

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0773.02 Michael Dohr

**HOUSE BILL 10-1284**

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**HOUSE SPONSORSHIP**

**Massey and Summers,** McCann, Rice

**SENATE SPONSORSHIP**

**Romer and Spence,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

Local Government and Energy  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING REGULATION OF MEDICAL MARIJUANA, AND MAKING AN**  
102 **APPROPRIATION THEREFOR.**

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**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

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.*

HOUSE  
3rd Reading Unamended  
April 22, 2010

HOUSE  
Amended 2nd Reading  
April 20, 2010

licensure, including rulemaking. Many of the functions and duties of the state licensing authority are similar to those held by the state licensing 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.

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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**

1 **Medical Marijuana**

2 **PART 1**

3 **COLORADO MEDICAL MARIJUANA CODE**

4 **12-43.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
5 MAY BE CITED AS THE "COLORADO MEDICAL MARIJUANA CODE".

6 **12-43.3-102. Legislative declaration.** (1) THE GENERAL  
7 ASSEMBLY HEREBY DECLARES THAT THIS ARTICLE SHALL BE DEEMED AN  
8 EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE PROTECTION OF  
9 THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH, PEACE, AND  
10 MORALS OF THE PEOPLE OF THIS STATE.

11 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS  
12 UNLAWFUL UNDER STATE LAW TO CULTIVATE, MANUFACTURE,  
13 DISTRIBUTE, OR SELL MEDICAL MARIJUANA, EXCEPT IN COMPLIANCE WITH  
14 THE TERMS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS IN SECTION 14  
15 OF ARTICLE XVIII OF THE STATE CONSTITUTION AND THIS ARTICLE OR  
16 WHEN ACTING AS A PRIMARY CAREGIVER IN COMPLIANCE WITH THE TERMS,  
17 CONDITIONS, LIMITATIONS, AND RESTRICTIONS OF SECTION 25-1.5-106,  
18 C.R.S.

19 **12-43.3-103. Applicability - repeal.** (1) (a) AFTER JULY 1,  
20 2010, A PERSON SHALL NOT OPEN A MEDICAL MARIJUANA CENTER,  
21 OPTIONAL PREMISES CULTIVATION OPERATION, OR MEDICAL  
22 MARIJUANA-INFUSED PRODUCTS MANUFACTURING OPERATION UNTIL THE  
23 CENTER OR OPERATION HAS BEEN LICENSED PURSUANT TO THIS ARTICLE.

24 (b) A PERSON WHO HAS APPLIED FOR A LOCAL LICENSE THAT IS  
25 SUBSEQUENTLY GRANTED OR IS ALREADY OPERATING A MEDICAL  
26 MARIJUANA CENTER WITH AN OPTIONAL PREMISES CULTIVATION  
27 OPERATION ON JULY 1, 2010, SHALL APPLY FOR A STATE LICENSE ON OR

1 BEFORE JULY 15, 2010. THE APPLICANT SHALL PAY A NONREFUNDABLE  
2 APPLICATION FEE AND CERTIFY THAT THE CENTER OR OPERATION WILL BE  
3 CULTIVATING AT LEAST SEVENTY PERCENT OF THE MEDICAL MARIJUANA  
4 NECESSARY FOR OPERATION BY JULY 15, 2010, AT THE TIME OF  
5 APPLICATION. A PERSON WHO APPLIES FOR A LICENSE PURSUANT TO THIS  
6 SECTION MAY CONTINUE OPERATING THE MEDICAL MARIJUANA CENTER  
7 UNTIL THE LICENSE IS GRANTED OR DENIED BY THE STATE LICENSING  
8 AUTHORITY.

9 (c) BY SEPTEMBER 15, 2010, EACH CITY, CITY AND COUNTY, AND  
10 COUNTY SHALL CLOSE ALL MEDICAL MARIJUANA CENTERS AND OPTIONAL  
11 PREMISES CULTIVATION OPERATIONS WITHIN ITS BOUNDARIES THAT HAVE  
12 NOT APPLIED FOR A LICENSE PURSUANT TO PARAGRAPH (b) OF THIS  
13 SUBSECTION (1) AND CERTIFY TO THE STATE LICENSING AUTHORITY  
14 CREATED IN SECTION 12-43.3-201 THAT IT HAS DONE SO. TO EFFECTUATE  
15 THIS PARAGRAPH (c), THE STATE LICENSING AUTHORITY SHALL PROVIDE,  
16 UPON REQUEST, TO A CITY, CITY AND COUNTY, OR COUNTY, A LIST THAT  
17 INCLUDES THE NAME AND LOCATION OF EACH LICENSE APPLICANT THAT  
18 APPLIED FOR A STATE LICENSE PURSUANT TO PARAGRAPH (b) OF THIS  
19 SUBSECTION (1). IF A CITY, CITY AND COUNTY, OR COUNTY FAILS TO  
20 COMPLY WITH THIS PARAGRAPH (c), THE STATE LICENSING AUTHORITY  
21 SHALL NOT PROCESS ANY APPLICATIONS FROM THAT CITY, CITY AND  
22 COUNTY, OR COUNTY. \_\_\_

23 (2) PRIOR TO JULY 1, 2010, A COUNTY, CITY AND COUNTY, OR  
24 MUNICIPALITY MAY ADOPT AND ENFORCE A RESOLUTION OR ORDINANCE  
25 LICENSING, REGULATING OR PROHIBITING THE CULTIVATION OR SALE OF  
26 MEDICAL MARIJUANA. IN A COUNTY, CITY AND COUNTY, OR  
27 MUNICIPALITY WHERE SUCH AN ORDINANCE OR RESOLUTION HAS BEEN

1 ADOPTED, A PERSON WHO IS NOT REGISTERED AS A PATIENT OR PRIMARY  
2 CAREGIVER PURSUANT TO SECTION 25-1.5-106, C.R.S., AND WHO IS  
3 CULTIVATING OR SELLING MEDICAL MARIJUANA SHALL NOT BE ENTITLED  
4 TO AN AFFIRMATIVE DEFENSE TO A CRIMINAL PROSECUTION AS PROVIDED  
5 FOR IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION  
6 UNLESS THE PERSON IS IN COMPLIANCE WITH THE APPLICABLE COUNTY OR  
7 MUNICIPAL LAW.

8 **12-43.3-104. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "GOOD CAUSE", FOR PURPOSES OF REFUSING OR DENYING A  
11 LICENSE RENEWAL, REINSTATEMENT, OR INITIAL LICENSE ISSUANCE,  
12 MEANS:

13 (a) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,  
14 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR  
15 PROVISIONS OF THIS ARTICLE, ANY RULES PROMULGATED PURSUANT TO  
16 THIS ARTICLE, OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR  
17 REGULATIONS;

18 (b) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH ANY  
19 SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE  
20 PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;

21 (c) THE LICENSED PREMISES HAVE BEEN OPERATED IN A MANNER  
22 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR WELFARE OR THE  
23 SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE  
24 ESTABLISHMENT IS LOCATED.

25 (2) "LICENSE" MEANS TO GRANT A LICENSE OR REGISTRATION  
26 PURSUANT TO THIS ARTICLE.

27 (3) "LICENSED PREMISES" MEANS THE PREMISES SPECIFIED IN AN

1 APPLICATION FOR A LICENSE UNDER THIS ARTICLE, WHICH ARE OWNED OR  
2 IN POSSESSION OF THE LICENSEE AND WITHIN WHICH THE LICENSEE IS  
3 AUTHORIZED TO CULTIVATE, MANUFACTURE, DISTRIBUTE, OR SELL  
4 MEDICAL MARIJUANA IN ACCORDANCE WITH THE PROVISIONS OF THIS  
5 ARTICLE.

6 (4) "LICENSEE" MEANS A PERSON LICENSED OR REGISTERED  
7 PURSUANT TO THIS ARTICLE.

8 (5) "LOCAL LICENSING AUTHORITY" MEANS AN AUTHORITY  
9 DESIGNATED BY MUNICIPAL OR COUNTY CHARTER, MUNICIPAL ORDINANCE,  
10 OR COUNTY RESOLUTION.

11 (6) "LOCATION" MEANS A PARTICULAR PARCEL OF LAND THAT MAY  
12 BE IDENTIFIED BY AN ADDRESS OR OTHER DESCRIPTIVE MEANS.

13 (7) "MEDICAL MARIJUANA" MEANS MARIJUANA THAT IS GROWN  
14 AND SOLD PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND FOR A  
15 PURPOSE AUTHORIZED BY SECTION 14 OF ARTICLE XVIII OF THE STATE  
16 CONSTITUTION.

17 (8) "MEDICAL MARIJUANA CENTER" MEANS A PERSON LICENSED  
18 PURSUANT TO THIS ARTICLE TO OPERATE A BUSINESS AS DESCRIBED IN  
19 SECTION 12-43.3-402 THAT SELLS MEDICAL MARIJUANA TO REGISTERED  
20 PATIENTS OR PRIMARY CAREGIVERS AS DEFINED IN SECTION 14 OF ARTICLE  
21 XVIII OF THE STATE CONSTITUTION, BUT IS NOT A PRIMARY CAREGIVER.

22 (9) "MEDICAL MARIJUANA-INFUSED PRODUCT" MEANS A PRODUCT  
23 INFUSED WITH MEDICAL MARIJUANA THAT IS INTENDED FOR USE OR  
24 CONSUMPTION OTHER THAN BY SMOKING, INCLUDING BUT NOT LIMITED TO  
25 EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES. THESE PRODUCTS, WHEN  
26 MANUFACTURED OR SOLD BY A LICENSED MEDICAL MARIJUANA CENTER OR  
27 A MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER, SHALL NOT

1 BE CONSIDERED A FOOD OR DRUG FOR THE PURPOSES OF THE "COLORADO  
2 FOOD AND DRUG ACT", PART 4 OF ARTICLE 5 OF TITLE 25, C.R.S.

3 (10) "MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER"  
4 MEANS A PERSON LICENSED PURSUANT TO THIS ARTICLE TO OPERATE A  
5 BUSINESS AS DESCRIBED IN SECTION 12-43.3-404.

6 (11) "OPTIONAL PREMISES" MEANS THE PREMISES SPECIFIED IN AN  
7 APPLICATION FOR A MEDICAL MARIJUANA CENTER LICENSE WITH RELATED  
8 GROWING FACILITIES IN COLORADO FOR WHICH THE LICENSEE IS  
9 AUTHORIZED TO GROW AND CULTIVATE MARIJUANA FOR A PURPOSE  
10 AUTHORIZED BY SECTION 14 OF ARTICLE XVIII OF THE STATE  
11 CONSTITUTION.

12 (12) "OPTIONAL PREMISES CULTIVATION OPERATION" MEANS A  
13 PERSON LICENSED PURSUANT TO THIS ARTICLE TO OPERATE A BUSINESS AS  
14 DESCRIBED IN SECTION 12-43.3-403.

15 (13) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,  
16 ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, OR  
17 ORGANIZATION, OR A MANAGER, AGENT, OWNER, DIRECTOR, SERVANT,  
18 OFFICER, OR EMPLOYEE THEREOF.

19 (14) "PREMISES" MEANS A DISTINCT AND DEFINITE LOCATION,  
20 WHICH MAY INCLUDE A BUILDING, A PART OF A BUILDING, A ROOM, OR ANY  
21 OTHER DEFINITE CONTIGUOUS AREA.

22 (15) "SCHOOL" MEANS A PUBLIC OR PRIVATE PRESCHOOL OR A  
23 PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.

24 (16) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY  
25 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE  
26 LICENSING OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE  
27 OF MEDICAL MARIJUANA IN THIS STATE, PURSUANT TO SECTION

1 12-43.3-201.

2 **12-43.3-105. Limited access areas.** NOTWITHSTANDING THE  
3 PROVISIONS OF 12-43.3-701, A LIMITED ACCESS AREA SHALL BE A  
4 BUILDING, ROOM, OR OTHER CONTIGUOUS AREA UPON THE LICENSED  
5 PREMISES WHERE MEDICAL MARIJUANA IS GROWN, CULTIVATED, STORED,  
6 WEIGHED, DISPLAYED, PACKAGED, SOLD, OR POSSESSED FOR SALE, UNDER  
7 CONTROL OF THE LICENSEE, WITH LIMITED ACCESS TO ONLY THOSE  
8 PERSONS LICENSED BY THE STATE LICENSING AUTHORITY. ALL AREAS OF  
9 INGRESS OR EGRESS TO LIMITED ACCESS AREAS SHALL BE CLEARLY  
10 IDENTIFIED AS SUCH BY A SIGN AS DESIGNATED BY THE STATE LICENSING  
11 AUTHORITY.

12 **12-43.3-106. Local option.** THE OPERATION OF THIS ARTICLE  
13 SHALL BE STATEWIDE UNLESS A MUNICIPALITY, COUNTY, CITY, OR CITY  
14 AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF  
15 THE MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY VOTING AT A  
16 REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH  
17 THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF  
18 TITLE 31, C.R.S., OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES  
19 1 TO 13 OF TITLE 1, C.R.S., AS APPLICABLE, OR A MAJORITY OF THE  
20 MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY,  
21 CITY, OR CITY AND COUNTY, VOTE TO PROHIBIT THE OPERATION OF  
22 MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION  
23 OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS  
24 MANUFACTURERS' LICENSES.

25 PART 2

26 STATE LICENSING AUTHORITY

27 **12-43.3-201. State licensing authority - creation - repeal.**



1 (1) FOR THE PURPOSE OF REGULATING AND CONTROLLING THE LICENSING  
2 OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF  
3 MEDICAL MARIJUANA IN THIS STATE, THERE IS HEREBY CREATED THE  
4 STATE LICENSING AUTHORITY, WHICH SHALL BE THE EXECUTIVE DIRECTOR  
5 OF THE DEPARTMENT OF REVENUE OR THE DEPUTY DIRECTOR OF THE  
6 DEPARTMENT OF REVENUE IF THE EXECUTIVE DIRECTOR SO DESIGNATES.

7 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE  
8 SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE STATE LICENSING  
9 AUTHORITY AND MAY EMPLOY, PURSUANT TO SECTION 13 OF ARTICLE XII  
10 OF THE STATE CONSTITUTION, SUCH OFFICERS AND EMPLOYEES AS MAY BE  
11 DETERMINED TO BE NECESSARY, WHICH OFFICERS AND EMPLOYEES SHALL  
12 BE PART OF THE DEPARTMENT OF REVENUE. THE STATE LICENSING  
13 AUTHORITY SHALL, AT ITS DISCRETION, BASED UPON WORKLOAD, EMPLOY  
14 NO MORE THAN ONE FULL TIME EQUIVALENT EMPLOYEE FOR EACH TEN  
15 MEDICAL MARIJUANA CENTERS LICENSED BY OR MAKING APPLICATION  
16 WITH THE AUTHORITY. NO MONEYS SHALL BE APPROPRIATED TO THE  
17 STATE LICENSING AUTHORITY FROM THE GENERAL FUND FOR THE  
18 OPERATION OF THIS ARTICLE, NOR SHALL THE STATE LICENSING  
19 AUTHORITY EXPEND ANY GENERAL FUND MONEYS FOR THE OPERATION OF  
20 THIS ARTICLE.

21 (3) (a) DURING FISCAL YEAR 2010-2011, THE STATE LICENSING  
22 AUTHORITY SHALL CONSIDER EMPLOYMENT OF TEMPORARY OR CONTRACT  
23 STAFF TO CONDUCT BACKGROUND INVESTIGATIONS. THE ADDITIONAL  
24 COST OF THE BACKGROUND INVESTIGATIONS SHALL NOT EXCEED FIVE  
25 HUNDRED THOUSAND DOLLARS.

26 (b) ON JULY 1, 2010, THE DEPARTMENT OF PUBLIC HEALTH AND  
27 ENVIRONMENT SHALL LOAN TO THE STATE LICENSING AUTHORITY,

1 CREATED IN 12-43.3-201, A SUM NOT TO EXCEED ONE MILLION DOLLARS  
2 FROM THE MEDICAL MARIJUANA CASH FUND CREATED IN 25-1.5-106. THE  
3 STATE LICENSING AUTHORITY SHALL PAY BACK THE ONE MILLION DOLLAR  
4 LOAN TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT NO  
5 LATER THAN DECEMBER 31, 2010.

6 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2011.

7 **12-43.3-202. Powers and duties of state licensing authority.**

8 (1) THE STATE LICENSING AUTHORITY SHALL:

9 (a) GRANT OR REFUSE STATE LICENSES FOR THE CULTIVATION,  
10 MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA AS  
11 PROVIDED BY LAW; SUSPEND, FINE, RESTRICT, OR REVOKE SUCH LICENSES  
12 UPON A VIOLATION OF THIS ARTICLE, OR A RULE PROMULGATED PURSUANT  
13 TO THIS ARTICLE; AND IMPOSE ANY PENALTY AUTHORIZED BY THIS  
14 ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE. THE  
15 STATE LICENSING AUTHORITY MAY TAKE ANY ACTION WITH RESPECT TO A  
16 REGISTRATION PURSUANT TO THIS ARTICLE AS IT MAY WITH RESPECT TO A  
17 LICENSE PURSUANT TO THIS ARTICLE, IN ACCORDANCE WITH THE  
18 PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE.

19 (b) PROMULGATE SUCH RULES AND SUCH SPECIAL RULINGS AND  
20 FINDINGS AS NECESSARY FOR THE PROPER REGULATION AND CONTROL OF  
21 THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL  
22 MARIJUANA AND FOR THE ENFORCEMENT OF THIS ARTICLE. A COUNTY,  
23 MUNICIPALITY, OR CITY AND COUNTY THAT HAS ADOPTED A TEMPORARY  
24 MORATORIUM REGARDING THE SUBJECT MATTER OF THIS ARTICLE SHALL  
25 BE SPECIFICALLY AUTHORIZED TO EXTEND THE MORATORIUM UNTIL THE  
26 EFFECTIVE DATE OF THE RULES ADOPTED BY THE DEPARTMENT OF  
27 REVENUE IN ACCORDANCE WITH THIS ARTICLE.

1 (c) HEAR AND DETERMINE AT A PUBLIC HEARING ANY APPEALS OF  
2 A STATE LICENSE DENIAL AND ANY COMPLAINTS AGAINST A LICENSEE AND  
3 ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF  
4 PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS  
5 NECESSARY TO THE DETERMINATION OF ANY HEARING SO HELD, ALL IN  
6 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. THE STATE LICENSING  
7 AUTHORITY MAY, AT ITS DISCRETION, DELEGATE TO THE DEPARTMENT OF  
8 REVENUE HEARING OFFICERS THE AUTHORITY TO CONDUCT LICENSING,  
9 DISCIPLINARY, AND RULEMAKING HEARINGS UNDER SECTION 24-4-105,  
10 C.R.S. WHEN CONDUCTING SUCH HEARINGS, THE HEARING OFFICERS  
11 SHALL BE EMPLOYEES OF THE STATE LICENSING AUTHORITY UNDER THE  
12 DIRECTION AND SUPERVISION OF THE EXECUTIVE DIRECTOR AND THE  
13 STATE LICENSING AUTHORITY.

14 (d) MAINTAIN THE CONFIDENTIALITY OF REPORTS OBTAINED FROM  
15 A LICENSEE SHOWING THE SALES VOLUME OR QUANTITY OF MEDICAL  
16 MARIJUANA SOLD OR ANY OTHER RECORDS THAT ARE EXEMPT FROM  
17 PUBLIC INSPECTION PURSUANT TO STATE LAW;

18 (e) DEVELOP SUCH FORMS, LICENSES, IDENTIFICATION CARDS, AND  
19 APPLICATIONS AS ARE NECESSARY OR CONVENIENT IN THE DISCRETION OF  
20 THE STATE LICENSING AUTHORITY FOR THE ADMINISTRATION OF THIS  
21 ARTICLE OR ANY OF THE RULES PROMULGATED UNDER THIS ARTICLE;

22 (f) PREPARE AND TRANSMIT ANNUALLY, IN THE FORM AND  
23 MANNER PRESCRIBED BY THE HEADS OF THE PRINCIPAL DEPARTMENTS  
24 PURSUANT TO SECTION 24-1-136, C.R.S., A REPORT ACCOUNTING TO THE  
25 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES  
26 ASSIGNED BY LAW OR DIRECTIVE TO THE STATE LICENSING AUTHORITY;  
27 AND

1 (g) IN RECOGNITION OF THE POTENTIAL MEDICINAL VALUE OF  
2 MEDICAL MARIJUANA, MAKE A REQUEST BY JANUARY 1, 2012, TO THE  
3 FEDERAL DRUG ENFORCEMENT ADMINISTRATION TO CONSIDER  
4 RESCHEDULING, FOR PHARMACEUTICAL PURPOSES, MEDICAL MARIJUANA  
5 FROM A SCHEDULE I CONTROLLED SUBSTANCE TO A SCHEDULE II  
6 CONTROLLED SUBSTANCE.

7 (2) (a) RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF  
8 SUBSECTION (1) OF THIS SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED  
9 TO, THE FOLLOWING SUBJECTS:

10 (I) COMPLIANCE WITH, ENFORCEMENT OF, OR VIOLATION OF ANY  
11 PROVISION OF THIS ARTICLE, OR ANY RULE ISSUED PURSUANT TO THIS  
12 ARTICLE, INCLUDING PROCEDURES AND GROUNDS FOR DENYING,  
13 SUSPENDING, FINING, RESTRICTING, OR REVOKING A STATE LICENSE ISSUED  
14 PURSUANT TO THIS ARTICLE;

15 (II) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF  
16 THE STATE LICENSING AUTHORITY;

17 (III) INSTRUCTIONS FOR LOCAL LICENSING AUTHORITIES AND LAW  
18 ENFORCEMENT OFFICERS;

19 (IV) REQUIREMENTS FOR INSPECTIONS, INVESTIGATIONS,  
20 SEARCHES, SEIZURES, AND SUCH ADDITIONAL ACTIVITIES AS MAY BECOME  
21 NECESSARY FROM TIME TO TIME;

22 (V) CREATION OF A RANGE OF PENALTIES FOR USE BY THE STATE  
23 LICENSING AUTHORITY;

24 (VI) PROHIBITION OF MISREPRESENTATION AND UNFAIR  
25 PRACTICES;

26 (VII) CONTROL OF INFORMATIONAL AND PRODUCT DISPLAYS ON  
27 LICENSED PREMISES;

1 (VIII) DEVELOPMENT OF INDIVIDUAL IDENTIFICATION CARDS FOR  
2 OWNERS, OFFICERS, MANAGERS, CONTRACTORS, EMPLOYEES, AND OTHER  
3 SUPPORT STAFF OF ENTITIES LICENSED PURSUANT TO THIS ARTICLE,  
4 INCLUDING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS  
5 MAY BE REQUIRED BY THE STATE LICENSING AUTHORITY PRIOR TO ISSUING  
6 A CARD;

7 (IX) IDENTIFICATION OF STATE LICENSEES AND THEIR OWNERS,  
8 OFFICERS, MANAGERS, AND EMPLOYEES;

9 (X) SECURITY REQUIREMENTS FOR ANY PREMISES LICENSED  
10 PURSUANT TO THIS ARTICLE, INCLUDING, AT A \_\_\_\_\_ MINIMUM, LIGHTING,  
11 PHYSICAL SECURITY, VIDEO, ALARM REQUIREMENTS, AND OTHER MINIMUM  
12 PROCEDURES FOR INTERNAL CONTROL AS DEEMED NECESSARY BY THE  
13 STATE LICENSING AUTHORITY TO PROPERLY ADMINISTER AND ENFORCE  
14 THE PROVISIONS OF THIS ARTICLE, INCLUDING REPORTING REQUIREMENTS  
15 FOR CHANGES, ALTERATIONS, OR MODIFICATIONS TO THE PREMISES;

16 (XI) REGULATION OF THE STORAGE OF, WAREHOUSES FOR, AND  
17 TRANSPORTATION OF MEDICAL MARIJUANA;

18 (XII) SANITARY REQUIREMENTS FOR MEDICAL MARIJUANA  
19 CENTERS, INCLUDING BUT NOT LIMITED TO SANITARY REQUIREMENTS FOR  
20 THE PREPARATION OF MEDICAL MARIJUANA-INFUSED PRODUCTS;

21 (XIII) THE SPECIFICATION OF ACCEPTABLE FORMS OF PICTURE  
22 IDENTIFICATION THAT A MEDICAL MARIJUANA CENTER MAY ACCEPT WHEN  
23 VERIFYING A SALE;

24 (XIV) LABELING STANDARDS;

25 (XV) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED  
26 AVAILABILITY OF THE RECORDS;

27 (XVI) STATE LICENSING PROCEDURES, INCLUDING PROCEDURES

1 FOR RENEWALS, REINSTATEMENTS, INITIAL LICENSES, AND THE PAYMENT  
2 OF LICENSING FEES;

3 (XVII) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES  
4 TAX PAYMENTS BY MEDICAL MARIJUANA CENTERS;

5 (XVIII) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO  
6 HAVE ACCESS TO LICENSING INFORMATION TO ENSURE SALES AND INCOME  
7 TAX PAYMENT AND THE EFFECTIVE ADMINISTRATION OF THIS ARTICLE;

8 (XIX) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO  
9 ISSUE ADMINISTRATIVE CITATIONS AND PROCEDURES FOR ISSUING,  
10 APPEALING AND CREATING A CITATION VIOLATION LIST AND SCHEDULE OF  
11 PENALTIES; AND

12 (XX) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,  
13 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS  
14 ARTICLE.

15 (b) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS  
16 DELEGATING TO THE STATE LICENSING AUTHORITY THE POWER TO FIX  
17 PRICES FOR MEDICAL MARIJUANA.

18 (c) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT A  
19 LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL  
20 ACTIVITY IN RELATION TO A MEDICAL MARIJUANA CENTER, OPTIONAL  
21 PREMISES CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED  
22 PRODUCTS MANUFACTURER. A LAW ENFORCEMENT AGENCY SHALL HAVE  
23 THE AUTHORITY TO RUN A COLORADO CRIME INFORMATION CENTER  
24 CRIMINAL HISTORY RECORD CHECK OF A PRIMARY CAREGIVER, LICENSEE,  
25 OR EMPLOYEE OF A LICENSEE DURING AN INVESTIGATION OF UNLAWFUL  
26 ACTIVITY RELATED TO MEDICAL MARIJUANA.

27 PART 3

1 STATE AND LOCAL LICENSING

2 12-43.3-301. Local licensing authority - applications - licenses.

3 (1) A LOCAL LICENSING AUTHORITY MAY ISSUE ONLY THE FOLLOWING  
4 MEDICAL MARIJUANA LICENSES UPON PAYMENT OF THE FEE AND  
5 COMPLIANCE WITH ALL LOCAL LICENSING REQUIREMENTS TO BE  
6 DETERMINED BY THE LOCAL LICENSING AUTHORITY:

7 (a) A MEDICAL MARIJUANA CENTER LICENSE;

8 (b) AN OPTIONAL PREMISES CULTIVATION LICENSE;

9 (c) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
10 LICENSE.

11 (2) (a) A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE A LOCAL  
12 LICENSE WITHIN A MUNICIPALITY, CITY AND COUNTY, OR THE  
13 UNINCORPORATED PORTION OF A COUNTY UNLESS THE GOVERNING BODY  
14 OF THE MUNICIPALITY OR CITY AND COUNTY HAS ADOPTED AN ORDINANCE,  
15 OR THE GOVERNING BODY OF THE COUNTY HAS ADOPTED A RESOLUTION,  
16 CONTAINING SPECIFIC STANDARDS FOR LICENSE ISSUANCE, OR IF NO SUCH  
17 ORDINANCE OR RESOLUTION IS ADOPTED PRIOR TO JULY 1, 2011, THEN A  
18 LOCAL LICENSING AUTHORITY SHALL CONSIDER THE MINIMUM LICENSING  
19 REQUIREMENTS OF THIS PART 3 WHEN ISSUING A LICENSE.

20 (b) IN ADDITION TO ALL OTHER STANDARDS APPLICABLE TO THE  
21 ISSUANCE OF LICENSES UNDER THIS ARTICLE, THE LOCAL GOVERNING BODY  
22 MAY ADOPT ADDITIONAL STANDARDS FOR THE ISSUANCE OF MEDICAL  
23 MARIJUANA CENTER, OPTIONAL PREMISES CULTIVATION, OR MEDICAL  
24 MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSES CONSISTENT  
25 WITH THE INTENT OF THIS ARTICLE THAT MAY INCLUDE, BUT NEED NOT BE  
26 LIMITED TO:

27 (I) DISTANCE RESTRICTIONS BETWEEN PREMISES FOR WHICH LOCAL

1 LICENSES ARE ISSUED;

2 (II) REASONABLE RESTRICTIONS ON THE SIZE OF AN APPLICANT'S  
3 LICENSED PREMISES; AND

4 (III) ANY OTHER REQUIREMENTS NECESSARY TO ENSURE THE  
5 CONTROL OF THE PREMISES AND THE EASE OF ENFORCEMENT OF THE  
6 TERMS AND CONDITIONS OF THE LICENSE.

7 (3) AN APPLICATION FOR A LICENSE SPECIFIED IN SUBSECTION (1)  
8 OF THIS SECTION SHALL BE FILED WITH THE APPROPRIATE LOCAL  
9 LICENSING AUTHORITY ON FORMS PROVIDED BY THE STATE LICENSING  
10 AUTHORITY AND SHALL CONTAIN SUCH INFORMATION AS THE STATE  
11 LICENSING AUTHORITY MAY REQUIRE AND ANY FORMS AS THE LOCAL  
12 LICENSING AUTHORITY MAY REQUIRE. EACH APPLICATION SHALL BE  
13 VERIFIED BY THE OATH OR AFFIRMATION OF THE PERSONS PRESCRIBED BY  
14 THE STATE LICENSING AUTHORITY.

15 (4) AN APPLICANT SHALL FILE AT THE TIME OF APPLICATION FOR  
16 A LOCAL LICENSE PLANS AND SPECIFICATIONS FOR THE INTERIOR OF THE  
17 BUILDING IF THE BUILDING TO BE OCCUPIED IS IN EXISTENCE AT THE TIME.  
18 IF THE BUILDING IS NOT IN EXISTENCE, THE APPLICANT SHALL FILE A PLOT  
19 PLAN AND A DETAILED SKETCH FOR THE INTERIOR AND SUBMIT AN  
20 ARCHITECT'S DRAWING OF THE BUILDING TO BE CONSTRUCTED. IN ITS  
21 DISCRETION, THE LOCAL OR STATE LICENSING AUTHORITY MAY IMPOSE  
22 ADDITIONAL REQUIREMENTS NECESSARY FOR THE APPROVAL OF THE  
23 APPLICATION.

24 **12-43.3-302. Public hearing notice - posting and publication.**

25 (1) UPON RECEIPT OF AN APPLICATION FOR A LOCAL LICENSE, EXCEPT AN  
26 APPLICATION FOR RENEWAL OR FOR TRANSFER OF OWNERSHIP, A LOCAL  
27 LICENSING AUTHORITY MAY SCHEDULE A PUBLIC HEARING UPON THE



1 APPLICATION TO BE HELD NOT LESS THAN THIRTY DAYS AFTER THE DATE  
2 OF THE APPLICATION. IF THE LOCAL LICENSING AUTHORITY SCHEDULES A  
3 HEARING FOR A MEDICAL MARIJUANA CENTER APPLICATION, IT SHALL POST  
4 AND PUBLISH PUBLIC NOTICE THEREOF NOT LESS THAN TEN DAYS PRIOR TO  
5 THE HEARING. THE LOCAL LICENSING AUTHORITY SHALL GIVE PUBLIC  
6 NOTICE BY THE POSTING OF A SIGN IN A CONSPICUOUS PLACE ON THE  
7 MEDICAL MARIJUANA CENTER PREMISES FOR WHICH APPLICATION HAS  
8 BEEN MADE AND BY PUBLICATION IN A NEWSPAPER OF GENERAL  
9 CIRCULATION IN THE COUNTY IN WHICH THE MEDICAL MARIJUANA CENTER  
10 PREMISES ARE LOCATED.

11 (2) PUBLIC NOTICE GIVEN BY POSTING SHALL INCLUDE A SIGN OF  
12 SUITABLE MATERIAL, NOT LESS THAN TWENTY-TWO INCHES WIDE AND  
13 TWENTY-SIX INCHES HIGH, COMPOSED OF LETTERS NOT LESS THAN ONE  
14 INCH IN HEIGHT AND STATING THE TYPE OF LICENSE APPLIED FOR, THE  
15 DATE OF THE APPLICATION, THE DATE OF THE HEARING, THE NAME AND  
16 ADDRESS OF THE APPLICANT, AND SUCH OTHER INFORMATION AS MAY BE  
17 REQUIRED TO FULLY APPRISE THE PUBLIC OF THE NATURE OF THE  
18 APPLICATION. THE SIGN SHALL CONTAIN THE NAMES AND ADDRESSES OF  
19 THE OFFICERS, DIRECTORS, OR MANAGER OF THE FACILITY TO BE LICENSED.

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

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

1 BUILDING IS TO BE CONSTRUCTED IN SUCH A MANNER THAT THE NOTICE  
2 SHALL BE CONSPICUOUS AND PLAINLY VISIBLE TO THE GENERAL PUBLIC.

3 (5) (a) A LOCAL LICENSING AUTHORITY, OR A LICENSE APPLICANT  
4 WITH LOCAL LICENSING AUTHORITY APPROVAL, MAY REQUEST THAT THE  
5 STATE LICENSING AUTHORITY CONDUCT A CONCURRENT REVIEW OF A NEW  
6 LICENSE APPLICATION PRIOR TO THE LOCAL LICENSING AUTHORITY'S FINAL  
7 APPROVAL OF THE LICENSE APPLICATION. LOCAL LICENSING AUTHORITIES  
8 WHO PERMIT A CONCURRENT REVIEW WILL CONTINUE TO INDEPENDENTLY  
9 REVIEW THE APPLICANT'S LICENSE APPLICATION.

10 (b) WHEN CONDUCTING A CONCURRENT APPLICATION REVIEW, THE  
11 STATE LICENSING AUTHORITY MAY ADVISE THE LOCAL LICENSING  
12 AUTHORITY OF ANY ITEMS THAT IT FINDS THAT COULD RESULT IN THE  
13 DENIAL OF THE LICENSE APPLICATION. UPON CORRECTION OF THE NOTED  
14 DISCREPANCIES IF THE CORRECTION IS PERMITTED BY THE STATE  
15 LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL NOTIFY  
16 THE LOCAL LICENSING AUTHORITY OF ITS CONDITIONAL APPROVAL OF THE  
17 LICENSE APPLICATION SUBJECT TO THE FINAL APPROVAL BY THE LOCAL  
18 LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL THEN  
19 ISSUE THE APPLICANT'S STATE LICENSE UPON RECEIVING EVIDENCE OF  
20 FINAL APPROVAL BY THE LOCAL LICENSING AUTHORITY.

21 (c) ALL APPLICATIONS SUBMITTED FOR CONCURRENT REVIEW  
22 SHALL BE ACCOMPANIED BY ALL APPLICABLE STATE LICENSE AND  
23 APPLICATION FEES. ANY APPLICATIONS THAT ARE LATER DENIED OR  
24 WITHDRAWN MAY ALLOW FOR A REFUND OF LICENSE FEES ONLY. ALL  
25 APPLICATION FEES PROVIDED BY AN APPLICANT SHALL BE RETAINED BY  
26 THE RESPECTIVE LICENSING AUTHORITY.

27 **12-43.3-303. Results of investigation - decision of authorities.**

1 (1) NOT LESS THAN FIVE DAYS PRIOR TO THE DATE OF THE PUBLIC  
2 HEARING AUTHORIZED IN SECTION 12-43.3-302, THE LOCAL LICENSING  
3 AUTHORITY SHALL MAKE KNOWN ITS FINDINGS, BASED ON ITS  
4 INVESTIGATION, IN WRITING TO THE APPLICANT AND OTHER PARTIES OF  
5 INTEREST AS DESCRIBED IN SECTION 12-43.3-302 (5). THE LOCAL  
6 LICENSING AUTHORITY HAS AUTHORITY TO REFUSE TO ISSUE A LICENSE  
7 PROVIDED FOR IN THIS SECTION FOR GOOD CAUSE, SUBJECT TO JUDICIAL  
8 REVIEW.

9 (2) BEFORE ENTERING A DECISION APPROVING OR DENYING THE  
10 APPLICATION FOR A LOCAL LICENSE, THE LOCAL LICENSING AUTHORITY  
11 MAY CONSIDER, EXCEPT WHERE THIS ARTICLE SPECIFICALLY PROVIDES  
12 OTHERWISE, THE FACTS AND EVIDENCE ADDUCED AS A RESULT OF ITS  
13 INVESTIGATION, AS WELL AS ANY OTHER FACTS PERTINENT TO THE TYPE  
14 OF LICENSE FOR WHICH APPLICATION HAS BEEN MADE, INCLUDING THE  
15 NUMBER, TYPE, AND AVAILABILITY OF MEDICAL MARIJUANA OUTLETS  
16 LOCATED IN OR NEAR THE PREMISES UNDER CONSIDERATION, AND ANY  
17 OTHER PERTINENT MATTERS AFFECTING THE QUALIFICATIONS OF THE  
18 APPLICANT FOR THE CONDUCT OF THE TYPE OF BUSINESS PROPOSED.

19 (3) WITHIN THIRTY DAYS AFTER THE PUBLIC HEARING OR  
20 COMPLETION OF THE APPLICATION INVESTIGATION, A LOCAL LICENSING  
21 AUTHORITY SHALL ISSUE ITS DECISION APPROVING OR DENYING AN  
22 APPLICATION FOR LOCAL LICENSURE. THE DECISION SHALL BE IN WRITING  
23 AND SHALL STATE THE REASONS FOR THE DECISION. THE LOCAL LICENSING  
24 AUTHORITY SHALL SEND A COPY OF THE DECISION BY CERTIFIED MAIL TO  
25 THE APPLICANT AT THE ADDRESS SHOWN IN THE APPLICATION.

26 (4) AFTER APPROVAL OF AN APPLICATION, A LOCAL LICENSING  
27 AUTHORITY SHALL NOT ISSUE A LOCAL LICENSE UNTIL THE BUILDING IN

1 WHICH THE BUSINESS TO BE CONDUCTED IS READY FOR OCCUPANCY WITH  
2 SUCH FURNITURE, FIXTURES, AND EQUIPMENT IN PLACE AS ARE NECESSARY  
3 TO COMPLY WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE, AND THEN  
4 ONLY AFTER THE LOCAL LICENSING AUTHORITY HAS INSPECTED THE  
5 PREMISES TO DETERMINE THAT THE APPLICANT HAS COMPLIED WITH THE  
6 ARCHITECT'S DRAWING AND THE PLOT PLAN AND DETAILED SKETCH FOR  
7 THE INTERIOR OF THE BUILDING SUBMITTED WITH THE APPLICATION.

8 (5) AFTER APPROVAL OF AN APPLICATION FOR LOCAL LICENSURE,  
9 THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE STATE LICENSING  
10 AUTHORITY OF SUCH APPROVAL, WHO SHALL INVESTIGATE AND EITHER  
11 APPROVE OR DISAPPROVE THE APPLICATION FOR STATE LICENSURE.

12 **12-43.3-304. Medical marijuana license bond.** (1) BEFORE THE  
13 STATE LICENSING AUTHORITY ISSUES A STATE LICENSE TO AN APPLICANT,  
14 THE APPLICANT SHALL PROCURE AND FILE WITH THE STATE LICENSING  
15 AUTHORITY EVIDENCE OF A GOOD AND SUFFICIENT BOND IN THE AMOUNT  
16 OF FIVE THOUSAND DOLLARS WITH CORPORATE SURETY THEREON DULY  
17 LICENSED TO DO BUSINESS WITH THE STATE, APPROVED AS TO FORM BY  
18 THE ATTORNEY GENERAL OF THE STATE, AND CONDITIONED THAT THE  
19 APPLICANT SHALL REPORT AND PAY ALL SALES AND USE TAXES DUE TO THE  
20 STATE, OR FOR WHICH THE STATE IS THE COLLECTOR OR COLLECTING  
21 AGENT, IN A TIMELY MANNER, AS PROVIDED IN LAW.

22 (2) A CORPORATE SURETY SHALL NOT BE REQUIRED TO MAKE  
23 PAYMENTS TO THE STATE CLAIMING UNDER SUCH BOND UNTIL A FINAL  
24 DETERMINATION OF FAILURE TO PAY TAXES DUE TO THE STATE HAS BEEN  
25 MADE BY THE STATE LICENSING AUTHORITY OR A COURT OF COMPETENT  
26 JURISDICTION.

27 (3) ALL BONDS REQUIRED PURSUANT TO THIS SECTION SHALL BE

1 RENEWED AT SUCH TIME AS THE BONDHOLDER'S LICENSE IS RENEWED.  
2 THE RENEWAL MAY BE ACCOMPLISHED THROUGH A CONTINUATION  
3 CERTIFICATE ISSUED BY THE SURETY.

4 **12-43.3-305. State licensing authority - application and**  
5 **issuance procedures.** (1) APPLICATIONS FOR A STATE LICENSE UNDER  
6 THE PROVISIONS OF THIS ARTICLE SHALL BE MADE TO THE STATE  
7 LICENSING AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE  
8 STATE LICENSING AUTHORITY AND SHALL SET FORTH SUCH INFORMATION  
9 AS THE STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE STATE  
10 LICENSING AUTHORITY TO DETERMINE WHETHER A STATE LICENSE SHOULD  
11 BE GRANTED. THE INFORMATION SHALL INCLUDE THE NAME AND ADDRESS  
12 OF THE APPLICANT, THE NAMES AND ADDRESSES OF THE OFFICERS,  
13 DIRECTORS, OR MANAGERS, AND ALL OTHER INFORMATION DEEMED  
14 NECESSARY BY THE STATE LICENSING AUTHORITY. EACH APPLICATION  
15 SHALL BE VERIFIED BY THE OATH OR AFFIRMATION OF SUCH PERSON OR  
16 PERSONS AS THE STATE LICENSING AUTHORITY MAY PRESCRIBE.

17 (2) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A STATE  
18 LICENSE PURSUANT TO THIS SECTION UNTIL THE LOCAL LICENSING  
19 AUTHORITY HAS APPROVED THE APPLICATION FOR A LOCAL LICENSE AND  
20 ISSUED A LOCAL LICENSE AS PROVIDED FOR IN SECTIONS 12-43.3-301 TO  
21 12-43.3-303.

22 (3) NOTHING IN THIS ARTICLE SHALL PREEMPT OR OTHERWISE  
23 IMPAIR THE POWER OF A LOCAL GOVERNMENT TO ENACT ORDINANCES OR  
24 RESOLUTIONS CONCERNING MATTERS AUTHORIZED TO LOCAL  
25 GOVERNMENTS.

26 **12-43.3-306. Denial of application.** (1) THE STATE LICENSING  
27 AUTHORITY SHALL DENY A STATE LICENSE IF THE PREMISES ON WHICH THE

1 APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DO NOT MEET THE  
2 REQUIREMENTS OF THIS ARTICLE OR FOR REASONS SET FORTH IN SECTION  
3 12-43.3-104 (1) OR 12-43.3-305.

4 (2) IF THE STATE LICENSING AUTHORITY DENIES A STATE LICENSE  
5 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL BE  
6 ENTITLED TO A HEARING PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S. THE  
7 STATE LICENSING AUTHORITY SHALL PROVIDE WRITTEN NOTICE OF THE  
8 GROUNDS FOR DENIAL OF THE STATE LICENSE TO THE APPLICANT AND TO  
9 THE LOCAL LICENSING AUTHORITY AT LEAST FIFTEEN DAYS PRIOR TO THE  
10 HEARING.

11 **12-43.3-307. Persons prohibited as licensees.** (1) (a) A LICENSE  
12 PROVIDED BY THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY:

13 (I) A PERSON UNTIL THE ANNUAL FEE THEREFORE HAS BEEN PAID;

14 (II) A PERSON WHOSE CRIMINAL HISTORY INDICATES THAT HE OR  
15 SHE IS NOT OF GOOD MORAL CHARACTER;

16 (III) A CORPORATION, IF THE CRIMINAL HISTORY OF ANY OF ITS  
17 OFFICERS, DIRECTORS, OR STOCKHOLDERS INDICATES THAT THE OFFICER,  
18 DIRECTOR, OR STOCKHOLDER IS NOT OF GOOD MORAL CHARACTER;

19 (IV) A LICENSED PHYSICIAN MAKING PATIENT  
20 RECOMMENDATIONS;

21 (V) A PERSON EMPLOYING, ASSISTED BY, OR FINANCED IN WHOLE  
22 OR IN PART BY ANY OTHER PERSON WHOSE CRIMINAL HISTORY INDICATES  
23 HE OR SHE IS NOT OF GOOD CHARACTER AND REPUTATION SATISFACTORY  
24 TO THE RESPECTIVE LICENSING AUTHORITY;

25 (VI) A PERSON UNDER TWENTY-ONE YEARS OF AGE;

26 (VII) A PERSON LICENSED PURSUANT TO THIS ARTICLE WHO,  
27 DURING A PERIOD OF LICENSURE, OR WHO, AT THE TIME OF APPLICATION,

- 1 HAS FAILED TO:
- 2 (A) PROVIDE A SURETY BOND OR FILE ANY TAX RETURN WITH A
- 3 TAXING AGENCY;
- 4 (B) PAY ANY TAXES, INTEREST, OR PENALTIES DUE;
- 5 (C) PAY ANY JUDGMENTS DUE TO A GOVERNMENT AGENCY;
- 6 (D) REPAY GOVERNMENT-INSURED STUDENT LOANS;
- 7 (E) PAY CHILD SUPPORT; OR
- 8 (F) REMEDY AN OUTSTANDING DELINQUENCY FOR TAXES OWED,
- 9 AN OUTSTANDING DELINQUENCY FOR JUDGMENTS OWED TO A
- 10 GOVERNMENT AGENCY, OR AN OUTSTANDING DELINQUENCY FOR CHILD
- 11 SUPPORT.
- 12 (VIII) A PERSON WHO HAS DISCHARGED A SENTENCE IN THE FIVE
- 13 YEARS IMMEDIATELY PRECEDING THE APPLICATION DATE FOR A
- 14 CONVICTION OF A FELONY OR A PERSON WHO AT ANY TIME HAS BEEN
- 15 CONVICTED OF A FELONY PURSUANT TO ANY STATE OR FEDERAL LAW
- 16 REGARDING THE POSSESSION, DISTRIBUTION, OR USE OF A CONTROLLED
- 17 SUBSTANCE.
- 18 (IX) A PERSON WHO EMPLOYEES ANOTHER PERSON AT A MEDICAL
- 19 MARIJUANA FACILITY WHO HAS NOT PASSED A CRIMINAL HISTORY RECORD
- 20 CHECK;
- 21 (X) A SHERIFF, DEPUTY SHERIFF, POLICE OFFICER, OR PROSECUTING
- 22 OFFICER, OR AN OFFICER OR EMPLOYEE OF THE STATE LICENSING
- 23 AUTHORITY OR A LOCAL LICENSING AUTHORITY;
- 24 (XI) A PERSON WHOSE AUTHORITY TO BE A PRIMARY CAREGIVER
- 25 AS DEFINED IN SECTION 25-1.5-106 (2) HAS BEEN REVOKED BY THE STATE
- 26 HEALTH AGENCY; ==
- 27 (XII) A PERSON FOR A LICENSE FOR A LOCATION THAT IS

1 CURRENTLY LICENSED AS A RETAIL FOOD ESTABLISHMENT OR WHOLESALE  
2 FOOD REGISTRANT; OR

3 (XIII) A PERSON WHO HAS NOT BEEN A RESIDENT OF COLORADO  
4 FOR AT LEAST TWO YEARS PRIOR TO THE DATE OF THE PERSON'S  
5 APPLICATION.

6 (2) (a) IN INVESTIGATING THE QUALIFICATIONS OF AN APPLICANT  
7 OR A LICENSEE, THE STATE LICENSING AUTHORITY MAY HAVE ACCESS TO  
8 CRIMINAL HISTORY RECORD INFORMATION FURNISHED BY A CRIMINAL  
9 JUSTICE AGENCY SUBJECT TO ANY RESTRICTIONS IMPOSED BY SUCH  
10 AGENCY. IN THE EVENT THE STATE LICENSING AUTHORITY CONSIDERS THE  
11 APPLICANT'S CRIMINAL HISTORY RECORD, THE STATE LICENSING  
12 AUTHORITY SHALL ALSO CONSIDER ANY INFORMATION PROVIDED BY THE  
13 APPLICANT REGARDING SUCH CRIMINAL HISTORY RECORD, INCLUDING BUT  
14 NOT LIMITED TO EVIDENCE OF REHABILITATION, CHARACTER REFERENCES,  
15 AN EDUCATIONAL ACHIEVEMENTS, ESPECIALLY THOSE ITEMS PERTAINING  
16 TO THE PERIOD OF TIME BETWEEN THE APPLICANT'S LAST CRIMINAL  
17 CONVICTION AND THE CONSIDERATION OF THE APPLICATION FOR A STATE  
18 LICENSE.

19 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2),  
20 "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL  
21 COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY  
22 THAT ADMINISTERS CRIMINAL JUSTICE PURSUANT TO A STATUTE OR  
23 EXECUTIVE ORDER AND THAT ALLOCATES A SUBSTANTIAL PART OF ITS  
24 ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

25 (c) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OR  
26 RENEWAL OF A STATE MEDICAL MARIJUANA CENTER LICENSE, MEDICAL  
27 MARIJUANA-INFUSED PRODUCT MANUFACTURER LICENSE, OR OPTIONAL



1 PREMISES CULTIVATION LICENSE, AN APPLICANT SHALL SUBMIT A SET OF  
2 HIS OR HER FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION  
3 CONCERNING THE APPLICANT'S QUALIFICATIONS FOR A STATE LICENSE ON  
4 FORMS PREPARED BY THE STATE LICENSING AUTHORITY. THE STATE  
5 LICENSING AUTHORITY SHALL SUBMIT THE FINGERPRINTS TO THE  
6 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
7 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO  
8 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE  
9 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE STATE  
11 LICENSING AUTHORITY MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY  
12 RECORD CHECK FOR AN APPLICANT OR A LICENSE HOLDER WHO HAS TWICE  
13 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
14 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS  
15 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE LICENSING PURPOSES  
16 MAY REQUEST THAT THE FINGERPRINTS ON FILE BE USED. THE STATE  
17 LICENSING AUTHORITY SHALL USE THE INFORMATION RESULTING FROM  
18 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO  
19 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO  
20 HOLD A STATE LICENSE PURSUANT TO THIS ARTICLE. THE STATE  
21 LICENSING AUTHORITY MAY VERIFY ANY OF THE INFORMATION AN  
22 APPLICANT IS REQUIRED TO SUBMIT.

23 **12-43.3-308. Restrictions for applications for new licenses.**

24 (1) THE STATE OR A LOCAL LICENSING AUTHORITY SHALL NOT RECEIVE OR  
25 ACT UPON AN APPLICATION FOR THE ISSUANCE OF A STATE OR LOCAL  
26 LICENSE PURSUANT TO THIS ARTICLE:

27 (a) IF THE APPLICATION FOR A STATE OR LOCAL LICENSE CONCERNS

1 A PARTICULAR LOCATION THAT IS THE SAME AS OR WITHIN ONE THOUSAND  
2 FEET OF A LOCATION FOR WHICH, WITHIN THE TWO YEARS IMMEDIATELY  
3 PRECEDING THE DATE OF THE APPLICATION, THE STATE OR A LOCAL  
4 LICENSING AUTHORITY DENIED AN APPLICATION FOR THE SAME CLASS OF  
5 LICENSE DUE TO THE NATURE OF THE USE OR OTHER CONCERN RELATED  
6 TO THE LOCATION;

7 (b) UNTIL IT IS ESTABLISHED THAT THE APPLICANT IS, OR WILL BE,  
8 ENTITLED TO POSSESSION OF THE PREMISES FOR WHICH APPLICATION IS  
9 MADE UNDER A LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT  
10 FOR POSSESSION OF THE PREMISES OR BY VIRTUE OF OWNERSHIP OF THE  
11 PREMISES;

12 (c) FOR A LOCATION IN AN AREA WHERE THE CULTIVATION,  
13 MANUFACTURE, AND SALE OF MEDICAL MARIJUANA AS CONTEMPLATED IS  
14 NOT PERMITTED UNDER THE APPLICABLE ZONING LAWS OF THE  
15 MUNICIPALITY, CITY AND COUNTY, OR COUNTY;

16 (d) (I) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE  
17 SOLD IS LOCATED WITHIN ONE THOUSAND FEET OF A SCHOOL, AN ALCOHOL  
18 OR DRUG TREATMENT FACILITY, OR THE PRINCIPAL CAMPUS OF A COLLEGE,  
19 UNIVERSITY, OR SEMINARY, OR A RESIDENTIAL CHILD CARE FACILITY. THE  
20 PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE RENEWAL OR  
21 RE-ISSUANCE OF A LICENSE ONCE GRANTED OR APPLY TO LICENSED  
22 PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A  
23 MUNICIPALITY, NOR SHALL THE PROVISIONS OF THIS SECTION APPLY TO AN  
24 EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE, OR APPLY  
25 TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID  
26 PRINCIPAL CAMPUS WAS CONSTRUCTED. THE LOCAL LICENSING  
27 AUTHORITY OF A CITY AND COUNTY, BY RULE OR REGULATION, THE

1 GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, AND THE  
2 GOVERNING BODY OF A COUNTY, BY RESOLUTION, MAY VARY THE  
3 DISTANCE RESTRICTIONS IMPOSED BY THIS SUBPARAGRAPH (I) FOR A  
4 LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR  
5 CAMPUSES FROM THE APPLICATION OF A DISTANCE RESTRICTION  
6 ESTABLISHED BY OR PURSUANT TO THIS SUBPARAGRAPH (I).

7 (II) THE DISTANCES REFERRED TO IN THIS PARAGRAPH (d) ARE TO  
8 BE COMPUTED BY DIRECT MEASUREMENT FROM THE NEAREST PROPERTY  
9 LINE OF THE LAND USED FOR A SCHOOL OR CAMPUS TO THE NEAREST  
10 PORTION OF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD,  
11 USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.

12 (III) IN ADDITION TO THE REQUIREMENTS OF SECTION 12-43.3-303  
13 (2), THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE EVIDENCE  
14 AND MAKE A SPECIFIC FINDING OF FACT AS TO WHETHER THE BUILDING IN  
15 WHICH THE MEDICAL MARIJUANA IS TO BE SOLD IS LOCATED WITHIN ANY  
16 DISTANCE RESTRICTIONS ESTABLISHED BY OR PURSUANT TO THIS  
17 PARAGRAPH (d).

18 **12-43.3-309. Transfer of ownership.** (1) A STATE OR LOCAL  
19 LICENSE GRANTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE  
20 TRANSFERABLE EXCEPT AS PROVIDED IN THIS SECTION, BUT THIS SECTION  
21 SHALL NOT PREVENT A CHANGE OF LOCATION AS PROVIDED IN SECTION  
22 12-43.3-310 (13).

23 (2) FOR A TRANSFER OF OWNERSHIP, A LICENSE HOLDER SHALL  
24 APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES ON FORMS  
25 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY. IN  
26 DETERMINING WHETHER TO PERMIT A TRANSFER OF OWNERSHIP, THE  
27 STATE AND LOCAL LICENSING AUTHORITIES SHALL CONSIDER ONLY THE

1 REQUIREMENTS OF THIS ARTICLE, ANY RULES PROMULGATED BY THE  
2 STATE LICENSING AUTHORITY, AND ANY OTHER LOCAL RESTRICTIONS. THE  
3 LOCAL LICENSING AUTHORITY MAY HOLD A HEARING ON THE APPLICATION  
4 FOR TRANSFER OF OWNERSHIP. THE LOCAL LICENSING AUTHORITY SHALL  
5 NOT HOLD A HEARING PURSUANT TO THIS SUBSECTION (2) UNTIL THE  
6 LOCAL LICENSING AUTHORITY HAS POSTED A NOTICE OF HEARING IN THE  
7 MANNER DESCRIBED IN SECTION 12-43.3-302 (2) ON THE LICENSED  
8 MEDICAL MARIJUANA CENTER PREMISES FOR A PERIOD OF TEN DAYS AND  
9 HAS PROVIDED NOTICE OF THE HEARING TO THE APPLICANT AT LEAST TEN  
10 DAYS PRIOR TO THE HEARING. ANY TRANSFER OF OWNERSHIP HEARING BY  
11 THE STATE LICENSING AUTHORITY SHALL BE HELD IN COMPLIANCE WITH  
12 THE REQUIREMENTS SPECIFIED IN SECTION 12-43.3-302.

13 **12-43.3-310. Licensing in general.** (1) THIS ARTICLE  
14 AUTHORIZES A COUNTY, MUNICIPALITY, OR CITY AND COUNTY TO PROHIBIT  
15 THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES  
16 CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS  
17 MANUFACTURERS' LICENSES AND TO ENACT REASONABLE REGULATIONS OR  
18 OTHER RESTRICTIONS APPLICABLE TO MEDICAL MARIJUANA CENTERS,  
19 OPTIONAL PREMISES CULTIVATION LICENSES, AND MEDICAL  
20 MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES BASED ON  
21 LOCAL GOVERNMENT ZONING, HEALTH, SAFETY, AND PUBLIC WELFARE  
22 LAWS FOR THE DISTRIBUTION OF MEDICAL MARIJUANA THAT ARE MORE  
23 RESTRICTIVE THAN THIS ARTICLE.

24 (2) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
25 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS  
26 MANUFACTURER MAY NOT OPERATE UNTIL IT HAS BEEN LICENSED BY THE  
27 LOCAL LICENSING AUTHORITY AND THE STATE LICENSING AUTHORITY

1 PURSUANT TO THIS ARTICLE. IN CONNECTION WITH A LICENSE, THE  
2 APPLICANT SHALL PROVIDE A COMPLETE AND ACCURATE LIST OF ALL  
3 OWNERS, OFFICERS, AND EMPLOYEES WHO WORK AT, MANAGE, OWN, OR  
4 ARE OTHERWISE ASSOCIATED WITH THE OPERATION AND SHALL PROVIDE  
5 A COMPLETE AND ACCURATE APPLICATION AS REQUIRED BY THE STATE  
6 LICENSING AUTHORITY.

7 (3) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
8 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS  
9 MANUFACTURER SHALL NOTIFY THE STATE LICENSING AUTHORITY IN  
10 WRITING WITHIN TEN DAYS AFTER AN OWNER, OFFICER, OR EMPLOYEE  
11 CEASES TO WORK AT, MANAGE, OWN, OR OTHERWISE BE ASSOCIATED WITH  
12 THE OPERATION. THE OWNER, OFFICER, OR EMPLOYEE SHALL SURRENDER  
13 HIS OR HER IDENTIFICATION CARD TO THE STATE LICENSING AUTHORITY ON  
14 OR BEFORE THE DATE OF THE NOTIFICATION.

15 (4) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
16 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS  
17 MANUFACTURER SHALL NOTIFY THE STATE LICENSING AUTHORITY IN  
18 WRITING OF THE NAME, ADDRESS, AND DATE OF BIRTH OF AN OWNER,  
19 OFFICER, MANAGER, OR EMPLOYEE BEFORE THE NEW OWNER, OFFICER, OR  
20 EMPLOYEE BEGINS WORKING AT, MANAGING, OWNING, OR BEING  
21 ASSOCIATED WITH THE OPERATION. THE OWNER, OFFICER, MANAGER, OR  
22 EMPLOYEE SHALL PASS A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
23 CHECK AS REQUIRED BY THE STATE LICENSING AUTHORITY AND OBTAIN  
24 THE REQUIRED IDENTIFICATION PRIOR TO BEING ASSOCIATED WITH,  
25 MANAGING, OWNING, OR WORKING AT THE OPERATION.

26 (5) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
27 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS

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

5 (6) ALL OPERATORS OF A MEDICAL MARIJUANA CENTER, OPTIONAL  
6 PREMISES CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED  
7 PRODUCTS MANUFACTURER SHALL BE RESIDENTS OF COLORADO. A LOCAL  
8 LICENSING AUTHORITY SHALL NOT ISSUE A LICENSE PROVIDED FOR IN THIS  
9 ARTICLE UNTIL THAT SHARE OF THE LICENSE APPLICATION FEE DUE TO THE  
10 STATE HAS BEEN RECEIVED BY THE DEPARTMENT OF REVENUE. ALL  
11 LICENSES GRANTED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR A  
12 PERIOD NOT TO EXCEED TWO YEARS FROM THE DATE OF ISSUANCE UNLESS  
13 REVOKED OR SUSPENDED PURSUANT TO THIS ARTICLE OR THE RULES  
14 PROMULGATED PURSUANT TO THIS ARTICLE.

15 (7) BEFORE GRANTING A LOCAL OR STATE LICENSE, THE  
16 RESPECTIVE LICENSING AUTHORITY MAY CONSIDER, EXCEPT WHERE THIS  
17 ARTICLE SPECIFICALLY PROVIDES OTHERWISE, THE REQUIREMENTS OF THIS  
18 ARTICLE AND ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE, AND  
19 ALL OTHER REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED  
20 UPON THE LICENSEE BY THE LICENSING AUTHORITY. WITH RESPECT TO A  
21 SECOND OR ADDITIONAL LICENSE FOR THE SAME LICENSEE OR THE SAME  
22 OWNER OF ANOTHER LICENSED BUSINESS PURSUANT TO THIS ARTICLE,  
23 EACH LICENSING AUTHORITY SHALL CONSIDER THE EFFECT ON  
24 COMPETITION OF GRANTING OR DENYING THE ADDITIONAL LICENSES TO  
25 SUCH LICENSEE AND SHALL NOT APPROVE AN APPLICATION FOR A SECOND  
26 OR ADDITIONAL LICENSE THAT WOULD HAVE THE EFFECT OF RESTRAINING  
27 COMPETITION.

1 (8) (a) EACH LICENSE ISSUED UNDER THIS ARTICLE IS SEPARATE  
2 AND DISTINCT. IT IS UNLAWFUL FOR A PERSON TO EXERCISE ANY OF THE  
3 PRIVILEGES GRANTED UNDER A LICENSE OTHER THAN THE LICENSE THAT  
4 THE PERSON HOLDS OR FOR A LICENSEE TO ALLOW ANY OTHER PERSON TO  
5 EXERCISE THE PRIVILEGES GRANTED UNDER THE LICENSEE'S LICENSE. A  
6 SEPARATE LICENSE SHALL BE REQUIRED FOR EACH SPECIFIC BUSINESS OR  
7 BUSINESS ENTITY AND EACH GEOGRAPHICAL LOCATION.

8 (b) AT ALL TIMES, A LICENSEE SHALL POSSESS AND MAINTAIN  
9 POSSESSION OF THE PREMISES OR OPTIONAL PREMISES FOR WHICH THE  
10 LICENSE IS ISSUED BY OWNERSHIP, LEASE, RENTAL, OR OTHER  
11 ARRANGEMENT FOR POSSESSION OF THE PREMISES.

12 (9) (a) THE LICENSES PROVIDED PURSUANT TO THIS ARTICLE SHALL  
13 SPECIFY THE DATE OF ISSUANCE, THE PERIOD OF LICENSURE, THE NAME OF  
14 THE LICENSEE, AND THE PREMISES OR OPTIONAL PREMISES LICENSED. THE  
15 LICENSEE SHALL CONSPICUOUSLY PLACE THE LICENSE AT ALL TIMES ON  
16 THE LICENSED PREMISES OR OPTIONAL PREMISES.

17 (b) A LOCAL LICENSING AUTHORITY SHALL NOT TRANSFER  
18 LOCATION OF OR RENEW A LICENSE TO SELL MEDICAL MARIJUANA UNTIL  
19 THE APPLICANT FOR THE LICENSE PRODUCES A LICENSE ISSUED AND  
20 GRANTED BY THE STATE LICENSING AUTHORITY COVERING THE WHOLE  
21 PERIOD FOR WHICH A LICENSE OR LICENSE RENEWAL IS SOUGHT.

22 (10) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS  
23 ARTICLE, THE DAY OF THE ACT, EVENT, OR DEFAULT FROM WHICH THE  
24 DESIGNATED PERIOD OF TIME BEGINS TO RUN SHALL NOT BE INCLUDED.  
25 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS SHALL BE COUNTED AS ANY  
26 OTHER DAY.

27 (11) A LICENSEE SHALL REPORT EACH TRANSFER OR CHANGE OF

1 FINANCIAL INTEREST IN THE LICENSE TO THE STATE AND LOCAL LICENSING  
2 AUTHORITIES, THIRTY DAYS PRIOR TO ANY TRANSFER OR CHANGE  
3 PURSUANT TO SECTION 12-43.3-309. A REPORT SHALL BE REQUIRED FOR  
4 TRANSFERS OF CAPITAL STOCK OF ANY CORPORATION REGARDLESS OF  
5 SIZE.

6 (12) EACH LICENSEE SHALL MANAGE THE LICENSED PREMISES  
7 HIMSELF OR HERSELF OR EMPLOY A SEPARATE AND DISTINCT MANAGER ON  
8 THE PREMISES AND SHALL REPORT THE NAME OF THE MANAGER TO THE  
9 STATE AND LOCAL LICENSING AUTHORITIES. THE LICENSEE SHALL REPORT  
10 ANY CHANGE IN MANAGER TO THE STATE AND LOCAL LICENSING  
11 AUTHORITIES THIRTY DAYS PRIOR TO THE CHANGE PURSUANT TO SECTION  
12 12-43.3-309.

13 (13) (a) A LICENSEE MAY MOVE HIS OR HER PERMANENT LOCATION  
14 TO ANY OTHER PLACE IN THE SAME MUNICIPALITY OR CITY AND COUNTY  
15 FOR WHICH THE LICENSE WAS ORIGINALLY GRANTED, OR IN THE SAME  
16 COUNTY IF THE LICENSE WAS GRANTED FOR A PLACE OUTSIDE THE  
17 CORPORATE LIMITS OF A MUNICIPALITY OR CITY AND COUNTY, BUT IT  
18 SHALL BE UNLAWFUL TO CULTIVATE, MANUFACTURE, DISTRIBUTE OR SELL  
19 MEDICAL MARIJUANA AT ANY SUCH PLACE UNTIL PERMISSION TO DO SO IS  
20 GRANTED BY THE STATE AND LOCAL LICENSING AUTHORITIES PROVIDED  
21 FOR IN THIS ARTICLE.

22 (b) IN PERMITTING A CHANGE OF LOCATION, THE STATE AND LOCAL  
23 LICENSING AUTHORITIES SHALL CONSIDER ALL REASONABLE RESTRICTIONS  
24 THAT ARE OR MAY BE PLACED UPON THE NEW LOCATION BY THE  
25 GOVERNING BOARD OR LOCAL LICENSING AUTHORITY OF THE  
26 MUNICIPALITY, CITY AND COUNTY, OR COUNTY AND ANY SUCH CHANGE IN  
27 LOCATION SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THIS



1 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE.

2 **12-43.3-311. License renewal.** (1) NINETY DAYS PRIOR TO THE  
3 EXPIRATION DATE OF AN EXISTING LICENSE, THE STATE LICENSING  
4 AUTHORITY SHALL NOTIFY THE LICENSEE OF THE EXPIRATION DATE BY  
5 FIRST CLASS MAIL AT THE LICENSEE'S ADDRESS OF RECORD WITH THE  
6 STATE LICENSING AUTHORITY. A LICENSEE SHALL APPLY FOR THE  
7 RENEWAL OF AN EXISTING LICENSE TO THE LOCAL LICENSING AUTHORITY  
8 NOT LESS THAN FORTY-FIVE DAYS AND TO THE STATE LICENSING  
9 AUTHORITY NOT LESS THAN THIRTY DAYS PRIOR TO THE DATE OF  
10 EXPIRATION. A LOCAL LICENSING AUTHORITY SHALL NOT ACCEPT AN  
11 APPLICATION FOR RENEWAL OF A LICENSE AFTER THE DATE OF EXPIRATION,  
12 EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION. THE STATE  
13 LICENSING AUTHORITY MAY EXTEND THE EXPIRATION DATE OF THE  
14 LICENSE AND ACCEPT A LATE APPLICATION FOR RENEWAL OF A LICENSE  
15 PROVIDED THAT THE APPLICANT HAS FILED A TIMELY RENEWAL  
16 APPLICATION WITH THE LOCAL LICENSING AUTHORITY. ALL RENEWALS  
17 FILED WITH THE LOCAL LICENSING AUTHORITY AND SUBSEQUENTLY  
18 APPROVED BY THE LOCAL LICENSING AUTHORITY SHALL NEXT BE  
19 PROCESSED BY THE STATE LICENSING AUTHORITY. THE STATE OR THE  
20 LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, SUBJECT TO THE  
21 REQUIREMENTS OF THIS SUBSECTION (1) AND SUBSECTION (2) OF THIS  
22 SECTION AND BASED UPON REASONABLE GROUNDS, MAY WAIVE THE  
23 FORTY-FIVE-DAY OR THIRTY-DAY TIME REQUIREMENTS SET FORTH IN THIS  
24 SUBSECTION (1). THE LOCAL LICENSING AUTHORITY MAY HOLD A HEARING  
25 ON THE APPLICATION FOR RENEWAL ONLY IF THE LICENSEE HAS HAD  
26 COMPLAINTS FILED AGAINST IT, HAS A HISTORY OF VIOLATIONS, OR THERE  
27 ARE ALLEGATIONS AGAINST THE LICENSEE THAT WOULD CONSTITUTE

1 GOOD CAUSE. THE LOCAL LICENSING AUTHORITY SHALL NOT HOLD A  
2 RENEWAL HEARING PROVIDED FOR BY THIS SUBSECTION (1) FOR A MEDICAL  
3 MARIJUANA CENTER UNTIL IT HAS POSTED A NOTICE OF HEARING ON THE  
4 LICENSED MEDICAL MARIJUANA CENTER PREMISES IN THE MANNER  
5 DESCRIBED IN SECTION 12-43.3-302 (2) FOR A PERIOD OF TEN DAYS AND  
6 PROVIDED NOTICE TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE  
7 HEARING. THE LOCAL LICENSING AUTHORITY MAY REFUSE TO RENEW ANY  
8 LICENSE FOR GOOD CAUSE, SUBJECT TO JUDICIAL REVIEW.

9 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
10 THIS SECTION, A LICENSEE WHOSE LICENSE HAS BEEN EXPIRED FOR NOT  
11 MORE THAN NINETY DAYS MAY FILE A LATE RENEWAL APPLICATION UPON  
12 THE PAYMENT OF A NONREFUNDABLE LATE APPLICATION FEE OF FIVE  
13 HUNDRED DOLLARS TO THE LOCAL LICENSING AUTHORITY. A LICENSEE  
14 WHO FILES A LATE RENEWAL APPLICATION AND PAYS THE REQUISITE FEES  
15 MAY CONTINUE TO OPERATE UNTIL BOTH THE STATE AND LOCAL LICENSING  
16 AUTHORITIES HAVE TAKEN FINAL ACTION TO APPROVE OR DENY THE  
17 LICENSEE'S LATE RENEWAL APPLICATION UNLESS THE STATE OR LOCAL  
18 LICENSING AUTHORITY SUMMARILY SUSPENDS THE LICENSE PURSUANT TO  
19 ARTICLE 4 OF TITLE 24, C.R.S., THIS ARTICLE, AND RULES PROMULGATED  
20 PURSUANT TO THIS ARTICLE.

21 (b) THE STATE AND LOCAL LICENSING AUTHORITIES MAY NOT  
22 ACCEPT A LATE RENEWAL APPLICATION MORE THAN NINETY DAYS AFTER  
23 THE EXPIRATION OF A LICENSEE'S PERMANENT ANNUAL LICENSE. A  
24 LICENSEE WHOSE PERMANENT ANNUAL LICENSE HAS BEEN EXPIRED FOR  
25 MORE THAN NINETY DAYS SHALL NOT CULTIVATE, MANUFACTURE,  
26 DISTRIBUTE, OR SELL ANY MEDICAL MARIJUANA UNTIL ALL REQUIRED  
27 LICENSES HAVE BEEN OBTAINED.

1 (c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE  
2 APPLICATION FEE IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE  
3 LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY  
4 REDUCE THE AMOUNT OF THE FEE IF NECESSARY PURSUANT TO SECTION  
5 24-75-402 (3), C.R.S., BY REDUCING THE UNCOMMITTED RESERVES OF THE  
6 FUND TO WHICH ALL OR ANY PORTION OF THE FEE IS CREDITED. AFTER THE  
7 UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE  
8 STATE LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY  
9 LAW MAY INCREASE THE AMOUNT OF THE FEE AS PROVIDED IN SECTION  
10 24-75-402 (4), C.R.S.

11 **12-43.3-312. Inactive licenses.** THE STATE OR LOCAL LICENSING  
12 AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW  
13 ANY LICENSE IF IT DETERMINES THAT THE LICENSED PREMISES HAVE BEEN  
14 INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR.

15 **12-43.3-313. Unlawful financial assistance.** (1) THE STATE  
16 LICENSING AUTHORITY, BY RULE AND REGULATION, SHALL REQUIRE A  
17 COMPLETE DISCLOSURE OF ALL PERSONS HAVING A DIRECT OR INDIRECT  
18 FINANCIAL INTEREST, AND THE EXTENT OF SUCH INTEREST, IN EACH  
19 LICENSE ISSUED UNDER THIS ARTICLE.

20 (2) A PERSON SHALL NOT HAVE AN UNREPORTED FINANCIAL  
21 INTEREST IN A LICENSE PURSUANT TO THIS ARTICLE UNLESS THAT PERSON  
22 HAS UNDERGONE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
23 CHECK AS PROVIDED FOR BY THE STATE LICENSING AUTHORITY IN ITS  
24 RULES; EXCEPT THAT THIS SUBSECTION (2) SHALL NOT APPLY TO BANKS,  
25 SAVINGS AND LOAN ASSOCIATIONS, OR INDUSTRIAL BANKS SUPERVISED  
26 AND REGULATED BY AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT,  
27 OR TO FHA-APPROVED MORTGAGEES, OR TO STOCKHOLDERS, DIRECTORS,

1 OR OFFICERS THEREOF.

2 (3) THIS SECTION IS INTENDED TO PROHIBIT AND PREVENT THE  
3 CONTROL OF THE OUTLETS FOR THE SALE OF MEDICAL MARIJUANA BY A  
4 PERSON OR PARTY OTHER THAN THE PERSONS LICENSED PURSUANT TO THE  
5 PROVISIONS OF THIS ARTICLE.

6 PART 4

7 LICENSE TYPES

8 **12-43.3-401. Classes of licenses.** (1) FOR THE PURPOSE OF  
9 REGULATING THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE  
10 OF MEDICAL MARIJUANA, THE STATE LICENSING AUTHORITY IN ITS  
11 DISCRETION, UPON APPLICATION IN THE PRESCRIBED FORM MADE TO IT,  
12 MAY ISSUE AND GRANT TO THE APPLICANT A LICENSE FROM ANY OF THE  
13 FOLLOWING CLASSES, SUBJECT TO THE PROVISIONS AND RESTRICTIONS  
14 PROVIDED BY THIS ARTICLE:

- 15 (a) MEDICAL MARIJUANA CENTER LICENSE;
- 16 (b) OPTIONAL PREMISES CULTIVATION LICENSE;
- 17 (c) MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
18 LICENSE; AND

19 (d) OCCUPATIONAL LICENSES AND REGISTRATIONS FOR OWNERS,  
20 MANAGERS, OPERATORS, EMPLOYEES, CONTRACTORS, AND OTHER  
21 SUPPORT STAFF EMPLOYED BY, WORKING IN, OR HAVING ACCESS TO  
22 RESTRICTED AREAS OF THE LICENSED PREMISES, AS DETERMINED BY THE  
23 STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY MAY  
24 TAKE ANY ACTION WITH RESPECT TO A REGISTRATION PURSUANT TO THIS  
25 ARTICLE AS IT MAY WITH RESPECT TO A LICENSE PURSUANT TO THIS  
26 ARTICLE, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT  
27 TO THIS ARTICLE.

1 (2) ALL PERSONS LICENSED PURSUANT TO THIS ARTICLE SHALL  
2 COLLECT SALES TAX ON ALL SALES MADE PURSUANT TO THE LICENSING  
3 ACTIVITIES.

4 (3) A STATE CHARTERED BANK OR A CREDIT UNION MAY LOAN  
5 MONEY TO ANY PERSON LICENSED PURSUANT TO THIS ARTICLE FOR THE  
6 OPERATION OF A LICENSED BUSINESS.

7 **12-43.3-402. Medical marijuana center license.** (1) A MEDICAL  
8 MARIJUANA CENTER LICENSE SHALL BE ISSUED ONLY TO A PERSON SELLING  
9 MEDICAL MARIJUANA PURSUANT TO THE TERMS AND CONDITIONS OF THIS  
10 ARTICLE.

11 (2) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A  
12 MEDICAL MARIJUANA CENTER LICENSEE MAY ALSO SELL EDIBLE MEDICAL  
13 MARIJUANA-INFUSED PRODUCTS THAT ARE PREPACKAGED AND LABELED  
14 SO AS TO CLEARLY INDICATE ALL OF THE FOLLOWING:

15 (I) THAT THE PRODUCT CONTAINS MEDICAL MARIJUANA;

16 (II) THAT THE PRODUCT IS MANUFACTURED WITHOUT ANY  
17 REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY; AND

18 (III) THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE  
19 CONSUMPTION OR USE OF THE PRODUCT.

20 (b) A MEDICAL MARIJUANA LICENSEE MAY CONTRACT WITH A  
21 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE FOR  
22 THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS UPON A  
23 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE'S  
24 LICENSED PREMISES.

25 (3) EVERY PERSON SELLING MEDICAL MARIJUANA AS PROVIDED  
26 FOR IN THIS ARTICLE SHALL SELL ONLY MEDICAL MARIJUANA GROWN IN ITS  
27 MEDICAL MARIJUANA OPTIONAL PREMISES LICENSED PURSUANT TO THIS

1 ARTICLE. THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT APPLY TO  
2 MEDICAL MARIJUANA-INFUSED PRODUCTS.

3 (4) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (3) OF  
4 THIS SECTION TO THE CONTRARY, A MEDICAL MARIJUANA LICENSEE MAY  
5 PURCHASE NOT MORE THAN THIRTY PERCENT OF ITS TOTAL ON-HAND  
6 INVENTORY OF MEDICAL MARIJUANA FROM ANOTHER LICENSED MEDICAL  
7 MARIJUANA CENTER IN COLORADO. A MEDICAL MARIJUANA CENTER MAY  
8 SELL NO MORE THAN THIRTY PERCENT OF ITS TOTAL ON-HAND INVENTORY  
9 TO ANOTHER COLORADO LICENSED MEDICAL MARIJUANA LICENSEE.

10 (5) PRIOR TO INITIATING A SALE, THE EMPLOYEE OF THE MEDICAL  
11 MARIJUANA CENTER MAKING THE SALE SHALL VERIFY THAT THE  
12 PURCHASER HAS A VALID REGISTRATION CARD ISSUED PURSUANT TO  
13 SECTION 25-1.5-106, C.R.S., AND A VALID PICTURE IDENTIFICATION CARD  
14 THAT MATCHES THE NAME ON THE REGISTRATION CARD.

15 (6) A LICENSED MEDICAL MARIJUANA CENTER MAY PROVIDE A  
16 SMALL AMOUNT OF ITS MEDICAL MARIJUANA FOR TESTING TO A  
17 LABORATORY THAT IS LICENSED PURSUANT TO THE OCCUPATIONAL  
18 LICENSING RULES PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2)  
19 (a) (VIII).

20 (7) ALL MEDICAL MARIJUANA SOLD AT A LICENSED MEDICAL  
21 MARIJUANA CENTER SHALL BE LABELED WITH A LIST OF ALL CHEMICAL  
22 ADDITIVES, INCLUDING BUT NOT LIMITED TO NONORGANIC PESTICIDES,  
23 HERBICIDES, AND FERTILIZERS, THAT WERE USED IN THE CULTIVATION AND  
24 THE PRODUCTION OF THE MEDICAL MARIJUANA.

25 **12-43.3-403. Optional premises cultivation license.** AN  
26 OPTIONAL PREMISES CULTIVATION LICENSE MAY BE ISSUED ONLY TO A  
27 PERSON LICENSED PURSUANT TO SECTION 12-43.3-402 (1) WHO GROWS

1 AND CULTIVATES MEDICAL MARIJUANA AT AN ADDITIONAL COLORADO  
2 LICENSED PREMISES CONTIGUOUS OR NOT CONTIGUOUS WITH THE  
3 LICENSED PREMISES OF THE PERSON'S MEDICAL MARIJUANA CENTER  
4 LICENSE.

5 **12-43.3-404. Medical marijuana-infused products**

6 **manufacturing license.** (1) A MEDICAL MARIJUANA-INFUSED PRODUCTS  
7 MANUFACTURING LICENSE MAY BE ISSUED TO A PERSON WHO  
8 MANUFACTURES MEDICAL MARIJUANA-INFUSED PRODUCTS, PURSUANT TO  
9 THE TERMS AND CONDITIONS OF THIS ARTICLE.

10 (2) MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL BE PREPARED  
11 ON A LICENSED PREMISES THAT IS USED EXCLUSIVELY FOR THE  
12 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED  
13 PRODUCTS AND USING EQUIPMENT THAT IS USED EXCLUSIVELY FOR THE  
14 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED  
15 PRODUCTS.

16 (3) A MEDICAL MARIJUANA-INFUSED PRODUCTS LICENSEE SHALL  
17 HAVE A WRITTEN AGREEMENT OR CONTRACT WITH A MEDICAL MARIJUANA  
18 CENTER LICENSEE, WHICH CONTRACT SHALL AT A MINIMUM SET FORTH THE  
19 TOTAL AMOUNT OF MEDICAL MARIJUANA OBTAINED FROM A MEDICAL  
20 MARIJUANA CENTER LICENSEE TO BE USED IN THE MANUFACTURING  
21 PROCESS, AND THE TOTAL AMOUNT OF MEDICAL MARIJUANA-INFUSED  
22 PRODUCTS TO BE MANUFACTURED FROM THE MEDICAL MARIJUANA  
23 OBTAINED FROM THE MEDICAL MARIJUANA CENTER. A MEDICAL  
24 MARIJUANA-INFUSED PRODUCTS LICENSEE SHALL NOT USE MEDICAL  
25 MARIJUANA FROM TWO DIFFERENT MEDICAL MARIJUANA CENTERS IN THE  
26 PRODUCTION OF ONE MEDICAL MARIJUANA-INFUSED PRODUCT. THE  
27 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE MAY

1 SELL ITS PRODUCTS TO ANY LICENSED MEDICAL MARIJUANA CENTER.

2 (4) ALL LICENSED PREMISES ON WHICH MEDICAL  
3 MARIJUANA-INFUSED PRODUCTS ARE MANUFACTURED SHALL MEET THE  
4 SANITARY STANDARDS FOR MEDICAL MARIJUANA-INFUSED PRODUCT  
5 PREPARATION PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2) (a)  
6 (XII).

7 (5) THE MEDICAL MARIJUANA-INFUSED PRODUCT SHALL BE SEALED  
8 AND CONSPICUOUSLY LABELED IN COMPLIANCE WITH THIS ARTICLE AND  
9 ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE.

10 (6) MEDICAL MARIJUANA-INFUSED PRODUCTS MAY NOT BE  
11 UNSEALED OR CONSUMED ON A PREMISES LICENSED PURSUANT TO THIS  
12 ARTICLE.

13 (7) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW,  
14 SALES OF MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL NOT BE EXEMPT  
15 FROM STATE OR LOCAL SALES TAX.

16 PART 5

17 FEES

18 **12-43.3-501. Medical marijuana license cash fund.** (1) ALL  
19 MONEYS COLLECTED BY THE STATE LICENSING AUTHORITY PURSUANT TO  
20 THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO  
21 SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA LICENSE CASH  
22 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS  
23 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO  
24 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
25 DEPARTMENT OF REVENUE FOR THE DIRECT AND INDIRECT COSTS  
26 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS IN THE  
27 FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE



1 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST  
2 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS  
3 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND  
4 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A  
5 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR  
6 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

7 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE  
8 BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT  
9 OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION  
10 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE  
11 FUND TO WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS  
12 CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE  
13 SUFFICIENTLY REDUCED, THE EXECUTIVE DIRECTOR BY RULE OR AS  
14 OTHERWISE PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR  
15 MORE OF THE FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

16 (3) (a) THE STATE LICENSING AUTHORITY SHALL ESTABLISH FEES  
17 FOR PROCESSING THE FOLLOWING TYPES OF APPLICATIONS, LICENSES,  
18 NOTICES, OR REPORTS REQUIRED TO BE SUBMITTED TO THE STATE  
19 LICENSING AUTHORITY:

20 (I) APPLICATIONS FOR LICENSES LISTED IN SECTION 12-43.3-401  
21 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

22 (II) APPLICATIONS TO CHANGE LOCATION PURSUANT TO SECTION  
23 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

24 (III) APPLICATIONS FOR TRANSFER OF OWNERSHIP PURSUANT TO  
25 SECTION 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT  
26 SECTION;

27 (IV) LICENSE RENEWAL AND EXPIRED LICENSE RENEWAL

1 APPLICATIONS PURSUANT TO SECTION 12-43.3-311; AND

2 (V) LICENSES AS LISTED IN SECTION 12-43.3-401.

3 (b) THE AMOUNTS OF SUCH FEES, WHEN ADDED TO THE OTHER FEES  
4 TRANSFERRED TO THE FUND PURSUANT TO THIS SECTION SHALL REFLECT  
5 THE DIRECT AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY IN  
6 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE.

7 (c) THE STATE LICENSING AUTHORITY MAY CHARGE APPLICANTS  
8 LICENSED UNDER THIS ARTICLE A FEE FOR THE COST OF EACH FINGERPRINT  
9 ANALYSIS AND BACKGROUND INVESTIGATION UNDERTAKEN TO QUALIFY  
10 NEW OFFICERS, DIRECTORS, MANAGERS, OR EMPLOYEES.

11 (d) AT LEAST ANNUALLY, THE STATE LICENSING AUTHORITY SHALL  
12 REVIEW THE AMOUNTS OF THE FEES AND, IF NECESSARY, ADJUST THE  
13 AMOUNTS TO REFLECT THE DIRECT AND INDIRECT COSTS OF THE STATE  
14 LICENSING AUTHORITY.

15 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE  
16 STATE LICENSING AUTHORITY SHALL ESTABLISH A BASIC FEE THAT SHALL  
17 BE PAID AT THE TIME OF SERVICE OF ANY SUBPOENA UPON THE STATE  
18 LICENSING AUTHORITY, PLUS A FEE FOR MEALS AND A FEE FOR MILEAGE AT  
19 THE RATE PRESCRIBED FOR STATE OFFICERS AND EMPLOYEES IN SECTION  
20 24-9-104, C.R.S., FOR EACH MILE ACTUALLY AND NECESSARILY TRAVELED  
21 IN GOING TO AND RETURNING FROM THE PLACE NAMED IN THE SUBPOENA.  
22 IF THE PERSON NAMED IN THE SUBPOENA IS REQUIRED TO ATTEND THE  
23 PLACE NAMED IN THE SUBPOENA FOR MORE THAN ONE DAY, THERE SHALL  
24 BE PAID, IN ADVANCE, A SUM TO BE ESTABLISHED BY THE STATE LICENSING  
25 AUTHORITY FOR EACH DAY OF ATTENDANCE TO COVER THE EXPENSES OF  
26 THE PERSON NAMED IN THE SUBPOENA.

27 (4) THE SUBPOENA FEE ESTABLISHED PURSUANT TO SUBSECTION

1 (3) OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY FEDERAL, STATE  
2 OR LOCAL GOVERNMENTAL AGENCY.

3 **12-43.3-502. Fees - allocation.** (1) EXCEPT AS OTHERWISE  
4 PROVIDED, ALL FEES AND FINES PROVIDED FOR BY THIS ARTICLE SHALL BE  
5 PAID TO THE DEPARTMENT OF REVENUE, WHICH SHALL TRANSMIT THE FEES  
6 TO THE STATE TREASURER. THE STATE TREASURER SHALL CREDIT THE  
7 FEES AND TAXES TO THE MEDICAL MARIJUANA LICENSE CASH FUND  
8 CREATED IN SECTION 12-43.3-501.

9 (2) THE EXPENDITURES OF THE STATE LICENSING AUTHORITY  
10 SHALL BE PAID OUT OF APPROPRIATIONS FROM MEDICAL MARIJUANA  
11 LICENSE CASH FUND CREATED IN SECTION 12-43.3-501.

12 **12-43.3-503. Local license fees.** (1) EACH APPLICATION FOR A  
13 LOCAL LICENSE PROVIDED FOR IN THIS ARTICLE FILED WITH A LOCAL  
14 LICENSING AUTHORITY SHALL BE ACCOMPANIED BY AN APPLICATION FEE  
15 IN AN AMOUNT DETERMINED BY THE LOCAL LICENSING AUTHORITY.

16 (2) LICENSE FEES AS DETERMINED BY THE LOCAL LICENSING  
17 AUTHORITY SHALL BE PAID TO THE TREASURER OF THE MUNICIPALITY,  
18 CITY AND COUNTY, OR COUNTY WHERE THE LICENSED PREMISES IS  
19 LOCATED IN ADVANCE OF THE APPROVAL, DENIAL, OR RENEWAL OF THE  
20 LICENSE.

21 **PART 6**

22 **DISCIPLINARY ACTIONS**

23 **12-43.3-601. Suspension - revocation - fines.** (1) IN ADDITION  
24 TO ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE OR RULES  
25 PROMULGATED PURSUANT TO THIS ARTICLE, THE STATE LICENSING  
26 AUTHORITY OR A LOCAL LICENSING AUTHORITY HAS THE POWER, ON ITS  
27 OWN MOTION OR ON COMPLAINT, AFTER INVESTIGATION AND OPPORTUNITY

1 FOR A PUBLIC HEARING AT WHICH THE LICENSEE SHALL BE AFFORDED AN  
2 OPPORTUNITY TO BE HEARD, TO SUSPEND OR REVOKE A LICENSE ISSUED BY  
3 THE RESPECTIVE AUTHORITY FOR A VIOLATION BY THE LICENSEE OR BY  
4 ANY OF THE AGENTS OR EMPLOYEES OF THE LICENSEE OF THE PROVISIONS  
5 OF THIS ARTICLE, OR ANY OF THE RULES PROMULGATED PURSUANT TO THIS  
6 ARTICLE, OR OF ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THE  
7 LICENSE ISSUED BY THE STATE OR LOCAL LICENSING AUTHORITY. THE  
8 STATE LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY HAS THE  
9 POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE  
10 PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND  
11 RECORDS NECESSARY TO THE DETERMINATION OF A HEARING THAT THE  
12 STATE OR LOCAL LICENSING AUTHORITY IS AUTHORIZED TO CONDUCT.

13 (2) THE STATE OR LOCAL LICENSING AUTHORITY SHALL PROVIDE  
14 NOTICE OF SUSPENSION, REVOCATION, FINE, OR OTHER SANCTION, AS WELL  
15 AS THE REQUIRED NOTICE OF THE HEARING PURSUANT TO SUBSECTION (1)  
16 OF THIS SECTION, BY MAILING THE SAME IN WRITING TO THE LICENSEE AT  
17 THE ADDRESS CONTAINED IN THE LICENSE. A SUSPENSION SHALL NOT BE  
18 FOR A LONGER PERIOD THAN SIX MONTHS. IF A LICENSE IS SUSPENDED OR  
19 REVOKED, A PART OF THE FEES PAID THEREFORE SHALL NOT BE RETURNED  
20 TO THE LICENSEE. ANY LICENSE OR PERMIT MAY BE SUMMARILY  
21 SUSPENDED BY THE ISSUING LICENSING AUTHORITY WITHOUT NOTICE  
22 PENDING ANY PROSECUTION, INVESTIGATION, OR PUBLIC HEARING  
23 PURSUANT TO THE TERMS OF SECTION 24-4-104 (4), C.R.S. NOTHING IN  
24 THIS SECTION SHALL PREVENT THE SUMMARY SUSPENSION OF A LICENSE  
25 PURSUANT TO SECTION 24-4-104 (4), C.R.S. EACH PATIENT REGISTERED  
26 WITH A MEDICAL MARIJUANA CENTER THAT HAS HAD ITS LICENSE  
27 SUMMARILY SUSPENDED MAY IMMEDIATELY TRANSFER HIS OR HER

1 PRIMARY CENTER TO ANOTHER LICENSED MEDICAL MARIJUANA CENTER.

2 (3) (a) WHENEVER A DECISION OF THE STATE LICENSING  
3 AUTHORITY OR A LOCAL LICENSING AUTHORITY SUSPENDING A LICENSE  
4 FOR FOURTEEN DAYS OR LESS BECOMES FINAL, THE LICENSEE MAY, BEFORE  
5 THE OPERATIVE DATE OF THE SUSPENSION, PETITION FOR PERMISSION TO  
6 PAY A FINE IN LIEU OF HAVING THE LICENSE SUSPENDED FOR ALL OR PART  
7 OF THE SUSPENSION PERIOD. UPON THE RECEIPT OF THE PETITION, THE  
8 STATE OR LOCAL LICENSING AUTHORITY MAY, IN ITS SOLE DISCRETION,  
9 STAY THE PROPOSED SUSPENSION AND CAUSE ANY INVESTIGATION TO BE  
10 MADE WHICH IT DEEMS DESIRABLE AND MAY, IN ITS SOLE DISCRETION,  
11 GRANT THE PETITION IF THE STATE OR LOCAL LICENSING AUTHORITY IS  
12 SATISFIED THAT:

13 (I) THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED  
14 BY PERMITTING THE LICENSEE TO OPERATE DURING THE PERIOD SET FOR  
15 SUSPENSION AND THAT THE PAYMENT OF THE FINE WILL ACHIEVE THE  
16 DESIRED DISCIPLINARY PURPOSES;

17 (II) THE BOOKS AND RECORDS OF THE LICENSEE ARE KEPT IN SUCH  
18 A MANNER THAT THE LOSS OF SALES THAT THE LICENSEE WOULD HAVE  
19 SUFFERED HAD THE SUSPENSION GONE INTO EFFECT CAN BE DETERMINED  
20 WITH REASONABLE ACCURACY; AND

21 (III) THE LICENSEE HAS NOT HAD HIS OR HER LICENSE SUSPENDED  
22 OR REVOKED, NOR HAD ANY SUSPENSION STAYED BY PAYMENT OF A FINE,  
23 DURING THE TWO YEARS IMMEDIATELY PRECEDING THE DATE OF THE  
24 MOTION OR COMPLAINT THAT RESULTED IN A FINAL DECISION TO SUSPEND  
25 THE LICENSE OR PERMIT.

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

1 (c) PAYMENT OF A FINE PURSUANT TO THE PROVISIONS OF THIS  
2 SUBSECTION (3) SHALL BE IN THE FORM OF CASH OR IN THE FORM OF A  
3 CERTIFIED CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE STATE OR  
4 LOCAL LICENSING AUTHORITY, WHICHEVER IS APPROPRIATE.

5 (4) UPON PAYMENT OF THE FINE PURSUANT TO SUBSECTION (3) OF  
6 THIS SECTION, THE STATE OR LOCAL LICENSING AUTHORITY SHALL ENTER  
7 ITS FURTHER ORDER PERMANENTLY STAYING THE IMPOSITION OF THE  
8 SUSPENSION. IF THE FINE IS PAID TO A LOCAL LICENSING AUTHORITY, THE  
9 GOVERNING BODY OF THE AUTHORITY SHALL CAUSE THE MONEYS TO BE  
10 PAID INTO THE GENERAL FUND OF THE LOCAL LICENSING AUTHORITY.  
11 FINES PAID TO THE STATE LICENSING AUTHORITY PURSUANT TO  
12 SUBSECTION (3) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE  
13 TREASURER WHO SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA  
14 LICENSE CASH FUND CREATED IN SECTION 12-43.3-501.

15 (5) IN CONNECTION WITH A PETITION PURSUANT TO SUBSECTION (3)  
16 OF THIS SECTION, THE AUTHORITY OF THE STATE OR LOCAL LICENSING  
17 AUTHORITY IS LIMITED TO THE GRANTING OF SUCH STAYS AS ARE  
18 NECESSARY FOR THE AUTHORITY TO COMPLETE ITS INVESTIGATION AND  
19 MAKE ITS FINDINGS AND, IF THE AUTHORITY MAKES SUCH FINDINGS, TO  
20 THE GRANTING OF AN ORDER PERMANENTLY STAYING THE IMPOSITION OF  
21 THE ENTIRE SUSPENSION OR THAT PORTION OF THE SUSPENSION NOT  
22 OTHERWISE CONDITIONALLY STAYED.

23 (6) IF THE STATE OR LOCAL LICENSING AUTHORITY DOES NOT MAKE  
24 THE FINDINGS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS  
25 SECTION AND DOES NOT ORDER THE SUSPENSION PERMANENTLY STAYED,  
26 THE SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE FINALLY  
27 SET BY THE STATE OR LOCAL LICENSING AUTHORITY.



1 WHERE MEDICAL MARIJUANA IS GROWN, STORED, CULTIVATED, SOLD, OR  
2 DISPENSED, SHALL BE SUBJECT TO INSPECTION BY THE STATE OR LOCAL  
3 LICENSING AUTHORITIES AND THEIR INVESTIGATORS, DURING ALL  
4 BUSINESS HOURS AND OTHER TIMES OF APPARENT ACTIVITY, FOR THE  
5 PURPOSE OF INSPECTION OR INVESTIGATION. FOR EXAMINATION OF ANY  
6 INVENTORY OR BOOKS AND RECORDS REQUIRED TO BE KEPT BY THE  
7 LICENSEES, ACCESS SHALL BE REQUIRED DURING BUSINESS HOURS. WHERE  
8 ANY PART OF THE LICENSED PREMISES CONSISTS OF A LOCKED AREA, UPON  
9 DEMAND TO THE LICENSEE, SUCH AREA SHALL BE MADE AVAILABLE FOR  
10 INSPECTION WITHOUT DELAY, AND, UPON REQUEST BY AUTHORIZED  
11 REPRESENTATIVES OF THE STATE OR LOCAL LICENSING AUTHORITY, THE  
12 LICENSEE SHALL OPEN THE AREA FOR INSPECTION.

13 (3) EACH LICENSEE SHALL RETAIN ALL BOOKS AND RECORDS  
14 NECESSARY TO SHOW FULLY THE BUSINESS TRANSACTIONS OF THE  
15 LICENSEE FOR A PERIOD OF THE CURRENT TAX YEAR AND THE THREE  
16 IMMEDIATELY PRIOR TAX YEARS.

## 17 PART 8

### 18 JUDICIAL REVIEW

19 **12-43.3-801. Judicial review.** DECISIONS BY THE STATE  
20 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY SHALL BE  
21 SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

## 22 PART 9

### 23 UNLAWFUL ACTS - ENFORCEMENT

24 **12-43.3-901. Unlawful acts - exceptions.** (1) EXCEPT AS  
25 OTHERWISE PROVIDED IN THIS ARTICLE, IT IS UNLAWFUL FOR A PERSON:

26 (a) TO CONSUME MEDICAL MARIJUANA IN A LICENSED MEDICAL  
27 MARIJUANA CENTER, AND IT SHALL BE UNLAWFUL FOR A MEDICAL



1 MARIJUANA LICENSEE TO ALLOW MEDICAL MARIJUANA TO BE CONSUMED  
2 UPON ITS LICENSED PREMISES; OR

3 (b) WITH KNOWLEDGE, TO PERMIT OR FAIL TO PREVENT THE USE OF  
4 HIS OR HER REGISTRY IDENTIFICATION BY ANY OTHER PERSON FOR THE  
5 UNLAWFUL PURCHASING OF MEDICAL MARIJUANA.

6 (2) IT IS UNLAWFUL FOR A PERSON TO BUY, SELL, TRANSFER, GIVE  
7 AWAY, OR ACQUIRE MEDICAL MARIJUANA EXCEPT AS ALLOWED PURSUANT  
8 TO THIS ARTICLE.

9 (3) IT IS UNLAWFUL FOR A PERSON LICENSED PURSUANT TO THIS  
10 ARTICLE:

11 (a) TO BE WITHIN A LIMITED-ACCESS AREA UNLESS THE PERSON'S  
12 LICENSE BADGE IS DISPLAYED AS REQUIRED BY THIS ARTICLE, EXCEPT AS  
13 PROVIDED IN SECTION 12-43.3-701;

14 (b) TO FAIL TO DESIGNATE AREAS OF INGRESS AND EGRESS FOR  
15 LIMITED-ACCESS AREAS AND POST SIGNS IN CONSPICUOUS LOCATIONS AS  
16 REQUIRED BY THIS ARTICLE;

17 (c) TO FAIL TO REPORT A TRANSFER REQUIRED BY SECTION  
18 12-43.3-310 (11); OR

19 (d) TO FAIL TO REPORT THE NAME OF OR A CHANGE IN MANAGERS  
20 AS REQUIRED BY SECTION 12-43.3-310 (12).

21 (4) IT IS UNLAWFUL FOR ANY PERSON LICENSED TO SELL MEDICAL  
22 MARIJUANA PURSUANT TO THIS ARTICLE:

23 (a) TO DISPLAY ANY SIGNS THAT ARE INCONSISTENT WITH ==  
24 LOCAL LAWS OR REGULATIONS;

25 (b) TO USE ADVERTISING MATERIAL THAT IS MISLEADING,  
26 DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO MINORS;

27 (c) TO PROVIDE PUBLIC PREMISES, OR ANY PORTION THEREOF, FOR

1 THE PURPOSE OF CONSUMPTION OF MEDICAL MARIJUANA IN ANY FORM;

2 (d) (I) TO SELL MEDICAL MARIJUANA TO A PERSON NOT LICENSED  
3 PURSUANT TO THIS ARTICLE OR TO A PERSON NOT ABLE TO PRODUCE A  
4 VALID PATIENT REGISTRY IDENTIFICATION CARD. NOTWITHSTANDING ANY  
5 PROVISION IN THIS SUBPARAGRAPH (I) TO THE CONTRARY, A PERSON  
6 UNDER TWENTY-ONE YEARS OF AGE SHALL NOT BE EMPLOYED TO SELL OR  
7 DISPENSE MEDICAL MARIJUANA AT A MEDICAL MARIJUANA CENTER OR  
8 GROW OR CULTIVATE MEDICAL MARIJUANA AT AN OPTIONAL PREMISES  
9 CULTIVATION OPERATION.

10 (II) IF A LICENSEE OR A LICENSEE'S EMPLOYEE HAS REASONABLE  
11 CAUSE TO BELIEVE THAT A PERSON IS EXHIBITING A FRAUDULENT PATIENT  
12 REGISTRY IDENTIFICATION CARD IN AN ATTEMPT TO OBTAIN MEDICAL  
13 MARIJUANA, THE LICENSEE OR EMPLOYEE SHALL BE AUTHORIZED TO  
14 CONFISCATE THE FRAUDULENT PATIENT REGISTRY IDENTIFICATION CARD,  
15 IF POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE  
16 CONFISCATION, TURN IT OVER TO THE STATE HEALTH DEPARTMENT OR  
17 LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO CONFISCATE THE  
18 FRAUDULENT PATIENT REGISTRY IDENTIFICATION CARD OR TO TURN IT  
19 OVER TO THE STATE HEALTH DEPARTMENT OR A STATE OR LOCAL LAW  
20 ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS AFTER THE  
21 CONFISCATION SHALL NOT CONSTITUTE A CRIMINAL OFFENSE.

22 (e) TO POSSESS MORE THAN SIX MEDICAL MARIJUANA PLANTS AND  
23 TWO OUNCES OF MEDICAL MARIJUANA FOR EACH PATIENT WHO HAS  
24 REGISTERED THE CENTER AS HIS OR HER PRIMARY CENTER PURSUANT TO  
25 SECTION 25-1.5-106 (6) (f), C.R.S.; EXCEPT THAT A MEDICAL MARIJUANA  
26 CENTER MAY HAVE AN AMOUNT THAT EXCEEDS THE SIX-PLANT AND  
27 TWO-OUNCE PRODUCT PER PATIENT LIMIT IF THE CENTER SELLS TO

1 PATIENTS THAT ARE AUTHORIZED TO HAVE MORE THAN SIX PLANTS AND  
2 TWO OUNCES OF PRODUCT. IN THE CASE OF A PATIENT AUTHORIZED TO  
3 EXCEED THE SIX-PLANT AND TWO-OUNCE LIMIT, THE CENTER SHALL  
4 OBTAIN DOCUMENTATION FROM THE PATIENT'S PHYSICIAN THAT THE  
5 PATIENT NEEDS MORE THAN SIX PLANTS AND TWO OUNCES OF PRODUCT.

6 (f) TO OFFER FOR SALE OR SOLICIT AN ORDER FOR MEDICAL  
7 MARIJUANA IN PERSON EXCEPT WITHIN THE LICENSED PREMISES;

8 (g) TO HAVE IN POSSESSION OR UPON THE LICENSED PREMISES ANY  
9 MEDICAL MARIJUANA, THE SALE OF WHICH IS NOT PERMITTED BY THE  
10 LICENSE;

11 (h) TO BUY MEDICAL MARIJUANA FROM A PERSON NOT LICENSED  
12 TO SELL AS PROVIDED BY THIS ARTICLE;

13 (i) TO SELL MEDICAL MARIJUANA EXCEPT IN THE PERMANENT  
14 LOCATION SPECIFICALLY DESIGNATED IN THE LICENSE FOR SALE;

15 (j) TO HAVE ON THE LICENSED PREMISES ANY MEDICAL MARIJUANA  
16 OR MARIJUANA PARAPHERNALIA THAT SHOWS EVIDENCE OF THE MEDICAL  
17 MARIJUANA HAVING BEEN CONSUMED OR PARTIALLY CONSUMED;     

18 (k) TO REQUIRE A MEDICAL MARIJUANA CENTER OR MEDICAL  
19 MARIJUANA CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE  
20 TO MAKE DELIVERY TO ANY PREMISES OTHER THAN THE SPECIFIC LICENSED  
21 PREMISES WHERE THE MEDICAL MARIJUANA IS TO BE SOLD; OR

22 (l) TO SELL, SERVE, OR DISTRIBUTE MEDICAL MARIJUANA AT ANY  
23 TIME OTHER THAN BETWEEN THE HOURS OF 8:00 A.M. AND 7:00 P.M.  
24 MONDAY THROUGH SUNDAY.

25 (5) EXCEPT AS PROVIDED IN SECTIONS 12-43.3-402 (4),  
26 12-43.3-403, AND 12-43.3-404, IT IS UNLAWFUL FOR A MEDICAL  
27 MARIJUANA CENTER OR MEDICAL MARIJUANA CENTER WITH AN OPTIONAL

1 PREMISES CULTIVATION LICENSE TO SELL, DELIVER, OR CAUSE TO BE  
2 DELIVERED TO A LICENSEE ANY MEDICAL MARIJUANA NOT GROWN UPON  
3 ITS LICENSED PREMISES, OR FOR A LICENSEE OR MEDICAL MARIJUANA  
4 CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE TO SELL,  
5 POSSESS, OR PERMIT SALE OF MEDICAL MARIJUANA NOT GROWN UPON ITS  
6 LICENSED PREMISES. A VIOLATION OF THE PROVISIONS OF THIS  
7 SUBSECTION (5) BY A LICENSEE SHALL BE GROUNDS FOR THE IMMEDIATE  
8 REVOCATION OF THE LICENSE GRANTED UNDER THIS ARTICLE.

9 (6) IT SHALL BE UNLAWFUL FOR A PHYSICIAN WHO MAKES PATIENT  
10 REFERRALS TO A LICENSED MEDICAL MARIJUANA CENTER TO RECEIVE  
11 ANYTHING OF VALUE FROM THE MEDICAL MARIJUANA CENTER LICENSEE  
12 OR ITS AGENTS, SERVANTS, OFFICERS, OR OWNERS OR ANYONE  
13 FINANCIALLY INTERESTED IN THE LICENSEE, AND IT SHALL BE UNLAWFUL  
14 FOR A LICENSEE LICENSED PURSUANT TO THIS ARTICLE TO OFFER  
15 ANYTHING OF VALUE TO A PHYSICIAN FOR MAKING PATIENT REFERRALS TO  
16 THE LICENSED MEDICAL MARIJUANA CENTER.

17 (7) A PERSON WHO COMMITS ANY ACTS THAT ARE UNLAWFUL  
18 PURSUANT TO THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND  
19 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.; EXCEPT  
20 FOR VIOLATIONS THAT WOULD ALSO CONSTITUTE A VIOLATION OF TITLE  
21 18, C.R.S., WHICH VIOLATION SHALL BE CHARGED AND PROSECUTED  
22 PURSUANT TO TITLE 18, C.R.S. \_\_\_

## 23 PART 10

### 24 SUNRISE REVIEW

25 **12-43.3-1001. Sunrise review - article repeal.** (1) THIS ARTICLE  
26 IS REPEALED, EFFECTIVE JULY 1, 2015.

27 (2) PRIOR TO THE REPEAL OF THIS ARTICLE, THE DEPARTMENT OF

1 REGULATORY AGENCIES SHALL CONDUCT A SUNRISE REVIEW AS  
2 DESCRIBED IN SECTION 24-34-104.1 (8), C.R.S.

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

6 (†) (3) **Rule-making.** (a) The department shall, pursuant to  
7 section 14 of article XVIII of the state constitution, promulgate rules of  
8 administration concerning the implementation of the medical marijuana  
9 program established by such section and that specifically govern the  
10 following:

11 (a) (I) The establishment and maintenance of a confidential  
12 registry of patients who have applied for and are entitled to receive a  
13 registry identification card;

14 (b) (II) The development by the department of an application form  
15 and making such form available to residents of this state seeking to be  
16 listed on the confidential registry of patients who are entitled to receive  
17 a registry identification card;

18 (c) (III) The verification by the department of medical information  
19 concerning patients who have applied for a confidential registry card;

20 (d) (IV) The issuance and form of confidential registry  
21 identification cards;

22 (e) (V) Communications with law enforcement officials about  
23 confidential registry identification cards that have been suspended where  
24 a patient is no longer diagnosed as having a debilitating medical  
25 condition; and

26 (f) (VI) The manner in which the department may consider adding  
27 debilitating medical conditions to the list of debilitating medical

1 conditions contained in section 14 of article XVIII of the state  
2 constitution.

3 (b) THE STATE HEALTH AGENCY MAY PROMULGATE RULES  
4 REGARDING THE FOLLOWING:

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

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

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

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

27 (4) NOTWITHSTANDING ANY OTHER REQUIREMENTS TO THE

1 CONTRARY, NOTICE ISSUED BY THE STATE HEALTH AGENCY FOR A  
2 RULEMAKING HEARING PURSUANT TO SECTION 24-4-103, C.R.S., FOR  
3 RULES CONCERNING THE MEDICAL MARIJUANA PROGRAM SHALL BE  
4 SUFFICIENT IF THE STATE HEALTH AGENCY PROVIDES THE NOTICE NO  
5 LATER THAN FORTY-FIVE DAYS IN ADVANCE OF THE RULEMAKING HEARING  
6 IN AT LEAST ONE PUBLICATION IN A NEWSPAPER OF GENERAL  
7 DISTRIBUTION IN THE STATE AND POSTS THE NOTICE ON THE STATE HEALTH  
8 AGENCY'S WEB SITE; EXCEPT THAT EMERGENCY RULES PURSUANT TO  
9 SECTION 24-4-103 (6), C.R.S., SHALL NOT REQUIRE ADVANCE NOTICE.

10 (5) **Primary caregivers.** (a) A PRIMARY CAREGIVER MAY NOT  
11 DELEGATE TO ANY OTHER PERSON HIS OR HER AUTHORITY TO PROVIDE  
12 MEDICAL MARIJUANA TO A PATIENT NOR MAY A PRIMARY CAREGIVER  
13 ENGAGE OTHERS TO ASSIST IN PROVIDING MEDICAL MARIJUANA TO A  
14 PATIENT.

15 (b) TWO OR MORE PRIMARY CAREGIVERS SHALL NOT JOIN  
16 TOGETHER FOR THE PURPOSE OF CULTIVATING MEDICAL MARIJUANA.

17 (c) ONLY A MEDICAL MARIJUANA CENTER WITH AN OPTIONAL  
18 PREMISES CULTIVATION LICENSE OR A PRIMARY CAREGIVER FOR HIS OR  
19 HER PATIENTS OR A PATIENT FOR HIMSELF OR HERSELF MAY CULTIVATE OR  
20 PROVIDE MARIJUANA AND ONLY FOR MEDICAL USE.

21 (d) A PRIMARY CAREGIVER SHALL PROVIDE TO A LAW  
22 ENFORCEMENT AGENCY, UPON INQUIRY, THE REGISTRY IDENTIFICATION  
23 CARD NUMBER OF EACH OF HIS OR HER PATIENTS. THE STATE HEALTH  
24 AGENCY SHALL MAINTAIN A REGISTRY OF THIS INFORMATION AND MAKE  
25 IT AVAILABLE TWENTY-FOUR HOURS PER DAY AND SEVEN DAYS A WEEK TO  
26 LAW ENFORCEMENT FOR VERIFICATION PURPOSES. UPON INQUIRY BY A  
27 LAW ENFORCEMENT OFFICER AS TO AN INDIVIDUAL'S STATUS AS A PATIENT



1 OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY SHALL CHECK THE  
2 REGISTRY. IF THE INDIVIDUAL IS NOT REGISTERED AS A PATIENT OR  
3 PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY PROVIDE THAT  
4 RESPONSE TO LAW ENFORCEMENT. IF THE PERSON IS A REGISTERED  
5 PATIENT OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY NOT  
6 RELEASE INFORMATION UNLESS CONSISTENT WITH SECTION 14 OF ARTICLE  
7 XVIII OF THE STATE CONSTITUTION. THE STATE HEALTH AGENCY MAY  
8 PROMULGATE RULES TO PROVIDE FOR THE EFFICIENT ADMINISTRATION OF  
9 THIS PARAGRAPH (d).

10 (6) **Patient - primary caregiver relationship.** (a) A PERSON  
11 SHALL BE LISTED AS A PRIMARY CAREGIVER FOR NO MORE THAN FIVE  
12 PATIENTS ON THE MEDICAL MARIJUANA PROGRAM REGISTRY AT ANY GIVEN  
13 TIME; EXCEPT THAT THE STATE HEALTH AGENCY MAY ALLOW A PRIMARY  
14 CAREGIVER TO SERVE MORE THAN FIVE PATIENTS IN EXCEPTIONAL  
15 CIRCUMSTANCES. IN DETERMINING WHETHER EXCEPTIONAL  
16 CIRCUMSTANCES EXIST, THE STATE HEALTH AGENCY MAY CONSIDER THE  
17 PROXIMITY OF MEDICAL MARIJUANA CENTERS TO THE PATIENT. A  
18 PRIMARY CAREGIVER SHALL MAINTAIN A LIST OF HIS OR HER PATIENTS  
19 INCLUDING THE REGISTRY IDENTIFICATION CARD NUMBER OF EACH  
20 PATIENT AT ALL TIMES.

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

23 (c) A PATIENT WHO HAS DESIGNATED A PRIMARY CAREGIVER FOR  
24 HIMSELF OR HERSELF MAY NOT BE DESIGNATED AS A PRIMARY CAREGIVER  
25 FOR ANOTHER PATIENT.

26 (d) A PRIMARY CAREGIVER MAY NOT CHARGE A PATIENT MORE  
27 THAN THE COST OF CULTIVATING OR PURCHASING THE MEDICAL

1 MARIJUANA, BUT MAY CHARGE FOR CAREGIVER SERVICES.

2 (e) (I) THE STATE HEALTH AGENCY SHALL MAINTAIN A SECURE  
3 AND CONFIDENTIAL REGISTRY OF AVAILABLE PRIMARY CAREGIVERS FOR  
4 THOSE PATIENTS WHO ARE UNABLE TO SECURE THE SERVICES OF A  
5 PRIMARY CAREGIVER.

6 (II) AN EXISTING PRIMARY CAREGIVER MAY INDICATE AT THE TIME  
7 OF REGISTRATION WHETHER HE OR SHE WOULD BE WILLING TO HANDLE  
8 ADDITIONAL PATIENTS AND WAIVE CONFIDENTIALITY TO ALLOW RELEASE  
9 OF HIS OR HER CONTACT INFORMATION TO PHYSICIANS OR REGISTERED  
10 PATIENTS ONLY.

11 (III) AN INDIVIDUAL WHO IS NOT REGISTERED BUT IS WILLING TO  
12 PROVIDE PRIMARY CAREGIVING SERVICES MAY SUBMIT HIS OR HER  
13 CONTACT INFORMATION TO BE PLACED ON THE PRIMARY CAREGIVER  
14 REGISTRY.

15 (IV) A PATIENT-PRIMARY CAREGIVER ARRANGEMENT SECURED  
16 PURSUANT TO THIS PARAGRAPH (e) SHALL BE STRICTLY BETWEEN THE  
17 PATIENT AND THE POTENTIAL PRIMARY CAREGIVER. THE STATE HEALTH  
18 AGENCY, BY PROVIDING THE INFORMATION REQUIRED BY THIS PARAGRAPH  
19 (e), SHALL NOT ENDORSE OR VOUCH FOR A PRIMARY CAREGIVER. ===

20 (V) THE STATE HEALTH AGENCY MAY MAKE AN EXCEPTION, BASED  
21 ON A REQUEST FROM A PATIENT, TO PARAGRAPH (a) OF THIS SUBSECTION  
22 (6) LIMITING PRIMARY CAREGIVERS TO FIVE PATIENTS. IF THE STATE  
23 HEALTH AGENCY MAKES AN EXCEPTION TO THE LIMIT, THE STATE HEALTH  
24 AGENCY SHALL NOTE THE EXCEPTION ON THE PRIMARY CAREGIVER'S  
25 RECORD IN THE REGISTRY.

26 (f) AT THE TIME A PATIENT APPLIES FOR INCLUSION ON THE  
27 CONFIDENTIAL REGISTRY, THE PATIENT SHALL INDICATE WHETHER THE

1 PATIENT INTENDS TO CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA,  
2 BOTH CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA AND OBTAIN IT  
3 FROM EITHER A PRIMARY CAREGIVER OR LICENSED MEDICAL MARIJUANA  
4 CENTER, OR INTENDS TO OBTAIN IT FROM EITHER A PRIMARY CAREGIVER  
5 OR A LICENSED MEDICAL MARIJUANA CENTER. IF THE PATIENT ELECTS TO  
6 USE A LICENSED MEDICAL MARIJUANA CENTER, THE PATIENT SHALL  
7 REGISTER THE PRIMARY CENTER HE OR SHE INTENDS TO USE.

8 **(7) Registry identification card required - denial - revocation**  
9 **- renewal.** (a) TO BE CONSIDERED IN COMPLIANCE WITH THE PROVISIONS  
10 OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS  
11 SECTION, AND THE RULES OF THE STATE HEALTH AGENCY, A PATIENT OR  
12 PRIMARY CAREGIVER SHALL HAVE HIS OR HER REGISTRY IDENTIFICATION  
13 CARD IN HIS OR HER POSSESSION AT ALL TIMES THAT HE OR SHE IS IN  
14 POSSESSION OF ANY FORM OF MEDICAL MARIJUANA AND PRODUCE THE  
15 SAME UPON REQUEST OF A LAW ENFORCEMENT OFFICER TO DEMONSTRATE  
16 THAT THE PATIENT OR PRIMARY CAREGIVER IS NOT IN VIOLATION OF THE  
17 LAW; EXCEPT THAT, IF MORE THAN THIRTY-FIVE DAYS HAVE PASSED SINCE  
18 THE DATE THE PATIENT OR PRIMARY CAREGIVER FILED HIS OR HER  
19 MEDICAL MARIJUANA PROGRAM APPLICATION AND THE STATE HEALTH  
20 AGENCY HAS NOT YET ISSUED OR DENIED A REGISTRY IDENTIFICATION  
21 CARD, A COPY OF THE PATIENT'S OR PRIMARY CAREGIVER'S APPLICATION  
22 ALONG WITH PROOF OF THE DATE OF SUBMISSION SHALL BE IN THE  
23 PATIENT'S OR PRIMARY CAREGIVER'S POSSESSION AT ALL TIMES THAT HE  
24 OR SHE IS IN POSSESSION OF ANY FORM OF MEDICAL MARIJUANA UNTIL THE  
25 STATE HEALTH AGENCY ISSUES OR DENIES THE REGISTRY IDENTIFICATION  
26 CARD. A PERSON WHO VIOLATES SECTION 14 OF ARTICLE XVIII OF THE  
27 STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE

1 STATE HEALTH AGENCY MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR  
2 VIOLATIONS OF SECTION 18-18-406, C.R.S.

3 (b) THE STATE HEALTH AGENCY MAY DENY A PATIENT'S OR  
4 PRIMARY CAREGIVER'S APPLICATION FOR A REGISTRY IDENTIFICATION  
5 CARD OR REVOKE THE CARD IF THE STATE HEALTH AGENCY, IN  
6 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., DETERMINES THAT THE  
7 PHYSICIAN WHO DIAGNOSED THE PATIENT'S DEBILITATING MEDICAL  
8 CONDITION, THE PATIENT, OR THE PRIMARY CAREGIVER VIOLATED SECTION  
9 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, OR THE  
10 RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS  
11 SECTION; EXCEPT THAT, WHEN A PHYSICIAN'S VIOLATION IS THE BASIS FOR  
12 ADVERSE ACTION, THE STATE HEALTH AGENCY MAY ONLY DENY OR  
13 REVOKE A PATIENT'S APPLICATION OR REGISTRY IDENTIFICATION CARD  
14 WHEN THE PHYSICIAN'S VIOLATION IS RELATED TO THE ISSUANCE OF A  
15 MEDICAL MARIJUANA RECOMMENDATION.

16 (c) A PATIENT OR PRIMARY CAREGIVER REGISTRY IDENTIFICATION  
17 CARD SHALL BE VALID FOR ONE YEAR AND SHALL CONTAIN A UNIQUE  
18 IDENTIFICATION NUMBER. IT SHALL BE THE RESPONSIBILITY OF THE  
19 PATIENT OR PRIMARY CAREGIVER TO APPLY TO RENEW HIS OR HER  
20 REGISTRY IDENTIFICATION CARD PRIOR TO THE DATE ON WHICH THE CARD  
21 EXPIRES. THE STATE HEALTH AGENCY SHALL DEVELOP A FORM FOR A  
22 PATIENT OR PRIMARY CAREGIVER TO USE IN RENEWING HIS OR HER  
23 REGISTRY IDENTIFICATION CARD.

24 (8) **Use of medical marijuana.** (a) THE USE OF MEDICAL  
25 MARIJUANA IS ALLOWED UNDER STATE LAW TO THE EXTENT THAT IT IS  
26 CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14 OF  
27 ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE

1 RULES OF THE STATE HEALTH AGENCY.

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

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

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

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

10 (IV) POSSESS MEDICAL MARIJUANA OR OTHERWISE ENGAGE IN THE  
11 USE OF MEDICAL MARIJUANA IN A SCHOOL BUS;

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

13 (A) IN A CORRECTIONAL FACILITY OR A COMMUNITY CORRECTIONS  
14 FACILITY;

15 (B) SUBJECT TO A SENTENCE TO INCARCERATION; OR

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

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

20 (VII) USE MEDICAL MARIJUANA IF THE PERSON DOES NOT HAVE A  
21 DEBILITATING MEDICAL CONDITION AS DIAGNOSED BY THE PERSON'S  
22 PHYSICIAN IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT  
23 RELATIONSHIP AND FOR WHICH THE PHYSICIAN HAS RECOMMENDED THE  
24 USE OF MEDICAL MARIJUANA.

25 (c) A PERSON SHALL NOT ESTABLISH A BUSINESS TO PERMIT  
26 PATIENTS TO CONGREGATE AND SMOKE OR OTHERWISE CONSUME MEDICAL  
27 MARIJUANA.

1           (9) **Limit on cultivation of medical marijuana.** ONLY  
2 REGISTERED PATIENTS, LICENSED PRIMARY CAREGIVERS, AND LICENSED  
3 MEDICAL MARIJUANA CENTERS WITH OPTIONAL PREMISES CULTIVATION  
4 LICENSES MAY CULTIVATE MEDICAL MARIJUANA.

5           (10) **Affirmative defense.** IF A PATIENT OR PRIMARY CAREGIVER  
6 RAISES AN AFFIRMATIVE DEFENSE AS PROVIDED IN SECTION 14 (4) (b) OF  
7 ARTICLE XVIII OF THE STATE CONSTITUTION, THE PATIENT'S PHYSICIAN  
8 SHALL CERTIFY THE SPECIFIC AMOUNTS IN EXCESS OF TWO OUNCES THAT  
9 ARE NECESSARY TO ADDRESS THE PATIENT'S DEBILITATING MEDICAL  
10 CONDITION AND WHY SUCH AMOUNTS ARE NECESSARY. A PATIENT WHO  
11 ASSERTS THIS AFFIRMATIVE DEFENSE SHALL WAIVE CONFIDENTIALITY  
12 PRIVILEGES RELATED TO THE CONDITION OR CONDITIONS THAT WERE THE  
13 BASIS FOR THE RECOMMENDATION. IF A PATIENT, PRIMARY CAREGIVER, OR  
14 PHYSICIAN RAISES AN EXCEPTION TO THE STATE CRIMINAL LAWS AS  
15 PROVIDED IN SECTION 14 (2) (b) OR (c) OF ARTICLE XVIII OF THE STATE  
16 CONSTITUTION, THE PATIENT, PRIMARY CAREGIVER OR PHYSICIAN WAIVES  
17 THE CONFIDENTIALITY OF HIS OR HER RECORDS RELATED TO THE  
18 CONDITION OR CONDITIONS THAT WERE THE BASIS FOR THE  
19 RECOMMENDATION MAINTAINED BY THE STATE HEALTH AGENCY FOR THE  
20 MEDICAL MARIJUANA PROGRAM. UPON REQUEST OF A LAW ENFORCEMENT  
21 AGENCY FOR SUCH RECORDS, THE STATE HEALTH AGENCY SHALL ONLY  
22 PROVIDE RECORDS PERTAINING TO THE INDIVIDUAL RAISING THE  
23 EXCEPTION, AND SHALL REDACT ALL OTHER PATIENT, PRIMARY  
24 CAREGIVER, OR PHYSICIAN IDENTIFYING INFORMATION.

25           (11) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
26 SUBSECTION (11), THE STATE HEALTH AGENCY SHALL ESTABLISH A BASIC  
27 FEE THAT SHALL BE PAID AT THE TIME OF SERVICE OF ANY SUBPOENA UPON

1 THE STATE HEALTH AGENCY, PLUS A FEE FOR MEALS AND A FEE FOR  
2 MILEAGE AT THE RATE PRESCRIBED FOR STATE OFFICERS AND EMPLOYEES  
3 IN SECTION 24-9-104, C.R.S., FOR EACH MILE ACTUALLY AND  
4 NECESSARILY TRAVELED IN GOING TO AND RETURNING FROM THE PLACE  
5 NAMED IN THE SUBPOENA. IF THE PERSON NAMED IN THE SUBPOENA IS  
6 REQUIRED TO ATTEND THE PLACE NAMED IN THE SUBPOENA FOR MORE  
7 THAN ONE DAY, THERE SHALL BE PAID, IN ADVANCE, A SUM TO BE  
8 ESTABLISHED BY THE STATE HEALTH AGENCY FOR EACH DAY OF  
9 ATTENDANCE TO COVER THE EXPENSES OF THE PERSON NAMED IN THE  
10 SUBPOENA.

11 (b) THE SUBPOENA FEE ESTABLISHED PURSUANT TO PARAGRAPH  
12 (a) OF THIS SUBSECTION (11) SHALL NOT BE APPLICABLE TO ANY FEDERAL,  
13 STATE, OR LOCAL GOVERNMENTAL AGENCY.

14 ~~(2)~~ (12) **Fees.** The ~~department~~ STATE HEALTH AGENCY may  
15 collect fees from patients who, pursuant to section 14 of article XVIII of  
16 the state constitution, apply to the medical marijuana program established  
17 by ~~such section~~ for a ~~marijuana~~ registry identification CARD for the  
18 purpose of offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and  
19 indirect costs of administering the program. The amount of ~~such~~ THE fees  
20 shall be set by rule of the ~~state board of health~~ STATE HEALTH AGENCY.

21 All fees collected by the ~~department~~ STATE HEALTH AGENCY through the  
22 medical marijuana program shall be transferred to the state treasurer who  
23 shall credit the same to the medical marijuana program cash fund, which  
24 fund is hereby created.

25 ~~(3)~~ (13) **Cash fund.** (a) The medical marijuana program cash  
26 fund shall be subject to annual appropriation by the general assembly to  
27 the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,

1 operating, and maintaining the medical marijuana program. established  
2 by section 14 of article XVIII of the state constitution. All moneys  
3 credited to the medical marijuana program cash fund and all interest  
4 derived from the deposit of such moneys that are not expended during the  
5 fiscal year shall be retained in the fund for future use and shall not be  
6 credited or transferred to the general fund or any other fund.

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

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

14 **25-5-403. Offenses.** (3) THE PROVISIONS OF THIS SECTION SHALL  
15 NOT APPLY TO A MEDICAL MARIJUANA CENTER OR A  
16 MEDICAL-MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSED  
17 PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., THAT MANUFACTURES OR  
18 SELLS A FOOD PRODUCT THAT CONTAINS MEDICAL MARIJUANA SO LONG AS  
19 THE FOOD PRODUCT IS LABELED AS CONTAINING MEDICAL MARIJUANA AND  
20 THE LABEL SPECIFIES THAT THE PRODUCT IS MANUFACTURED WITHOUT  
21 ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY, AND  
22 THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE CONSUMPTION  
23 OR USE OF THE PRODUCT.

24 **SECTION 4.** 16-2.5-121, Colorado Revised Statutes, is amended  
25 to read:

26 **16-2.5-121. Executive director of the department of revenue**  
27 **- senior director of enforcement for the department of revenue.** The



1 executive director and the senior director of enforcement of the  
2 department of revenue are peace officers while engaged in the  
3 performance of their duties whose authority includes the enforcement of  
4 laws and rules regarding automobile dealers pursuant to section 12-6-105  
5 (1) (d) (II), C.R.S., the lottery pursuant to sections 24-35-205 (3) and  
6 24-35-206 (7), C.R.S., MEDICAL MARIJUANA PURSUANT TO ARTICLE 43.3  
7 OF TITLE 12, C.R.S., limited gaming pursuant to section 12-47.1-204,  
8 C.R.S., liquor pursuant to section 12-47-904 (1), C.R.S., and racing  
9 events pursuant to section 12-60-203 (1), C.R.S., and the enforcement of  
10 all laws of the state of Colorado and who may be certified by the P.O.S.T.  
11 board.

12 **SECTION 5.** Part 1 of article 2.5 of title 16, Colorado Revised  
13 Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION  
14 to read:

15 **16-2.5-124.5. Director of marijuana enforcement and medical**  
16 **marijuana enforcement investigator.** A MEDICAL MARIJUANA  
17 ENFORCEMENT INVESTIGATOR IS A PEACE OFFICER WHILE ENGAGED IN THE  
18 PERFORMANCE OF HIS OR HER DUTIES AND WHILE ACTING UNDER PROPER  
19 ORDERS OR RULES PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., AND  
20 SHALL ALSO INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF  
21 COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

22 **SECTION 6.** 24-75-402 (5), Colorado Revised Statutes, is  
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

1 (z) THE MEDICAL MARIJUANA LICENSE CASH FUND CREATED IN  
2 SECTION 12-43.3-501, C.R.S.

3 SECTION 7. 39-26-102, Colorado Revised Statutes, is amended  
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 39-26-102. Definitions. As used in this article, unless the context  
6 otherwise requires:

7 (5.8) "MEDICAL MARIJUANA" SHALL HAVE THE SAME MEANING AS  
8 SET FORTH IN SECTION 12-43.3-104 (7), C.R.S.

9 SECTION 8. 39-26-123 (1), Colorado Revised Statutes, is  
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11 39-26-123. Receipts - disposition - transfers of general fund  
12 surplus - sales and use tax holding fund - creation - definitions -  
13 repeal. (1) As used in this section, unless the context otherwise requires:

14 (a.5) "SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF  
15 MEDICAL MARIJUANA" MEANS THE NET REVENUE RAISED FROM THE STATE  
16 SALES AND USE TAXES IMPOSED PURSUANT TO THIS ARTICLE ON THE SALES  
17 OR USE OF MEDICAL MARIJUANA.

18 SECTION 9. 39-26-123, Colorado Revised Statutes, is amended  
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 39-26-123. Receipts - disposition - transfers of general fund  
21 surplus - sales and use tax holding fund - creation - definitions -  
22 repeal. (6) (a) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER  
23 JULY 1, 2010, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
24 THE FIRST TWO MILLION DOLLARS OF SALES AND USE TAXES  
25 ATTRIBUTABLE TO SALES OR USE OF MEDICAL MARIJUANA OR EQUALLY  
26 APPROPRIATE THE SALES AND USE TAXES ATTRIBUTABLE TO SALES AND  
27 USE OF MEDICAL MARIJUANA IF TWO MILLION DOLLARS IS NOT GENERATED.

1 (b) (I) ONE HALF OF THE MONEYS DESCRIBED IN PARAGRAPH (a) OF  
2 THIS SUBSECTION (6) SHALL BE APPROPRIATED TO THE DEPARTMENT OF  
3 HUMAN SERVICES TO BE USED TO PROVIDE INTEGRATED BEHAVIORAL  
4 HEALTH SERVICES FOR JUVENILES AND ADULTS WITH SUBSTANCE USE  
5 DISORDERS AND MENTAL HEALTH TREATMENT NEEDS WHO ARE INVOLVED  
6 WITH, OR AT RISK OF INVOLVEMENT WITH, THE CRIMINAL JUSTICE SYSTEM.  
7 THE MONEYS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6)  
8 SHALL BE APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES TO BE  
9 USED TO PROVIDE INTEGRATED BEHAVIORAL HEALTH SERVICES FOR  
10 JUVENILES AND ADULTS WITH SUBSTANCE USE DISORDERS OR WITH  
11 SUBSTANCE USE DISORDERS AND MENTAL HEALTH TREATMENT NEEDS WHO  
12 ARE INVOLVED WITH, OR AT RISK OF INVOLVEMENT WITH, THE CRIMINAL  
13 JUSTICE SYSTEM. THE DEPARTMENT SHALL ENSURE THAT APPROPRIATIONS  
14 IN THIS LINE ITEM ARE DISTRIBUTED THROUGH THE DEPARTMENT'S  
15 DESIGNATED MANAGED SERVICE ORGANIZATIONS AND COMMUNITY  
16 MENTAL HEALTH CENTERS. THE APPROPRIATIONS SHALL BE BASED ON,  
17 INCLUDING BUT NOT LIMITED TO SUBSTANCE USE AND MENTAL HEALTH  
18 PREVALENCE DATA THAT IS DEVELOPED WORKING COLLABORATIVELY  
19 WITH THE MANAGED SERVICES ORGANIZATIONS AND COMMUNITY HEALTH  
20 CENTERS.

21 (II) ONE HALF OF THE MONEYS DESCRIBED IN PARAGRAPH (a) OF  
22 THIS SUBSECTION (6) SHALL BE APPROPRIATED TO THE DEPARTMENT OF  
23 HEALTH CARE POLICY AND FINANCING FOR SCREENING, BRIEF  
24 INTERVENTION, AND REFERRAL TO TREATMENT FOR INDIVIDUALS AT RISK  
25 OF SUBSTANCE ABUSE PURSUANT TO SECTION 25.5-5-202 (1) (u), C.R.S.

26 **SECTION 10.** 39-26-123, Colorado Revised Statutes, is amended  
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1           **39-26-123. Receipts - disposition - transfers of general fund**  
2 **surplus - sales and use tax holding fund - creation - definitions -**  
3 **repeal.** (6) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER  
4 JULY 1, 2010, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
5 THE FIRST TWO MILLION DOLLARS OF SALES TAXES ATTRIBUTABLE TO  
6 SALES TAXES PAID BY PERSONS OR ENTITIES LICENSED BY ARTICLE 43.3 OF  
7 TITLE 12, C.R.S., OR EQUALLY APPROPRIATE THE SALES TAXES  
8 ATTRIBUTABLE TO SALES TAXES PAID BY PERSONS OR ENTITIES LICENSED  
9 BY ARTICLE 43.3 OF TITLE 12, C.R.S., IF LESS THAN TWO MILLION DOLLARS  
10 IS GENERATED. THE MONEYS DESCRIBED IN THIS SUBSECTION (6) SHALL  
11 BE APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES TO BE USED  
12 TO PROVIDE INTEGRATED BEHAVIORAL HEALTH SERVICES FOR JUVENILES  
13 AND ADULTS WITH SUBSTANCE USE DISORDERS OR WITH SUBSTANCE USE  
14 DISORDERS AND MENTAL HEALTH TREATMENT NEEDS WHO ARE INVOLVED  
15 WITH, OR AT RISK OF INVOLVEMENT WITH, THE CRIMINAL JUSTICE SYSTEM.  
16 THE DEPARTMENT SHALL ENSURE THAT APPROPRIATIONS IN THIS LINE ITEM  
17 ARE DISTRIBUTED THROUGH THE DEPARTMENT'S DESIGNATED MANAGED  
18 SERVICE ORGANIZATIONS AND COMMUNITY MENTAL HEALTH CENTERS.  
19 THE APPROPRIATIONS SHALL BE BASED ON, INCLUDING BUT NOT LIMITED  
20 TO SUBSTANCE USE AND MENTAL HEALTH PREVALENCE DATA THAT IS  
21 DEVELOPED WORKING COLLABORATIVELY WITH THE MANAGED SERVICES  
22 ORGANIZATIONS AND COMMUNITY HEALTH CENTERS.

23           **SECTION 11.** 25-14-203 (16), Colorado Revised Statutes, is  
24 amended to read:

25           **25-14-203. Definitions.** As used in this part 2, unless the context  
26 otherwise requires:

27           (16) "Smoking" means the burning of a lighted cigarette, cigar,

1 pipe, or any other matter or substance that contains tobacco OR MEDICAL  
2 MARIJUANA AS DEFINED BY SECTION 12-43.3-104 (7), C.R.S.

3 **SECTION 12.** 24-34-104.1, Colorado Revised Statutes, is  
4 amended BY THE ADDITION OF A NEW SUBSECTION to read:

5 **24-34-104.1. General assembly sunrise review of new**  
6 **regulation of occupations and professions - repeal.** (8) (a) THE  
7 DEPARTMENT OF REGULATORY AGENCIES SHALL CONDUCT A REVIEW AS  
8 DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS SECTION OF PERSONS  
9 LICENSED PURSUANT TO PART 4 OF ARTICLE 43.3 OF TITLE 12, C.R.S., AND  
10 PRIMARY CAREGIVERS AS DESCRIBED IN SECTION 25-1.5-106, C.R.S.

11 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2016.

12 **SECTION 13. Appropriation.** (1) In addition to any other  
13 appropriation, there is hereby appropriated, out of any moneys in the  
14 general fund not otherwise appropriated, to the department of human  
15 services, for allocation to mental health and alcohol and drug abuse  
16 services, for the fiscal year beginning July 1, 2010, the sum of three  
17 hundred thirty-four thousand two hundred twenty-seven dollars  
18 (\$334,227), or so much thereof as may be necessary, for the  
19 implementation of this act.

20 (2) In addition to any other appropriation, there is hereby  
21 appropriated, out of any moneys in the medical marijuana license cash  
22 fund \_\_\_ created in section 12-43.3-501 (1), Colorado Revised Statutes,  
23 not otherwise appropriated, to the department of revenue, for allocation  
24 to the enforcement business group, for the fiscal year beginning July 1,  
25 2010, the sum of ten million three hundred seventeen thousand five  
26 hundred eighty-three dollars (\$10,317,583) cash funds and 110.0 FTE, or  
27 so much thereof as may be necessary, for the implementation of this act.

1           (3) In addition to any other appropriation, there is hereby  
2 appropriated to the department of law, for the fiscal year beginning July  
3 1, 2010, the sum of two hundred seventy-one thousand three hundred  
4 sixty-eight dollars (\$271,368) and 2.0 FTE, or so much thereof as may be  
5 necessary, for the provision of legal services to the department of  
6 revenue related to the implementation of this act. Said sum shall be from  
7 reappropriated funds received from the department of revenue out of the  
8 appropriation made in subsection (2) of this section.

9           (4) In addition to any other appropriation, there is hereby  
10 appropriated to the department of public safety, Colorado bureau of  
11 investigation, for the fiscal year beginning July 1, 2010, the sum of two  
12 hundred sixty thousand seven hundred dollars (\$260,700) and 1.2 FTE,  
13 or so much thereof as may be necessary, for the provision of background  
14 checks to the department of revenue related to the implementation of this  
15 act. Said sum shall be from reappropriated funds received from the  
16 department of revenue out of the appropriation made in subsection (2) of  
17 this section.

18           (5) In addition to any other appropriation, there is hereby  
19 appropriated, out of any moneys in the medical marijuana program cash  
20 fund created in section 25-1.5-106 (12), Colorado Revised Statutes, not  
21 otherwise appropriated, to the department of public health and  
22 environment, for allocation to the center for health and environmental  
23 education, for the fiscal year beginning July 1, 2010, the sum of fifty-nine  
24 thousand seven hundred forty-seven dollars (\$59,747) cash funds == ==  
25 and 1.2 FTE, or so much thereof as may be necessary, for the  
26 implementation of this act.

27           ==

1           **SECTION 14. Appropriation.** (1) In addition to any other  
2 appropriation, there is hereby appropriated, out of any moneys in the  
3 general fund not otherwise appropriated, to the department of human  
4 services, for allocation to mental health and alcohol and drug abuse  
5 services, for the fiscal year beginning July 1, 2010, the sum of six  
6 hundred sixty-eight thousand four hundred fifty-four dollars (\$668,454),  
7 or so much thereof as may be necessary, for the implementation of this  
8 act.

9           (2) In addition to any other appropriation, there is hereby  
10 appropriated, out of any moneys in the medical marijuana license cash  
11 fund      created in section 12-43.3-501 (1), Colorado Revised Statutes,  
12 not otherwise appropriated, to the department of revenue, for allocation  
13 to the enforcement business group, for the fiscal year beginning July 1,  
14 2010, the sum of ten million three hundred seventeen thousand five  
15 hundred eighty-three dollars (\$10,317,583) cash funds and 110.0 FTE, or  
16 so much thereof as may be necessary, for the implementation of this act.

17           (3) In addition to any other appropriation, there is hereby  
18 appropriated to the department of law, for the fiscal year beginning July  
19 1, 2010, the sum of two hundred seventy-one thousand three hundred  
20 sixty-eight dollars (\$271,368) and 2.0 FTE, or so much thereof as may be  
21 necessary, for the provision of legal services to the department of  
22 revenue related to the implementation of this act. Said sum shall be from  
23 reappropriated funds received from the department of revenue out of the  
24 appropriation made in subsection (2) of this section.

25           (4) In addition to any other appropriation, there is hereby  
26 appropriated to the department of public safety, Colorado bureau of  
27 investigation, for the fiscal year beginning July 1, 2010, the sum of two

1 hundred sixty thousand seven hundred dollars (\$260,700) and 1.2 FTE,  
2 or so much thereof as may be necessary, for the provision of background  
3 checks to the department of revenue related to the implementation of this  
4 act. Said sum shall be from reappropriated funds received from the  
5 department of revenue out of the appropriation made in subsection (2) of  
6 this section.

7 (5) In addition to any other appropriation, there is hereby  
8 appropriated, out of any moneys in the medical marijuana program cash  
9 fund created in section 25-1.5-106 (12), Colorado Revised Statutes, not  
10 otherwise appropriated, to the department of public health and  
11 environment, for allocation to the center for health and environmental  
12 education, for the fiscal year beginning July 1, 2010, the sum of fifty-nine  
13 thousand seven hundred forty-seven dollars (\$59,747) cash funds == ==  
14 and 1.2 FTE, or so much thereof as may be necessary, for the  
15 implementation of this act.

16 ==  
17 **SECTION 15. Specified effective date.** (1) Except as otherwise  
18 provided in subsection (2) of this section, this act shall take effect July 1,  
19 2010.

20 (2)(a) Sections 9 and 13 of this act shall take effect only if House  
21 Bill 10-1033 is enacted and becomes law and shall take effect upon the  
22 effective date of House Bill 10-1033.

23 (b) Sections 10 and 14 of this act shall take effect only if section  
24 9 of this act does not take effect and does not become law.

25 **SECTION 15. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.