ARE NOT SUBJECT TO CRIMINAL PROSECUTION FOR THEIR USE
13 OF MEDICAL MARIJUANA IN ACCORDANCE WITH SECTION 14 OF ARTICLE
14 XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE RULES OF THE
15 STATE HEALTH AGENCY; AND

16 (II) ARE ABLE TO ESTABLISH AN AFFIRMATIVE DEFENSE TO THEIR
17 USE OF MEDICAL MARIJUANA IN ACCORDANCE WITH SECTION 14 OF
18 ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE
19 RULES OF THE STATE HEALTH AGENCY.

20 (b) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS
21 NECESSARY TO IMPLEMENT RULES TO PREVENT PERSONS WHO DO NOT
22 SUFFER FROM LEGITIMATE DEBILITATING MEDICAL CONDITIONS FROM
23 USING SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION AS A
24 MEANS TO SELL, ACQUIRE, POSSESS, PRODUCE, USE, OR TRANSPORT
25 MARIJUANA IN VIOLATION OF STATE AND FEDERAL LAWS.

26 (2) **Definitions.** IN ADDITION TO THE DEFINITIONS SET FORTH IN
27 SECTION 14 (1) OF ARTICLE XVIII OF THE STATE CONSTITUTION, AS USED

1 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

2 (a) "BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP", FOR PURPOSES
3 OF THE MEDICAL MARIJUANA PROGRAM, MEANS:

4 (I) A PHYSICIAN AND A PATIENT HAVE A TREATMENT OR
5 COUNSELING RELATIONSHIP, IN THE COURSE OF WHICH THE PHYSICIAN HAS
6 COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND
7 CURRENT MEDICAL CONDITION, INCLUDING A PERSONAL PHYSICAL
8 EXAMINATION;

9 (II) THE PHYSICIAN HAS CONSULTED WITH THE PATIENT WITH
10 RESPECT TO THE PATIENT'S DEBILITATING MEDICAL CONDITION BEFORE
11 THE PATIENT APPLIES FOR A REGISTRY IDENTIFICATION CARD; AND

12 (III) THE PHYSICIAN IS AVAILABLE TO OR OFFERS TO PROVIDE
13 FOLLOW-UP CARE AND TREATMENT TO THE PATIENT, INCLUDING BUT NOT
14 LIMITED TO PATIENT EXAMINATIONS, TO DETERMINE THE EFFICACY OF THE
15 USE OF MEDICAL MARIJUANA AS A TREATMENT OF THE PATIENT'S
16 DEBILITATING MEDICAL CONDITION.

17 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
18 THE STATE HEALTH AGENCY.

19 (c) "IN GOOD STANDING", WITH RESPECT TO A PHYSICIAN'S
20 LICENSE, MEANS:

21 (I) THE PHYSICIAN HOLDS A DOCTOR OF MEDICINE OR DOCTOR OF
22 OSTEOPATHIC MEDICINE DEGREE FROM AN ACCREDITED MEDICAL SCHOOL;

23 (II) THE PHYSICIAN HOLDS A VALID, UNRESTRICTED LICENSE TO
24 PRACTICE MEDICINE IN COLORADO; AND

25 (III) THE PHYSICIAN HAS A VALID AND UNRESTRICTED UNITED
26 STATES DEPARTMENT OF JUSTICE FEDERAL DRUG ENFORCEMENT
27 ADMINISTRATION CONTROLLED SUBSTANCES REGISTRATION.

1 (d) "MEDICAL MARIJUANA PROGRAM" MEANS THE PROGRAM
2 ESTABLISHED BY SECTION 14 OF ARTICLE XVIII OF THE STATE
3 CONSTITUTION AND THIS SECTION.

4 (e) "PRIMARY CAREGIVER" MEANS A NATURAL PERSON, OTHER
5 THAN THE PATIENT OR THE PATIENT'S PHYSICIAN, WHO IS EIGHTEEN YEARS
6 OF AGE OR OLDER AND HAS SIGNIFICANT RESPONSIBILITY FOR MANAGING
7 THE WELL-BEING OF A PATIENT WHO HAS A DEBILITATING MEDICAL
8 CONDITION.

9 (f) "REGISTRY IDENTIFICATION CARD" MEANS THE
10 NONTRANSFERABLE CONFIDENTIAL REGISTRY IDENTIFICATION CARD
11 ISSUED BY THE STATE HEALTH AGENCY TO PATIENTS AND PRIMARY
12 CAREGIVERS PURSUANT TO THIS SECTION.

13 (g) "STATE HEALTH AGENCY" MEANS THE PUBLIC HEALTH RELATED
14 ENTITY OF STATE GOVERNMENT DESIGNATED BY THE GOVERNOR BY
15 EXECUTIVE ORDER PURSUANT TO SECTION 14 OF ARTICLE XVIII OF THE
16 STATE CONSTITUTION.

17 ~~(1)~~ (3) **Rule-making.** (a) The ~~department~~ STATE HEALTH AGENCY
18 shall, pursuant to section 14 of article XVIII of the state constitution,
19 promulgate rules of administration concerning the implementation of the
20 medical marijuana program ~~established by such section and~~ that
21 specifically govern the following:

22 (a) (I) The establishment and maintenance of a confidential
23 registry of patients who have applied for and are entitled to receive a
24 registry identification card. THE CONFIDENTIAL REGISTRY OF PATIENTS
25 MAY BE USED TO DETERMINE WHETHER A PHYSICIAN SHOULD BE REFERRED
26 TO THE COLORADO STATE BOARD OF MEDICAL EXAMINERS FOR A
27 SUSPECTED VIOLATION OF SECTION 14 OF ARTICLE XVIII OF THE STATE

1 CONSTITUTION, PARAGRAPH (a), (b), OR (c) OF SUBSECTION (4) OF THIS
2 SECTION, OR THE RULES PROMULGATED BY THE STATE HEALTH AGENCY
3 PURSUANT TO THIS SUBSECTION (3).

4 ~~(b)~~ (II) The development by the ~~department~~ STATE HEALTH
5 AGENCY of an application form and THE PROCESS FOR making ~~such~~ THE
6 form available to residents of this state seeking to be listed on the
7 confidential registry of patients who are entitled to receive a registry
8 identification card;

9 ~~(e)~~ (III) The verification by the ~~department~~ STATE HEALTH AGENCY
10 of medical information concerning patients who have applied for a
11 ~~confidential~~ registry IDENTIFICATION card OR FOR RENEWAL OF A
12 REGISTRY IDENTIFICATION CARD;

13 (IV) THE DEVELOPMENT BY THE STATE HEALTH AGENCY OF A
14 FORM THAT CONSTITUTES "WRITTEN DOCUMENTATION" AS DEFINED AND
15 USED IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION,
16 WHICH FORM A PHYSICIAN SHALL USE WHEN MAKING A MEDICAL
17 MARIJUANA RECOMMENDATION FOR A PATIENT;

18 ~~(d)~~ (V) The CONDITIONS FOR issuance AND RENEWAL, and THE
19 form, of ~~confidential~~ THE registry identification cards ISSUED TO
20 PATIENTS, INCLUDING BUT NOT LIMITED TO STANDARDS FOR ENSURING
21 THAT THE STATE HEALTH AGENCY ISSUES A REGISTRY IDENTIFICATION
22 CARD TO A PATIENT ONLY IF HE OR SHE HAS A BONA FIDE
23 PHYSICIAN-PATIENT RELATIONSHIP WITH A PHYSICIAN IN GOOD STANDING
24 AND LICENSED TO PRACTICE MEDICINE IN THE STATE OF COLORADO;

25 ~~(e)~~ (VI) Communications with law enforcement officials about
26 ~~confidential~~ registry identification cards that have been suspended ~~where~~
27 WHEN a patient is no longer diagnosed as having a debilitating medical

1 condition; and

2 (f) (VII) The manner in which the ~~department~~ STATE HEALTH
3 AGENCY may consider adding debilitating medical conditions to the list
4 of debilitating medical conditions contained in section 14 of article XVIII
5 of the state constitution.

6 (b) THE STATE HEALTH AGENCY MAY PROMULGATE RULES
7 REGARDING THE FOLLOWING:

8 (I) WHAT CONSTITUTES "SIGNIFICANT RESPONSIBILITY FOR
9 MANAGING THE WELL-BEING OF A PATIENT"; EXCEPT THAT THE ACT OF
10 SUPPLYING MEDICAL MARIJUANA OR MARIJUANA PARAPHERNALIA, BY
11 ITSELF, IS INSUFFICIENT TO CONSTITUTE "SIGNIFICANT RESPONSIBILITY FOR
12 MANAGING THE WELL-BEING OF A PATIENT";

13 (II) THE DEVELOPMENT OF A FORM FOR A PRIMARY CAREGIVER TO
14 USE IN APPLYING TO THE REGISTRY, WHICH FORM SHALL REQUIRE, AT A
15 MINIMUM, THAT THE APPLICANT PROVIDE HIS OR HER FULL NAME, HOME
16 ADDRESS, DATE OF BIRTH, AND LIST OF CRIMINAL CONVICTIONS, IF ANY,
17 AND AN ATTESTATION THAT THE APPLICANT HAS A SIGNIFICANT
18 RESPONSIBILITY FOR MANAGING THE WELL-BEING OF THE PATIENT FOR
19 WHOM HE OR SHE IS DESIGNATED AS THE PRIMARY CAREGIVER AND THAT
20 HE OR SHE UNDERSTANDS AND WILL ABIDE BY SECTION 14 OF ARTICLE
21 XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE RULES
22 PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS
23 SECTION;

24 (III) THE DEVELOPMENT OF A FORM THAT CONSTITUTES "WRITTEN
25 DOCUMENTATION", AS DEFINED AND USED IN SECTION 14 OF ARTICLE
26 XVIII OF THE STATE CONSTITUTION, WHICH FORM A PHYSICIAN SHALL USE
27 WHEN MAKING A MEDICAL MARIJUANA RECOMMENDATION FOR A PATIENT;

1 AND

2 (IV) THE GROUNDS AND PROCEDURE FOR A PATIENT TO CHANGE
3 HIS OR HER DESIGNATED PRIMARY CAREGIVER.

4 (c) ON THE EFFECTIVE DATE OF THE RULES PROMULGATED
5 PURSUANT TO THIS SUBSECTION (3), THE MEDICAL MARIJUANA PROGRAM
6 RULES ADOPTED BY THE STATE BOARD OF HEALTH ARE REPEALED.

7 (4) **Physicians.** A PHYSICIAN WHO CERTIFIES A DEBILITATING
8 MEDICAL CONDITION FOR AN APPLICANT TO THE MEDICAL MARIJUANA
9 PROGRAM SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

10 (a) THE PHYSICIAN SHALL HAVE A VALID, UNRESTRICTED
11 COLORADO LICENSE TO PRACTICE MEDICINE, WHICH LICENSE IS IN GOOD
12 STANDING.

13 (b) THE PHYSICIAN MAY CERTIFY TO THE STATE HEALTH AGENCY
14 THAT A PATIENT HAS A DEBILITATING MEDICAL CONDITION AND THAT THE
15 PATIENT MAY BENEFIT FROM THE USE OF MEDICAL MARIJUANA ONLY IF THE
16 PHYSICIAN HAS A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP WITH THE
17 PATIENT APPLYING FOR THE MEDICAL MARIJUANA PROGRAM.

18 (c) THE PHYSICIAN SHALL MAINTAIN A RECORD-KEEPING SYSTEM
19 FOR ALL PATIENTS FOR WHOM THE PHYSICIAN HAS RECOMMENDED THE
20 MEDICAL USE OF MARIJUANA, AND, PURSUANT TO AN INVESTIGATION
21 INITIATED PURSUANT TO SECTION 12-36-118, C.R.S., THE PHYSICIAN
22 SHALL PRODUCE SUCH MEDICAL RECORDS TO THE COLORADO STATE
23 BOARD OF MEDICAL EXAMINERS AFTER REDACTING ANY PATIENT OR
24 PRIMARY CAREGIVER IDENTIFYING INFORMATION.

25 (d) A PHYSICIAN SHALL NOT:

26 (I) ACCEPT, SOLICIT, OR OFFER ANY FORM OF PECUNIARY
27 REMUNERATION FROM OR TO A PRIMARY CAREGIVER, DISTRIBUTOR, OR

1 ANY OTHER PROVIDER OF MEDICAL MARIJUANA;

2 (II) OFFER A DISCOUNT OR ANY OTHER THING OF VALUE TO A
3 PATIENT WHO USES OR AGREES TO USE A PARTICULAR PRIMARY
4 CAREGIVER, DISTRIBUTOR, OR OTHER PROVIDER OF MEDICAL MARIJUANA
5 TO PROCURE MEDICAL MARIJUANA;

6 (III) EXAMINE A PATIENT FOR PURPOSES OF DIAGNOSING A
7 DEBILITATING MEDICAL CONDITION AT A LOCATION WHERE MEDICAL
8 MARIJUANA IS SOLD OR DISTRIBUTED; OR

9 (IV) HOLD AN ECONOMIC INTEREST IN AN ENTERPRISE THAT
10 PROVIDES OR DISTRIBUTES MEDICAL MARIJUANA IF THE PHYSICIAN
11 CERTIFIES THE DEBILITATING MEDICAL CONDITION OF A PATIENT FOR
12 PARTICIPATION IN THE MEDICAL MARIJUANA PROGRAM.

13 (5) **Patients age eighteen to twenty-one years.** A PATIENT WHO
14 IS BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE, UNLESS THE
15 PATIENT IS LEGALLY EMANCIPATED, WHO APPLIES TO BE PLACED ON THE
16 CONFIDENTIAL REGISTRY OF MEDICAL MARIJUANA PATIENTS SHALL
17 PROVIDE DOCUMENTATION OF MEDICAL MARIJUANA USE
18 RECOMMENDATIONS FROM TWO SEPARATE PHYSICIANS WHO ADVISED THE
19 PATIENT AT SEPARATE APPOINTMENTS. THE DOCUMENTATION SHALL
20 PROVIDE THAT THE PHYSICIANS DIAGNOSED THE PATIENT WITH A
21 DEBILITATING MEDICAL CONDITION AND ADVISED THE PATIENT THAT THE
22 PATIENT MIGHT BENEFIT FROM THE MEDICAL USE OF MARIJUANA IN
23 CONNECTION WITH THE DEBILITATING MEDICAL CONDITION.

24 (6) **Enforcement.** (a) IF THE STATE HEALTH AGENCY HAS
25 REASONABLE CAUSE TO BELIEVE THAT A PHYSICIAN HAS VIOLATED
26 SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, PARAGRAPH
27 (a), (b), OR (c) OF SUBSECTION (4) OF THIS SECTION, OR THE RULES

1 PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO SUBSECTION
2 (3) OF THIS SECTION, THE STATE HEALTH AGENCY MAY REFER THE MATTER
3 TO THE COLORADO STATE BOARD OF MEDICAL EXAMINERS CREATED IN
4 SECTION 12-36-103, C.R.S., FOR AN INVESTIGATION AND DETERMINATION.

5 (b) IF THE STATE HEALTH AGENCY HAS REASONABLE CAUSE TO
6 BELIEVE THAT A PHYSICIAN HAS VIOLATED PARAGRAPH (d) OF SUBSECTION
7 (4) OF THIS SECTION, THE STATE HEALTH AGENCY SHALL CONDUCT A
8 HEARING PURSUANT TO SECTION 24-4-104, C.R.S., TO DETERMINE
9 WHETHER A VIOLATION HAS OCCURRED.

10 (c) UPON A FINDING OF UNPROFESSIONAL CONDUCT PURSUANT TO
11 SECTION 12-36-117 (1) (mm), C.R.S., BY THE COLORADO STATE BOARD
12 OF MEDICAL EXAMINERS OR A FINDING OF A VIOLATION OF PARAGRAPH (d)
13 OF SUBSECTION (4) OF THIS SECTION BY THE STATE HEALTH AGENCY, THE
14 STATE HEALTH AGENCY SHALL RESTRICT A PHYSICIAN'S AUTHORITY TO
15 RECOMMEND THE USE OF MEDICAL MARIJUANA, WHICH RESTRICTION MAY
16 INCLUDE THE REVOCATION OR SUSPENSION OF A PHYSICIAN'S PRIVILEGE TO
17 RECOMMEND MEDICAL MARIJUANA. THE RESTRICTION SHALL BE IN
18 ADDITION TO ANY SANCTION IMPOSED BY THE COLORADO STATE BOARD
19 OF MEDICAL EXAMINERS.

20 (d) WHEN THE STATE HEALTH AGENCY HAS OBJECTIVE AND
21 REASONABLE GROUNDS TO BELIEVE AND FINDS, UPON A FULL
22 INVESTIGATION, THAT A PHYSICIAN HAS BEEN GUILTY OF DELIBERATE AND
23 WILLFUL VIOLATION OF SECTION 14 OF ARTICLE XVIII OF THE STATE
24 CONSTITUTION, OF THIS SECTION, OR OF THE RULES PROMULGATED BY THE
25 STATE HEALTH AGENCY PURSUANT TO SUBSECTION (3) OF THIS SECTION,
26 OR THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE IMPERATIVELY
27 REQUIRES EMERGENCY ACTION, AND THE EXECUTIVE DIRECTOR

1 INCORPORATES THOSE FINDINGS INTO HIS OR HER ORDER, THE EXECUTIVE
2 DIRECTOR MAY ORDER THAT THE STATE HEALTH AGENCY SUMMARILY
3 SUSPEND A PHYSICIAN'S AUTHORITY TO RECOMMEND THE USE OF MEDICAL
4 MARIJUANA PENDING THE PROCEEDINGS SET FORTH IN PARAGRAPH (a) OR
5 (b) OF THIS SUBSECTION (6), WHICH SHALL BE PROPERLY INSTITUTED AND
6 DETERMINED. FOR PURPOSES OF THIS PARAGRAPH (d), "FULL
7 INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE
8 UNDERLYING FACTS ON WHICH THE ACTION IS BASED.

9 (7) **Renewal of patient identification card upon criminal**
10 **conviction.** A PATIENT WHO IS CONVICTED OF A CRIMINAL OFFENSE
11 UNDER ARTICLE 18 OF TITLE 18, C.R.S., SENTENCED OR ORDERED BY A
12 COURT TO DRUG OR SUBSTANCE ABUSE TREATMENT, OR SENTENCED TO
13 THE DIVISION OF YOUTH CORRECTIONS, SHALL BE SUBJECT TO IMMEDIATE
14 RENEWAL OF HIS OR HER PATIENT REGISTRY IDENTIFICATION CARD, AND
15 THE PATIENT SHALL APPLY FOR THE RENEWAL BASED UPON A
16 RECOMMENDATION OF A COURT-APPOINTED PHYSICIAN.

17 (8) A PARENT WHO SUBMITS A MEDICAL MARIJUANA REGISTRY
18 APPLICATION FOR HIS OR HER CHILD SHALL HAVE HIS OR HER SIGNATURE
19 NOTARIZED ON THE APPLICATION.

20 (9) **Primary caregivers.** (a) A PRIMARY CAREGIVER MAY NOT
21 DELEGATE TO ANY OTHER PERSON HIS OR HER AUTHORITY TO PROVIDE
22 MEDICAL MARIJUANA TO A PATIENT NOR MAY A PRIMARY CAREGIVER
23 ENGAGE OTHERS TO ASSIST IN PROVIDING MEDICAL MARIJUANA TO A
24 PATIENT.

25 (b) TWO OR MORE PRIMARY CAREGIVERS MAY NOT JOIN TOGETHER
26 FOR THE PURPOSE OF CULTIVATING MEDICAL MARIJUANA.

27 (c) ONLY A MEDICAL MARIJUANA CENTER OR A PRIMARY

1 CAREGIVER FOR HIS OR HER PATIENTS OR A PATIENT FOR HIMSELF OR
2 HERSELF MAY CULTIVATE OR PROVIDE MARIJUANA AND ONLY FOR
3 MEDICAL USE; EXCEPT THAT, IF A PRIMARY CAREGIVER IS PROVIDING
4 MEDICAL MARIJUANA TO A PATIENT, THE PATIENT MAY NOT CULTIVATE
5 AND PROVIDE HIS OR HER OWN MEDICAL MARIJUANA.

6 (d) A PRIMARY CAREGIVER SHALL PROVIDE TO A LAW
7 ENFORCEMENT AGENCY, UPON INQUIRY, THE REGISTRY IDENTIFICATION
8 CARD NUMBER OF EACH OF HIS OR HER PATIENTS. THE STATE HEALTH
9 AGENCY SHALL MAINTAIN A REGISTRY OF THIS INFORMATION AND MAKE
10 IT AVAILABLE TWENTY-FOUR HOURS PER DAY AND SEVEN DAYS A WEEK TO
11 LAW ENFORCEMENT FOR VERIFICATION PURPOSES. UPON INQUIRY BY A
12 LAW ENFORCEMENT OFFICER AS TO AN INDIVIDUAL'S STATUS AS A PATIENT
13 OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY SHALL CHECK THE
14 REGISTRY. IF THE INDIVIDUAL IS NOT REGISTERED AS A PATIENT OR
15 PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY PROVIDE THAT
16 RESPONSE TO LAW ENFORCEMENT. IF THE PERSON IS A REGISTERED
17 PATIENT OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY NOT
18 RELEASE INFORMATION UNLESS CONSISTENT WITH SECTION 14 OF ARTICLE
19 XVIII OF THE STATE CONSTITUTION. THE STATE HEALTH AGENCY MAY
20 PROMULGATE RULES TO PROVIDE FOR THE EFFICIENT ADMINISTRATION OF
21 THIS PARAGRAPH (d).

22 (10) **Patient - primary caregiver relationship.** (a) A PERSON
23 SHALL BE LISTED AS A PRIMARY CAREGIVER FOR NO MORE THAN FIVE
24 PATIENTS ON THE MEDICAL MARIJUANA PROGRAM REGISTRY AT ANY GIVEN
25 TIME; EXCEPT THAT THE STATE HEALTH AGENCY MAY ALLOW A PRIMARY
26 CAREGIVER TO SERVE MORE THAN FIVE PATIENTS IN EXCEPTIONAL
27 CIRCUMSTANCES. IN DETERMINING WHETHER EXCEPTIONAL

1 CIRCUMSTANCES EXIST THE STATE HEALTH AGENCY MAY CONSIDER THE
2 PROXIMITY OF MEDICAL MARIJUANA CENTERS TO THE PATIENT.

3 (b) A PATIENT SHALL HAVE ONLY ONE PRIMARY CAREGIVER AT
4 ANY GIVEN TIME.

5 (c) A PATIENT WHO HAS DESIGNATED A PRIMARY CAREGIVER FOR
6 HIMSELF OR HERSELF MAY NOT BE DESIGNATED AS A PRIMARY CAREGIVER
7 FOR ANOTHER PATIENT.

8 (d) (I) THE STATE HEALTH AGENCY SHALL MAINTAIN A SECURE
9 AND CONFIDENTIAL REGISTRY OF AVAILABLE PRIMARY CAREGIVERS FOR
10 THOSE PATIENTS WHO ARE UNABLE TO SECURE THE SERVICES OF A
11 PRIMARY CAREGIVER.

12 (II) AN EXISTING PRIMARY CAREGIVER MAY INDICATE AT THE TIME
13 OF REGISTRATION WHETHER HE OR SHE WOULD BE WILLING TO HANDLE
14 ADDITIONAL PATIENTS AND WAIVE CONFIDENTIALITY TO ALLOW RELEASE
15 OF HIS OR HER CONTACT INFORMATION TO PHYSICIANS OR REGISTERED
16 PATIENTS ONLY.

17 (III) AN INDIVIDUAL WHO IS NOT REGISTERED BUT IS WILLING TO
18 PROVIDE PRIMARY CAREGIVING SERVICES MAY SUBMIT HIS OR HER
19 CONTACT INFORMATION TO BE PLACED ON THE PRIMARY CAREGIVER
20 REGISTRY AFTER HE OR SHE HAS PASSED A CRIMINAL HISTORY RECORD
21 CHECK.

22 (IV) A PATIENT-PRIMARY CAREGIVER ARRANGEMENT SECURED
23 PURSUANT TO THIS PARAGRAPH (d) SHALL BE STRICTLY BETWEEN THE
24 PATIENT AND THE POTENTIAL PRIMARY CAREGIVER. THE STATE HEALTH
25 AGENCY, BY PROVIDING THE INFORMATION REQUIRED BY THIS PARAGRAPH
26 (d), SHALL NOT ENDORSE OR VOUCH FOR A PRIMARY CAREGIVER EXCEPT
27 TO THE EXTENT OF CONFIRMING THAT THE PRIMARY CAREGIVER PASSED A

1 CRIMINAL HISTORY RECORD CHECK. IN ORDER TO PASS THE CRIMINAL
2 HISTORY RECORD CHECK, THE PRIMARY CAREGIVER SHALL NOT HAVE BEEN
3 CONVICTED OF A FELONY OR A MISDEMEANOR PURSUANT TO PART 4 OF
4 ARTICLE 18 OF TITLE 18, C.R.S., WITHIN THE FIVE YEARS PRECEDING THE
5 CRIMINAL HISTORY RECORD CHECK.

6 (V) THE STATE HEALTH AGENCY MAY MAKE AN EXCEPTION, BASED
7 ON A REQUEST FROM A PATIENT, TO THE STATUTE LIMITING PRIMARY
8 CAREGIVERS TO FIVE PATIENTS. IF THE EXECUTIVE DIRECTOR MAKES AN
9 EXCEPTION TO THE LIMIT, THE STATE HEALTH AGENCY SHALL NOTE THE
10 EXCEPTION ON THE PRIMARY CAREGIVER'S RECORD IN THE REGISTRY.

11 (e) AT THE TIME A PATIENT APPLIES FOR INCLUSION ON THE
12 CONFIDENTIAL REGISTRY, THE PATIENT SHALL INDICATE WHETHER THE
13 PATIENT INTENDS TO CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA OR
14 INTENDS TO OBTAIN IT FROM EITHER A PRIMARY CAREGIVER OR A
15 LICENSED MEDICAL MARIJUANA CENTER. IF THE PATIENT ELECTS TO USE
16 A LICENSED MEDICAL MARIJUANA CENTER, THE PATIENT SHALL REGISTER
17 THE PRIMARY CENTER HE OR SHE INTENDS TO USE.

18 (11) **Registry identification card required - denial - revocation**
19 **- renewal.** (a) TO BE CONSIDERED IN COMPLIANCE WITH THE PROVISIONS
20 OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS
21 SECTION, AND THE RULES OF THE STATE HEALTH AGENCY, A PATIENT OR
22 PRIMARY CAREGIVER SHALL HAVE HIS OR HER REGISTRY IDENTIFICATION
23 CARD IN HIS OR HER POSSESSION AT ALL TIMES THAT HE OR SHE IS IN
24 POSSESSION OF ANY FORM OF MEDICAL MARIJUANA AND PRODUCE THE
25 SAME UPON REQUEST OF A LAW ENFORCEMENT OFFICER TO DEMONSTRATE
26 THAT THE PATIENT OR PRIMARY CAREGIVER IS NOT IN VIOLATION OF THE
27 LAW; EXCEPT THAT, IF MORE THAN THIRTY-FIVE DAYS HAVE PASSED SINCE

1 THE DATE THE PATIENT OR PRIMARY CAREGIVER FILED HIS OR HER
2 MEDICAL MARIJUANA PROGRAM APPLICATION AND THE STATE HEALTH
3 AGENCY HAS NOT YET ISSUED OR DENIED A REGISTRY IDENTIFICATION
4 CARD, A COPY OF THE PATIENT'S OR PRIMARY CAREGIVER'S APPLICATION
5 ALONG WITH PROOF OF THE DATE OF SUBMISSION SHALL BE IN THE
6 PATIENT'S OR PRIMARY CAREGIVER'S POSSESSION AT ALL TIMES THAT HE
7 OR SHE IS IN POSSESSION OF ANY FORM OF MEDICAL MARIJUANA UNTIL THE
8 STATE HEALTH AGENCY ISSUES OR DENIES THE REGISTRY IDENTIFICATION
9 CARD. A PERSON WHO VIOLATES SECTION 14 OF ARTICLE XVIII OF THE
10 STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE
11 STATE HEALTH AGENCY MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR
12 VIOLATIONS OF SECTION 18-18-406, C.R.S.

13 (b) THE EXECUTIVE DIRECTOR MAY DENY A PATIENT'S OR PRIMARY
14 CAREGIVER'S APPLICATION FOR A REGISTRY IDENTIFICATION CARD OR
15 REVOKE THE CARD IF THE EXECUTIVE DIRECTOR, IN ACCORDANCE WITH
16 ARTICLE 4 OF TITLE 24, C.R.S., DETERMINES THAT THE PHYSICIAN WHO
17 DIAGNOSED THE PATIENT'S DEBILITATING MEDICAL CONDITION, THE
18 PATIENT, OR THE PRIMARY CAREGIVER VIOLATED SECTION 14 OF ARTICLE
19 XVIII OF THE STATE CONSTITUTION, THIS SECTION, OR THE RULES
20 PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS
21 SECTION.

22 (c) A PATIENT OR PRIMARY CAREGIVER REGISTRY IDENTIFICATION
23 CARD SHALL BE VALID FOR ONE YEAR AND SHALL CONTAIN A UNIQUE
24 IDENTIFICATION NUMBER. IT SHALL BE THE RESPONSIBILITY OF THE
25 PATIENT OR PRIMARY CAREGIVER TO APPLY TO RENEW HIS OR HER
26 REGISTRY IDENTIFICATION CARD PRIOR TO THE DATE ON WHICH THE CARD
27 EXPIRES. THE EXECUTIVE DIRECTOR SHALL DEVELOP A FORM FOR A

1 PATIENT OR PRIMARY CAREGIVER TO USE IN RENEWING HIS OR HER
2 REGISTRY IDENTIFICATION CARD.

3 (12) **Use of medical marijuana.** (a) THE USE OF MEDICAL
4 MARIJUANA IS ALLOWED UNDER STATE LAW TO THE EXTENT THAT IT IS
5 CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14 OF
6 ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE
7 RULES OF THE STATE HEALTH AGENCY.

8 (b) A PATIENT OR PRIMARY CAREGIVER SHALL NOT:

9 (I) ENGAGE IN THE MEDICAL USE OF MARIJUANA IN A WAY THAT
10 ENDANGERS THE HEALTH AND WELL-BEING OF A PERSON;

11 (II) ENGAGE IN THE MEDICAL USE OF MARIJUANA IN PLAIN VIEW OF
12 OR IN A PLACE OPEN TO THE GENERAL PUBLIC;

13 (III) UNDERTAKE ANY TASK WHILE UNDER THE INFLUENCE OF
14 MEDICAL MARIJUANA, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE
15 OR PROFESSIONAL MALPRACTICE;

16 (IV) POSSESS MEDICAL MARIJUANA, OR OTHERWISE ENGAGE IN THE
17 USE OF MEDICAL MARIJUANA:

18 (A) IN A SCHOOL BUS; OR

19 (B) ON THE GROUNDS OF OR WITHIN ONE THOUSAND FEET OF THE
20 PERIMETER OF A DAY CARE, A PRESCHOOL, OR A PUBLIC OR PRIVATE
21 ELEMENTARY OR SECONDARY SCHOOL;

22 (V) ENGAGE IN THE USE OF MEDICAL MARIJUANA WHILE:

23 (A) IN A CORRECTIONAL FACILITY OR A COMMUNITY CORRECTIONS
24 FACILITY;

25 (B) SUBJECT TO A SENTENCE TO INCARCERATION OR ON
26 PROBATION OR PAROLE, UNLESS OTHERWISE PROVIDED BY COURT ORDER;

27 OR

1 (C) IN A VEHICLE, AIRCRAFT, OR MOTORBOAT;

2 (VI) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL
3 OF ANY VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE UNDER THE
4 INFLUENCE OF MEDICAL MARIJUANA; OR

5 (VII) USE MEDICAL MARIJUANA IF THE PERSON DOES NOT HAVE A
6 DEBILITATING MEDICAL CONDITION AS DIAGNOSED BY THE PERSON'S
7 PHYSICIAN IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT
8 RELATIONSHIP AND FOR WHICH THE PHYSICIAN HAS RECOMMENDED THE
9 USE OF MEDICAL MARIJUANA.

10 (c) A PERSON SHALL NOT ESTABLISH A BUSINESS TO PERMIT
11 PATIENTS TO CONGREGATE AND SMOKE OR OTHERWISE CONSUME MEDICAL
12 MARIJUANA.

13 (13) **Limit on cultivation of medical marijuana.** ONLY
14 REGISTERED PATIENTS, LICENSED PRIMARY CAREGIVERS, AND LICENSED
15 MEDICAL MARIJUANA CENTERS MAY CULTIVATE MEDICAL MARIJUANA.

16 (14) **Affirmative defense.** IF A PATIENT OR PRIMARY CAREGIVER
17 RAISES AN AFFIRMATIVE DEFENSE AS PROVIDED IN SECTION 14 (4) (b) OF
18 ARTICLE XVIII OF THE STATE CONSTITUTION, THE PATIENT'S PHYSICIAN
19 MUST ALSO CERTIFY THE SPECIFIC AMOUNTS IN EXCESS OF TWO OUNCES
20 THAT ARE NECESSARY TO ADDRESS THE PATIENT'S DEBILITATING MEDICAL
21 CONDITION AND WHY SUCH AMOUNTS ARE NECESSARY. A PATIENT WHO
22 ASSERTS THIS AFFIRMATIVE DEFENSE SHALL WAIVE CONFIDENTIALITY
23 PRIVILEGES.

24 ~~(2)~~ (15) **Fees.** The ~~department~~ STATE HEALTH AGENCY may
25 collect fees from patients who, pursuant to section 14 of article XVIII of
26 the state constitution, apply to the medical marijuana program ~~established~~
27 ~~by such section~~ for a ~~marijuana~~ registry identification CARD for the

1 purpose of offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and
2 indirect costs of administering the program, AND THE COLORADO STATE
3 BOARD OF MEDICAL EXAMINERS' DIRECT AND INDIRECT COSTS ASSOCIATED
4 WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM
5 THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA
6 PROGRAM. The amount of ~~such~~ THE fees shall be set by rule of the ~~state~~
7 ~~board of health~~ STATE HEALTH AGENCY. THE STATE HEALTH AGENCY
8 SHALL PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM INDIGENCE
9 AS IT RELATES TO PAYING THE FEE APPROVED PURSUANT TO THIS
10 SUBSECTION (15) AND THAT ESTABLISH THE STANDARD FOR INDIGENCE,
11 THE PROCESS THE STATE HEALTH AGENCY SHALL USE TO DETERMINE
12 WHETHER A PERSON WHO CLAIMS INDIGENCE MEETS THE STANDARD FOR
13 INDIGENCE, AND THE PROCESS TO WAIVE THE FEE APPROVED PURSUANT TO
14 THIS SUBSECTION (15) IF THE STATE HEALTH AGENCY DETERMINES THAT
15 THE PATIENT MEETS THE STANDARD FOR INDIGENCE. All fees collected by
16 the ~~department~~ STATE HEALTH AGENCY through the medical marijuana
17 program shall be transferred to the state treasurer who shall credit the
18 same to the medical marijuana program cash fund, which fund is hereby
19 created.

20 ~~(3)~~ (16) **Cash fund.** (a) The medical marijuana program cash
21 fund shall be subject to annual appropriation by the general assembly to
22 the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,
23 operating, and maintaining the medical marijuana program. ~~established~~
24 ~~by section 14 of article XVIII of the state constitution.~~ THE STATE
25 HEALTH AGENCY SHALL TRANSFER FROM THE MEDICAL MARIJUANA
26 PROGRAM CASH FUND TO THE DEPARTMENT OF REGULATORY AGENCIES,
27 FOR THE BENEFIT OF THE COLORADO STATE BOARD OF MEDICAL

1 EXAMINERS, MONEYS TO PAY THE DIRECT AND INDIRECT COSTS
2 ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF
3 PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE
4 MEDICAL MARIJUANA PROGRAM. All moneys credited to the medical
5 marijuana program cash fund and all interest derived from the deposit of
6 such moneys that are not expended during the fiscal year shall be retained
7 in the fund for future use and shall not be credited or transferred to the
8 general fund or any other fund.

9 (b) Notwithstanding any provision of paragraph (a) of this
10 subsection ~~(3)~~ (16) to the contrary, on April 20, 2009, the state treasurer
11 shall deduct two hundred fifty-eight thousand seven hundred thirty-five
12 dollars from the medical marijuana program cash fund and transfer such
13 sum to the general fund.

14 (17) (a) AS OF THE EFFECTIVE DATE OF SECTION 2 OF HOUSE BILL
15 10-____, ENACTED IN 2010, A PERSON SHALL NOT OPEN A MEDICAL
16 MARIJUANA CENTER UNTIL THE CENTER HAS BEEN LICENSED PURSUANT TO
17 ARTICLE 43.3 OF TITLE 12, C.R.S.

18 (b) AS OF THE EFFECTIVE DATE OF SECTION 2 OF HOUSE BILL
19 10-____, ENACTED IN 2010, A PERSON WHO OPERATES A MEDICAL
20 MARIJUANA CENTER MAY OPERATE THAT CENTER UNTIL JULY 1, 2011.
21 AFTER JULY 1, 2011, THE PERSON SHALL APPLY FOR LICENSURE OF THE
22 MEDICAL MARIJUANA CENTER PURSUANT TO ARTICLE 43.3 OF TITLE 12,
23 C.R.S., AND MAY CONTINUE OPERATING THE MEDICAL MARIJUANA CENTER
24 ON AND AFTER JULY 1, 2011, ONLY IF THE CENTER IS LICENSED.

25 **SECTION 3.** 25-5-403, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **25-5-403. Offenses.** (3) THE PROVISIONS OF THIS SECTION SHALL

1 NOT APPLY TO A MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO
2 ARTICLE 43.3 OF TITLE 12, C.R.S., THAT MANUFACTURES OR SELLS A FOOD
3 PRODUCT THAT CONTAINS MEDICAL MARIJUANA SO LONG AS THE FOOD
4 PRODUCT IS LABELED AS CONTAINING MEDICAL MARIJUANA AND THE
5 LABEL SPECIFIES THE AMOUNT OF MEDICAL MARIJUANA CONTAINED IN THE
6 FOOD PRODUCT.

7 **SECTION 4.** 25-1-1202 (1), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **25-1-1202. Index of statutory sections regarding medical**
10 **record confidentiality and health information.** (1) Statutory
11 provisions concerning policies, procedures, and references to the release,
12 sharing, and use of medical records and health information include the
13 following:

14 (vv.5) SECTION 25-1.5-106, CONCERNING THE MEDICAL
15 MARIJUANA PROGRAM;

16 **SECTION 5.** 12-36-117 (1), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **12-36-117. Unprofessional conduct - repeal.**

19 (1) "Unprofessional conduct" as used in this article means:

20 (mm) FAILURE TO COMPLY WITH THE REQUIREMENTS OF SECTION
21 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, SECTION 25-1.5-106,
22 C.R.S., OR THE RULES PROMULGATED BY THE STATE HEALTH AGENCY
23 PURSUANT TO SECTION 25-1.5-106 (3), C.R.S.

24 **SECTION 6.** 12-36-118 (5) (g), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

26 **12-36-118. Disciplinary action by board - immunity.**

27 (5) (g) (X) IN ALL CASES INVOLVING ALLEGED VIOLATIONS OF SECTION

1 12-36-117 (1) (mm), THE BOARD SHALL PROMPTLY NOTIFY THE
2 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND
3 ENVIRONMENT OF ITS FINDINGS, INCLUDING WHETHER IT FOUND THAT THE
4 PHYSICIAN VIOLATED SECTION 12-36-117 (1) (mm) AND ANY
5 RESTRICTIONS IT PLACED ON THE PHYSICIAN WITH RESPECT TO
6 RECOMMENDING THE USE OF MEDICAL MARIJUANA.

7 **SECTION 7.** 24-75-402 (5), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **24-75-402. Cash funds - limit on uncommitted reserves -**
10 **reduction in amount of fees - exclusions.** (5) Notwithstanding any
11 provision of this section to the contrary, the following cash funds are
12 excluded from the limitations specified in this section:

13 (z) THE MEDICAL MARIJUANA CENTER LICENSE CASH FUND
14 CREATED IN SECTION 12-43.3-104, C.R.S.

15 **SECTION 8. Specified effective date.** Section 1 of this act shall
16 take effect July 1, 2011, and the remainder of this act shall take effect
17 upon passage.

18 **SECTION 9. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.