

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 27, 2010
Date

Committee on Local Government and Energy.

After consideration on the merits, the Committee recommends the following:

HB10-1284 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, line 23, strike "MEDICAL MARIJUANA
- 2 CENTER" and substitute "LOCALLY LICENSED BUSINESS FOR THE PURPOSE
- 3 OF CULTIVATION, MANUFACTURE, OR SALE OF MEDICAL MARIJUANA OR
- 4 MEDICAL MARIJUANA-INFUSED PRODUCTS".

- 5 Page 3, line 25, strike "CENTER" and substitute "BUSINESS".

- 6 Page 3, line 26, after the period insert "HOWEVER, APPLICATIONS FOR NEW
- 7 LOCAL LICENSES SHALL NOT BE ACCEPTED AFTER JUNE 30, 2010".

- 8 Page 3, line 27, strike "MEDICAL MARIJUANA CENTER" and substitute
- 9 "BUSINESS" and strike "CENTER" and substitute "IT".

- 10 Page 4, line 2, strike "MEDICAL MARIJUANA CENTER" and substitute
- 11 "BUSINESS".

- 12 Page 4, line 3, strike "OF THE CENTER".

- 13 Page 4, line 11, strike "MEDICAL MARIJUANA CENTER".

- 14 Page 4, line 13, strike "MEDICAL MARIJUANA CENTERS" and substitute
- 15 "BUSINESSES FOR THE PURPOSE OF CULTIVATION, MANUFACTURE, OR SALE
- 16 OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS".

- 1 Page 5, line 8, strike "ARTICLE OR" and substitute "ARTICLE,".
- 2 Page 5, line 9, strike "ARTICLE;" and substitute "ARTICLE, OR ANY
3 SUPPLEMENTAL LOCAL LAW, RULES, OR REGULATIONS;".
- 4 Page 8, strike lines 13 and 14 and substitute "CITY, OR CITY AND COUNTY,
5 VOTE TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA CENTERS,
6 OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL
7 MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES.".
- 8 Page 10, line 2, strike "C.R.S.;" and substitute "C.R.S. THE STATE
9 LICENSING AUTHORITY MAY, AT ITS DISCRETION, DELEGATE TO THE
10 DEPARTMENT OF REVENUE HEARING OFFICERS THE AUTHORITY TO
11 CONDUCT LICENSING, DISCIPLINARY, AND RULEMAKING HEARINGS UNDER
12 SECTION 24-4-105, C.R.S. WHEN CONDUCTING SUCH HEARINGS, THE
13 HEARING OFFICERS SHALL BE EMPLOYEES OF THE STATE LICENSING
14 AUTHORITY UNDER THE DIRECTION AND SUPERVISION OF THE EXECUTIVE
15 DIRECTOR AND THE STATE LICENSING AUTHORITY.".
- 16 Page 11, line 25, strike "MEDICAL MARIJUANA CENTERS" and substitute
17 "ANY PREMISES LICENSED PURSUANT TO THIS ARTICLE, INCLUDING, AT A".
- 18 Page 11, strike line 26.
- 19 Page 17, strike lines 24 and 25 and substitute "PROVIDED FOR IN THIS
20 SECTION FOR GOOD CAUSE, SUBJECT TO".
- 21 Page 21, line 18, strike "AND" and substitute "OR".
- 22 Page 22, line 17, strike "OR".
- 23 Page 22, line 20, strike "REGISTRANT." and substitute "REGISTRANT; OR".
- 24 Page 22, after line 20 insert:
- 25 "(XIII) A PERSON WHO HAS NOT BEEN A RESIDENT OF COLORADO
26 FOR AT LEAST TWO YEARS PRIOR TO THE DATE OF THE PERSON'S
27 APPLICATION.".
- 28 Page 32, line 17, after "(1)" insert "FOR A MEDICAL MARIJUANA CENTER".

- 1 Page 32, line 18, after "LICENSED" insert "MEDICAL MARIJUANA CENTER".
- 2 Page 35, after line 17 insert:
- 3 "(3) A STATE CHARTERED BANK OR A CREDIT UNION MAY LOAN
4 MONEY TO ANY PERSON LICENSED PURSUANT TO THIS ARTICLE FOR THE
5 OPERATION OF A LICENSED BUSINESS."
- 6 Page 48, line 7, strike "STATE".
- 7 Page 48, line 8, strike "OR".
- 8 Page 50, line 1, strike "OR".
- 9 Page 50, line 5, strike "SOLD." and substitute "SOLD; OR".
- 10 Page 50, after line 5, insert:
- 11 "(1) TO SELL, SERVE, OR DISTRIBUTE MEDICAL MARIJUANA AT ANY
12 TIME OTHER THAN BETWEEN THE HOURS OF 8:00 A.M. AND 7:00 P.M.
13 MONDAY THROUGH SUNDAY."
- 14 Page 50, line 27, strike "C.R.S. IF THE" and substitute "C.R.S.; EXCEPT
15 FOR VIOLATIONS THAT WOULD ALSO CONSTITUTE A VIOLATION OF TITLE
16 18, C.R.S., WHICH VIOLATION SHALL BE CHARGED AND PROSECUTED
17 PURSUANT TO TITLE 18, C.R.S."
- 18 Page 51, strike lines 1 through 3.
- 19 Page 53, line 14, after the semicolon add "EXCEPT THAT THE ACT OF
20 SUPPLYING MEDICAL MARIJUANA OR MARIJUANA PARAPHERNALIA, BY
21 ITSELF, IS INSUFFICIENT TO CONSTITUTE "SIGNIFICANT RESPONSIBILITY FOR
22 MANAGING THE WELL-BEING OF A PATIENT";".
- 23 Page 56, line 24, strike "TO PASS".
- 24 Page 56, strike lines 25 through 27.
- 25 Page 57, strike line 1.
- 26 Page 58, strike lines 20 through 23 and substitute "SECTION; EXCEPT

1 THAT, WHEN A PHYSICIAN'S VIOLATION IS THE BASIS FOR ADVERSE ACTION,
2 THE STATE HEALTH AGENCY MAY ONLY DENY OR REVOKE A PATIENT'S
3 APPLICATION OR REGISTRY IDENTIFICATION CARD WHEN THE PHYSICIAN'S
4 VIOLATION IS RELATED TO THE ISSUANCE OF A MEDICAL MARIJUANA
5 RECOMMENDATION."

6 Page 63, line 23, strike "**Medical**" and substitute "**Director of**" and after
7 "**enforcement**" insert "**and medical marijuana enforcement**".

8 Page 66, strike lines 13 through 16 and substitute "THE FIRST TWO
9 MILLION DOLLARS OF SALES TAXES ATTRIBUTABLE TO SALES TAXES PAID
10 BY PERSONS OR ENTITIES LICENSED BY ARTICLE 43.3 OF TITLE 12, C.R.S.,
11 OR EQUALLY APPROPRIATE THE SALES TAXES ATTRIBUTABLE TO SALES
12 TAXES PAID BY PERSONS OR ENTITIES LICENSED BY ARTICLE 43.3 OF TITLE
13 12, C.R.S., IF LESS THAN TWO MILLION DOLLARS IS GENERATED."

14 Page 71, line 18, strike "12-43.3-103 and 12-43.3-104" and substitute
15 "12-43.3-103, 12-43.3-104, and 12-43.3-106".

16 Page 71, line 19, after "12," insert "Colorado Revised Statutes,".

17 Page 71, line 21, after "2," insert, "4, 5, 6," and strike "15" and substitute
18 "16".

19 Page 71, line 23, strike "12" and substitute "13".

20 Page 71, line 26, strike "13" and substitute "14" and after "effect" insert
21 "only".

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