

HOUSE JOURNAL
SIXTY-SEVENTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Seventieth Legislative Day

Tuesday, March 23, 2010

1 Prayer by Father Tom Carzon, Holy Ghost, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Jessica Hartman, Colorado State University,
6 Pueblo.

7

8 The roll was called with the following result:

9

10 Present--63.

11 Excused--Representative(s) Gardner C., Priola--2.

12 Present after roll call--Representative(s) Priola.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative King, the reading of the journal of
18 March 22, 2010, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23 **THIRD READING OF BILL(S)--FINAL PASSAGE**

24

25 The following bill(s) was(were) considered on Third Reading. The
26 title(s) was(were) publicly read. Reading of the bill at length was
27 dispensed with by unanimous consent.

28

29 **HB10-1274** by Representative(s) Schafer S., Massey, Benefield,
30 Merrifield, Middleton, Miklosi, Murray, Peniston, Priola,
31 Solano, Stephens, Tipton, Todd; also Senator(s) Johnston,
32 Carroll M., Keller, King K., Newell, Penry, Spence,
33 Steadman--Concerning successful transitions back to the
34 public school system for students in out-of-home
35 placement who have demonstrated behavior that is
36 detrimental to the safety or welfare of themselves or others
37 during the previous twelve months.

38

39 The question being "Shall the bill pass?"

40 A roll call vote was taken. As shown by the following recorded vote, a
41 majority of those elected to the House voted in the affirmative and the bill
42 was declared **passed**.

43

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	E	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Court, Labuda, Pommer,
20 Summers, Vigil

21

22 **HB10-1018** by Representative(s) Looper and Primavera, Frangas,
23 McFadyen, Solano; also Senator(s) Gibbs, Romer,
24 Williams--Concerning increased authority to regulate
25 waste tires, and making an appropriation therefor.

26

27 The question being "Shall the bill pass?".

28 A roll call vote was taken. As shown by the following recorded vote, a
29 majority of those elected to the House voted in the affirmative and the bill
30 was declared **passed**.

31

	YES	61	NO	3	EXCUSED	1	ABSENT	0
33	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
34	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
35	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
36	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
37	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
38	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
39	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
40	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
41	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
42	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
43	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
44	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
45	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
46	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
47	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
48	Gardner C.	E	McCann	Y	Roberts	Y	Weissmann	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Fischer, Gardner B., Kerr J., Labuda,
51 Liston, Stephens, Tyler, Vigil

52

53

54

55

56

1 **MESSAGE(S) FROM THE SENATE**

2
3 The Senate has adopted and transmits herewith: SJR10-022.

4
5
6 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

7
8 On motion of Representative Weissmann, the rules were suspended and
9 the following resolution was given immediate consideration.

10
11 **SJR10-022** by Senator(s) Tochtrop; also Representative(s) Levy--
12 Concerning recognition of diabetic peripheral neuropathy
13 as a serious and painful medical condition.

14
15 (Printed and placed in member's file).

16
17 On motion of Representative Levy, the resolution was read at length and
18 **adopted by viva voce** vote.

19
20 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan,
21 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,
22 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gerou, Hullinghorst, Judd,
23 Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Liston, Looper,
24 Massey, May, McCann, McFadyen, McKinley, McNulty, Merrifield,
25 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera,
26 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
27 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Tyler, Vaad,
28 Vigil, Waller, Weissmann, Speaker

29
30
31 **MESSAGE(S) FROM THE SENATE**

32
33 The Senate has adopted and transmits herewith: SJM10-001.

34
35
36 **INTRODUCTION AND CONSIDERATION OF MEMORIAL**

37
38 On motion of Representative Weissmann, the rules were suspended and
39 the following memorial was given immediate consideration.

40
41 **SJM10-001** by Senator(s) Sandoval; also Representative(s) Roberts--
42 Concerning nationwide availability of 2-1-1 telephone
43 service for information and referral on human services and
44 volunteer services.

45
46 (Printed and placed in member's file).

47
48 On motion of Representative Roberts, the memorial was read at length
49 and **adopted by viva voce** vote.

50
51 Co-sponsor(s) added: Representative(s) Acree, Apuan, Balmer, Benefield,
52 Bradford, Court, Curry, Ferrandino, Gardner B., Gerou, Kagan, Kefalas,
53 Kerr A., Kerr J., Labuda, Levy, Liston, Looper, Massey, May, Middleton,
54 Peniston, Primavera, Priola, Riesberg, Ryden, Scanlan, Schafer S., Solano,
55 Stephens, Summers, Tipton, Todd, Vaad, Vigil, Waller

56

1 On motion of Representative Levy, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and she
3 was called to the Chair to act as Chairman.

4

5

6

7

GENERAL ORDERS--SECOND READING OF BILLS

8

9 The Committee of the Whole having risen, the Chairman reported the
10 titles of the following bills had been read (reading at length had been
11 dispensed with by unanimous consent), the bills considered and action
12 taken thereon as follows:

13

14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)

16

17 **HB10-1241** by Representative(s) Casso; also Senator(s) Tochtrop--
18 Concerning required registration for persons who work on
19 fire suppression systems.

20

21 Laid over until March 24, retaining place on Calendar.

22

23

24 **HB10-1351** by Representative(s) Ferrandino, Apuan, Casso, Curry,
25 Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield,
26 Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler,
27 Vigil; also Senator(s) Romer, Carroll M., Foster, Keller,
28 Morse--Concerning the maximum authorized interest rate
29 for a payday loan.

30

31 Laid over until March 24, retaining place on Calendar.

32

33 **HB10-1328** by Representative(s) Miklosi, Apuan, Benefield, Casso,
34 Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi,
35 Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McCann,
36 McFadyen, Merrifield, Middleton, Peniston, Pommer,
37 Primavera, Ryden, Scanlan, Solano, Todd, Tyler, Vigil,
38 Weissmann; also Senator(s) Schwartz--Concerning the
39 "New Energy Jobs Creation Act of 2010", and, in
40 connection therewith, creating the Colorado new energy
41 improvement district and authorizing the district to fund
42 new energy improvements by issuing special assessment
43 bonds payable from special assessments levied on eligible
44 real property owned by persons who voluntarily join the
45 district in order to have the district help them fund new
46 energy improvements to the eligible real property.

47

48 Laid over until March 26, retaining place on Calendar.

49

50

51 **SB10-047** by Senator(s) King K.; also Representative(s) Loooper--
52 Concerning rights relating to the disposition of the last
53 remains of members of the armed forces.

54

55

- 1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
2 March 11, 2010, and placed in member's bill file; Report also printed in
3 House Journal, March 12, page 781.
4
- 5 Amendment No. 2, by Representative(s) Looper.
6
- 7 Amend reengrossed bill, page 3, line 9, strike "15-19-103," and substitute
8 "15-19-103 (3)," and strike "amended" and substitute "amended, and the
9 said 15-19-103 is further amended".
10
- 11 Page 3, line 10, strike "SUBSECTION" and substitute "SUBSECTION,".
12
- 13 Page 3, before line 13 insert:
14
- 15 "(3) "Declaration" means a written instrument directing the lawful
16 disposition of the declarant's last remains and the ceremonies planned
17 after a declarant's death, in accordance with this article. A declaration
18 may be made within a will; prepaid funeral, burial, or cremation contract;
19 durable or medical power of attorney; a designated beneficiary agreement
20 as described in article 22 of this title; A FEDERAL RECORD OF EMERGENCY
21 DATA; or any other written document, including, but not limited to, a
22 document governing the disposition of last remains under part 7 of article
23 11 of this title."
24
- 25 Page 4, line 2, after "THE" insert "PERSON AUTHORIZED TO DIRECT THE".
26
- 27 Page 4, line 3, strike "REMAINS, INCLUDING" and substitute "REMAINS,
28 EVEN IF THE FEDERAL RECORD OF".
29
- 30 Page 4, strike lines 4 and 5.
31
- 32 Page 4, line 7, strike "PROVISIONS OF THE" and substitute "THE PERSON
33 AUTHORIZED TO DIRECT DISPOSITION OF THE DECEDENT'S LAST REMAINS
34 PURSUANT TO THE FEDERAL RECORD OF EMERGENCY DATA SHALL DO SO
35 IN ACCORDANCE WITH THE PROVISIONS FOR THE DISPOSITION OF THE
36 REMAINS AND THE CEREMONIAL ARRANGEMENTS MADE BY THE
37 DECLARANT IN HIS OR HER MOST RECENT DECLARATION CONCERNING SUCH
38 DISPOSITION AND CEREMONIAL ARRANGEMENTS."
39
- 40 Page 4, strike lines 8 through 12.
41
- 42 As amended, ordered revised and placed on the Calendar for Third
43 Reading and Final Passage.
44
- 45 **HB10-1217** by Representative(s) McKinley, McFadyen, Looper, Pace,
46 Vigil--Concerning the repeal of the authority of the
47 executive director of the department of human services to
48 sell the Trinidad state nursing home.
49
- 50 Laid over until March 24, retaining place on Calendar.
51
- 52 **HB10-1234** by Representative(s) Primavera--Concerning the fair
53 settlement of claims for benefits under an insurance
54 policy.
55
- 56 Rereferred to the Committee on Judiciary.

- 1 **SB10-007** by Senator(s) Hudak; also Representative(s) Gagliardi--
2 Concerning collaboration in the provision of multi-agency
3 services.
4
- 5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7
- 8 **SB10-063** by Senator(s) White; also Representative(s) Waller--
9 Concerning limiting civil liability for attorneys who
10 contract to provide certain services for the office of
11 alternate defense counsel.
12
- 13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.
15
- 16 **SB10-130** by Senator(s) Kester; also Representative(s) McCann--
17 Concerning the allocation of powers within the department
18 of corrections.
19
- 20 Ordered revised and placed on the Calendar for Third Reading and Final
21 Passage.
22
- 23 **HB10-1342** by Representative(s) Levy, Benefield, Court, Ferrandino,
24 Fischer, Gagliardi, Hullinghorst, Kagan, Merrifield,
25 Peniston, Pommer, Primavera, Solano, Tyler; also
26 Senator(s) Williams, Newell--Concerning measures to
27 encourage additional investment in solar energy generation
28 facilities, and, in connection therewith, authorizing the
29 creation of community solar gardens.
30
- 31 Amendment No. 1, Transportation & Energy Report, dated
32 March 11, 2010, and placed in member's bill file; Report also printed in
33 House Journal, March 12, pages 782-783.
34
- 35 Amendment No. 2, by Representative(s) Levy.
36
- 37 Amend the Transportation and Energy Committee Report, dated March
38 11, 2010, page 2, after line 6 insert:
39
- 40 "Page 9 of the printed bill, line 23, after "EXCEEDS THE" insert
41 "ELECTRICITY GENERATION CHARGE ON A".".
42
- 43 Page 2 of the report, after line 8 insert:
44
- 45 "Page 10 of the bill, line 26, after "INCENTIVES" insert "AND SUBJECT TO
46 THE OWNERSHIP LIMITATIONS".".
47
- 48 Amendment No. 3, by Representative(s) Levy.
49
- 50 Amend the Transportation and Energy Committee Report, dated March
51 11, 2010, page 2, after line 2 insert:
52
- 53 "Page 7 of the printed bill, line 27, strike "2013" and substitute "2014".".
54
55

1 Amendment No. 4, by Representative(s) Levy.

2

3 Amend the Transportation and Energy Committee Report, dated March
4 11, 2010, page 1, line 1, strike "page 6," and substitute:

5

6 "page 4, line 15, strike "FACILITIES" AND" and substitute "FACILITIES".".

7

8 Page 4 of the bill, strike lines 16 through 21.

9

10 Page 4 of the bill, line 24, strike "IF HOUSE BILL".

11

12 Page 4 of the bill, strike lines 25 and 26.

13

14 Page 6 of the bill,".

15

16 Page 2 of the report, strike line 1 and substitute:

17

18 "Page 7 of the bill, line 22, strike "THE QUALIFYING RETAIL".

19

20 Page 7 of the bill, strike lines 23 through 25 and substitute "RENEWABLE
21 ENERGY CREDITS GENERATED FROM SOLAR GARDENS SHALL NOT BE USED
22 TO ACHIEVE MORE THAN TWENTY PERCENT OF THE RETAIL DISTRIBUTED
23 GENERATION STANDARD IN YEARS 2011 THROUGH 2014.".".

24

25 Amendment No. 5, by Representative(s) Vigil.

26

27 Amend the Transportation and Energy Committee Report, dated March
28 11, 2010, page 1, line 1, strike "page 6," and substitute:

29

30 "page 5 of the printed bill, line 5, change the period to a semicolon and
31 insert "EXCEPT THAT, IF THE SUBSCRIBER LIVES IN A COUNTY WITH A
32 POPULATION OF LESS THAN TWENTY THOUSAND, ACCORDING TO THE MOST
33 RECENT AVAILABLE CENSUS FIGURES, SUCH PHYSICAL LOCATIONS MAY BE
34 IN A COUNTY ADJACENT TO THAT OF THE COMMUNITY SOLAR GARDEN.".".

35

36 Page 6 of the bill,".

37

38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.

40

41 **SB10-071** by Senator(s) Morse; also Representative(s) Riesberg--
42 Concerning creation of a lifetime pass to state parks and
43 recreation areas that shall be available for purchase by
44 Colorado residents who are of eligible age, and making an
45 appropriation therefor.

46

47 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
48 dated March 17, 2010, and placed in member's bill file; Report also
49 printed in House Journal, March 18, page 840.

50

51 As amended, ordered revised and placed on the Calendar for Third
52 Reading and Final Passage.

53

54

55 **SB10-025** by Senator(s) Whitehead, Brophy, Hodge, Schwartz,
56 White; also Representative(s) Baumgardner, Curry,

1 Fischer, Gardner C., McKinley--Concerning the long-term
2 funding of the water efficiency grant program.

3
4 Ordered revised and placed on the Calendar for Third Reading and Final
5 Passage.

6
7 **SB10-098** by Senator(s) Tochtrop; also Representative(s)
8 Sonnenberg--Concerning the allocation of moneys to
9 promote conservation of the state's natural resources.

10
11 Laid over until March 24, retaining place on Calendar.

12
13 **HB10-1242** by Representative(s) Apuan, Court, Gagliardi,
14 Hullinghorst, Kerr A., Labuda, Massey, McKinley,
15 Miklosi, Peniston, Primavera, Priola, Riesberg, Schafer S.,
16 Solano, Todd, Tyler, Vigil; also Senator(s) Tochtrop--
17 Concerning the implementation of a uniform application
18 form for individual health benefit plans by the
19 commissioner of insurance.

20
21 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
22 March 9, 2010, and placed in member's bill file; Report also printed in
23 House Journal, March 11, page 753.

24
25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.

27
28 **SB10-155** by Senator(s) Tochtrop; also Representative(s) Benefield--
29 Concerning limitations on the issuance of gift cards.

30
31 Laid over until March 24, retaining place on Calendar.

32
33 **HB10-1214** by Representative(s) McCann; also Senator(s) Schwartz--
34 Concerning financial support for efforts to reduce the
35 overpopulation of pets, and, in connection therewith,
36 authorizing the issuance of an adopt a shelter pet license
37 plate.

38
39 Amendment No. 1, Transportation & Energy Report, dated
40 March 2, 2010, and placed in member's bill file; Report also printed in
41 House Journal, March 3, page 656.

42
43 Amendment No. 2, Appropriations Report, dated March 19, 2010, and
44 placed in member's bill file; Report also printed in House Journal,
45 March 19, page 852.

46
47 As amended, ordered engrossed and placed on the Calendar for Third
48 Reading and Final Passage.

49
50 **HB10-1278** by Representative(s) Ryden; also Senator(s) Carroll M.--
51 Concerning the creation of an ombudsman for matters
52 arising under the "Colorado Common Interest Ownership
53 Act".

54
55 Laid over until March 24, retaining place on Calendar.

56

1 **HB10-1332** by Representative(s) Miklosi, Apuan, Gagliardi, Kefalas,
2 Primavera, Tyler; also Senator(s) Romer--Concerning the
3 creation of the "Medical Clean Claims Transparency and
4 Uniformity Act".
5

6 Amendment No. 1, Health & Human Services Report, dated
7 February 25, 2010, and placed in member's bill file; Report also printed
8 in House Journal, February 26, pages 590-591.
9

10 Amendment No. 2, Appropriations Report, dated March 19, 2010, and
11 placed in member's bill file; Report also printed in House Journal,
12 March 19, pages 860-861.
13

14 Amendment No. 3, by Representative(s) Miklosi.
15

16 Amend the Health and Human Services Committee Report, dated
17 February 25, 2010, page 1, strike line 6 and substitute "A NEUTRAL PARTY
18 IN".
19

20 As amended, ordered engrossed and placed on the Calendar for Third
21 Reading and Final Passage.
22

23 **HB10-1272** by Representative(s) McCann; also Senator(s) Steadman--
24 Concerning the establishment of contribution limits under
25 the "Fair Campaign Practices Act" for candidates for
26 certain elected director positions, and, in connection
27 therewith, establishing contribution limits for candidates
28 for boards of education and the board of the regional
29 transportation district and specifying requirements
30 affecting the disclosure of such contributions.
31

32 Amendment No. 1, by Representative(s) McCann.
33

34 Amend printed bill, page 5, line 6, strike "ELECTION;" and substitute
35 "ELECTION; EXCEPT THAT THE REQUIREMENTS OF THIS PARAGRAPH (b)
36 SHALL NOT APPLY IN THE CASE OF A SCHOOL DISTRICT WITH A PUPIL
37 ENROLLMENT OF LESS THAN TEN THOUSAND PUPILS FOR THE APPLICABLE
38 CALENDAR YEAR PURSUANT TO SECTION 22-54-103 (10), C.R.S."
39

40 As amended, declared **lost** on Second Reading.
41

42 **SB10-101** by Senator(s) Gibbs, Schwartz, Romer, Bacon, Cadman,
43 Hudak, Johnston, Kester, Sandoval, Scheffel, Steadman,
44 Tapia, White; also Representative(s) Scanlan and Massey,
45 Balmer, Baumgardner, Curry, Frangas, Liston, Merrifield,
46 Pace--Concerning authorizing Colorado mountain college
47 to offer baccalaureate degrees.
48

49 Laid over until March 25, retaining place on Calendar.
50

51 On motion of Representative Weissmann, the remainder of the General
52 Orders Calendar (**SB10-016, 038, HB10-1355, SB10-140, 041, 099,**
53 **HB10-1348, SB10-055**) was laid over until March 24, retaining place on
54 Calendar.
55

1 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

2
3 Representatives McKinley, Waller, Sonnenberg, Soper, J. Kerr, and
4 Tipton moved to amend the Report of the Committee of the Whole to
5 reverse the action taken by the Committee in not adopting the following
6 McKinley amendment, to HB10-1214, to show that said amendment
7 passed, and that **HB10-1214**, as amended, passed.

8
9 Amend printed bill, page 3, line 14, strike "RESCUES OR TO" and substitute
10 "RESCUES;"

11
12 Page 3, line 15, strike "SUPPORT HUMANE EDUCATION PROGRAMS;"

13
14 The amendment was declared **lost** by the following roll call vote:

	YES	30	NO	34	EXCUSED	1	ABSENT	0
17	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
18	Apuan	N	Hullinghorst	N	McKinley	Y	Scanlan	N
19	Balmer	N	Judd	N	McNulty	Y	Schafer S.	N
20	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
21	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
22	Bradford	Y	Kerr A.	Y	Miklosi	N	Soper	Y
23	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
24	Court	N	King S.	Y	Nikkel	Y	Summers	Y
25	Curry	Y	Labuda	N	Pace	Y	Swalm	N
26	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y
27	Ferrandino	N	Levy	N	Pommer	Y	Todd	N
28	Fischer	N	Liston	Y	Primavera	N	Tyler	N
29	Frangas	N	Looper	N	Priola	N	Vaad	Y
30	Gagliardi	N	Massey	Y	Rice	N	Vigil	Y
31	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
32	Gardner C.	E	McCann	N	Roberts	Y	Weissmann	N
33							Speaker	N

34
35
36
37 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

38
39 Passed Second Reading: **SB10-047 amended, 007, 063, 130, HB10-1342**
40 **amended, SB10-071 amended, 025, HB10-1242 amended, 1214**
41 **amended, 1332 amended.**

42
43 Lost on Second Reading: **HB10-1272 amended.**

44
45 Laid over until date indicated retaining place on Calendar: **HB10-1241,**
46 **1351, 1217, SB10-098, 155, HB10-1278, SB10-016, 038, HB10-1355,**
47 **SB10-140, 041, 099, HB10-1348, SB10-055--March 24, 2010.**
48 **SB10-101--March 25, 2010.**
49 **HB10-1328--March 26, 2010.**

50
51 Rereferred to Committee indicated: **HB10-1234--Judiciary.**

52
53 The Chairman moved the adoption of the Committee of the Whole
54 Report. As shown by the following roll call vote, a majority of those
55 elected to the House voted in the affirmative, and the Report was
56 **adopted.**

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	E	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y
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REPORT(S) OF COMMITTEE(S) OF REFERENCE

APPROPRIATIONS

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

HB10-1372 be referred to the Committee of the Whole with favorable recommendation.

EDUCATION

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

SB10-026 be postponed indefinitely.

SB10-062 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, strike lines 2 through 15.

Strike pages 3 and 4.

Page 5, strike lines 1 through 3.

Reorder succeeding sections accordingly.

Page 13, strike lines 23 through 26.

Reorder succeeding section accordingly.

1 **SB10-154** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5
6
7 **FINANCE**

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

10
11 **SB10-143** be referred to the Committee of the Whole with favorable
12 recommendation.
13

14
15
16
17 **HEALTH & HUMAN SERVICES**

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

20
21 **SB10-152** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24

25 Amend reengrossed bill page 3, line 18, strike "MEMBERS." and substitute
26 "MEMBERS, AS DEFINED IN SECTION 19-3-304 (2) (aa) (III).".
27

28 Page 3, line 21, after "(e.5)," insert "IF A COUNTY DEPARTMENT RECEIVES
29 AFFIRMATION AS PROVIDED BY RULE OF THE STATE BOARD OF HUMAN
30 SERVICES THAT THE MANDATORY REPORTER CONTINUES TO BE OFFICIALLY
31 AND PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF THE CHILD
32 WHO WAS THE SUBJECT OF THE REPORT,".
33

34 Page 4, line 7, strike "ADDITIONAL" and substitute "UPDATED", and after
35 "INFORMATION" insert "IDENTIFIED IN SUB-SUBPARAGRAPHS (A) TO (E) OF
36 THIS SUBPARAGRAPH (II)".
37

38 Page 4, line 9, strike "ADDITIONAL" and substitute "UPDATED".
39
40
41

42
43 **JUDICIARY**

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

46
47 **HB10-1284** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:
50

51 Amend printed bill, strike everything below the enacting clause and
52 substitute:
53

54 "SECTION 1. Title 12, Colorado Revised Statutes, is amended
55 BY THE ADDITION OF A NEW ARTICLE to read:
56

1 **ARTICLE 43.3**
2 **Medical Marijuana**

3
4 PART 1
5 COLORADO MEDICAL MARIJUANA CODE

6
7 **12-43.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
8 MAY BE CITED AS THE "COLORADO MEDICAL MARIJUANA CODE".
9

10 **12-43.3-102. Legislative declaration.** (1) THE GENERAL
11 ASSEMBLY HEREBY DECLARES THAT THIS ARTICLE SHALL BE DEEMED AN
12 EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE PROTECTION OF
13 THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH, PEACE, AND
14 MORALS OF THE PEOPLE OF THIS STATE.
15

16 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS
17 UNLAWFUL UNDER STATE LAW TO CULTIVATE, MANUFACTURE,
18 DISTRIBUTE, OR SELL MEDICAL MARIJUANA, EXCEPT IN COMPLIANCE WITH
19 THE TERMS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS IN SECTION 14
20 OF ARTICLE XVIII OF THE STATE CONSTITUTION AND THIS ARTICLE OR
21 WHEN ACTING AS A PRIMARY CAREGIVER IN COMPLIANCE WITH THE TERMS,
22 CONDITIONS, LIMITATIONS, AND RESTRICTIONS OF SECTION 25-1.5-106,
23 C.R.S.
24

25 **12-43.3-103. Applicability.** (1) (a) AS OF JULY 1, 2011, A
26 PERSON SHALL NOT OPEN A MEDICAL MARIJUANA CENTER UNTIL THE
27 CENTER HAS BEEN LICENSED PURSUANT TO THIS ARTICLE.
28

29 (b) AS OF JULY 1, 2010, A PERSON WHO IS ALREADY OPERATING A
30 MEDICAL MARIJUANA CENTER MAY CONTINUE TO OPERATE THAT CENTER
31 UNTIL JULY 1, 2011. AFTER JULY 1, 2011, THE PERSON MAY CONTINUE
32 OPERATING THE MEDICAL MARIJUANA CENTER ONLY IF THE CENTER IS
33 LICENSED PURSUANT TO THIS ARTICLE. TO CONTINUE OPERATING THE
34 MEDICAL MARIJUANA CENTER THAT WAS OPERATING PRIOR TO JULY 1,
35 2011, THE OWNER OF THE CENTER SHALL, ON OR BEFORE SEPTEMBER 1,
36 2010, COMPLETE A FORM PROVIDED BY THE DEPARTMENT OF REVENUE
37 AND MUST PAY A FEE, WHICH SHALL BE CREDITED TO THE MEDICAL
38 MARIJUANA LICENSE CASH FUND ESTABLISHED PURSUANT TO SECTION 12-
39 43.3-501. THE PURPOSE OF THE FEE SHALL BE TO PAY FOR THE DIRECT
40 AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY, AND
41 DEVELOPMENT OF APPLICATION PROCEDURES AND RULES NECESSARY TO
42 IMPLEMENT THIS ARTICLE. PAYMENT OF THE FEE AND COMPLETION OF THE
43 FORM SHALL NOT CREATE A LOCAL OR STATE MEDICAL MARIJUANA CENTER
44 LICENSE OR A PRESENT OR FUTURE ENTITLEMENT TO RECEIVE A LICENSE.
45 COMMENCING ON JULY 1, 2011, ALL MEDICAL MARIJUANA CENTERS SHALL
46 BE SUBJECT TO THE TERMS AND CONDITIONS OF THIS ARTICLE AND ANY
47 RULES PROMULGATED PURSUANT TO THIS ARTICLE.
48

49 (2) PRIOR TO JULY 1, 2011, A COUNTY, CITY AND COUNTY, OR
50 MUNICIPALITY MAY ADOPT AND ENFORCE A RESOLUTION OR ORDINANCE
51 LICENSING, REGULATING OR PROHIBITING THE CULTIVATION OR SALE OF
52 MEDICAL MARIJUANA. IN A COUNTY, CITY AND COUNTY, OR
53 MUNICIPALITY WHERE SUCH AN ORDINANCE OR RESOLUTION HAS BEEN
54 ADOPTED, A PERSON WHO IS NOT REGISTERED AS A PATIENT OR PRIMARY
55 CAREGIVER PURSUANT TO SECTION 25-1.5-106, C.R.S., AND WHO IS
56 CULTIVATING OR SELLING MEDICAL MARIJUANA SHALL NOT BE ENTITLED

1 TO AN AFFIRMATIVE DEFENSE TO A CRIMINAL PROSECUTION AS PROVIDED
2 FOR IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION
3 UNLESS THE PERSON IS IN COMPLIANCE WITH THE APPLICABLE COUNTY OR
4 MUNICIPAL LAW.

5

6 **12-43.3-104. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8

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

12

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 OR ANY RULES PROMULGATED PURSUANT TO
16 THIS ARTICLE;

17

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

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

26

27 (2) "LICENSE" MEANS TO GRANT A LICENSE OR REGISTRATION
28 PURSUANT TO THIS ARTICLE.

29

30 (3) "LICENSED PREMISES" MEANS THE PREMISES SPECIFIED IN AN
31 APPLICATION FOR A LICENSE UNDER THIS ARTICLE, WHICH ARE OWNED OR
32 IN POSSESSION OF THE LICENSEE AND WITHIN WHICH THE LICENSEE IS
33 AUTHORIZED TO CULTIVATE, MANUFACTURE, DISTRIBUTE, OR SELL
34 MEDICAL MARIJUANA IN ACCORDANCE WITH THE PROVISIONS OF THIS
35 ARTICLE.

36

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

39

40 (5) "LOCAL LICENSING AUTHORITY" MEANS AN AUTHORITY
41 DESIGNATED BY MUNICIPAL OR COUNTY CHARTER, MUNICIPAL ORDINANCE,
42 OR COUNTY RESOLUTION.

43

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

46

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

51

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

1 (9) "MEDICAL MARIJUANA-INFUSED PRODUCT" MEANS A PRODUCT
2 INFUSED WITH MEDICAL MARIJUANA THAT IS INTENDED FOR USE OR
3 CONSUMPTION OTHER THAN BY SMOKING, INCLUDING BUT NOT LIMITED TO
4 EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES. THESE PRODUCTS, WHEN
5 MANUFACTURED OR SOLD BY A LICENSED MEDICAL MARIJUANA CENTER OR
6 A MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER, SHALL NOT
7 BE CONSIDERED A FOOD OR DRUG FOR THE PURPOSES OF THE "COLORADO
8 FOOD AND DRUG ACT", PART 4 OF ARTICLE 5 OF TITLE 25, C.R.S.
9

10 (10) "MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER"
11 MEANS A PERSON LICENSED PURSUANT TO THIS ARTICLE TO OPERATE A
12 BUSINESS AS DESCRIBED IN SECTION 12-43.3-404.
13

14 (11) "OPTIONAL PREMISES" MEANS THE PREMISES SPECIFIED IN AN
15 APPLICATION FOR A MEDICAL MARIJUANA CENTER LICENSE WITH RELATED
16 GROWING FACILITIES IN COLORADO FOR WHICH THE LICENSEE IS
17 AUTHORIZED TO GROW AND CULTIVATE MARIJUANA FOR A PURPOSE
18 AUTHORIZED BY SECTION 14 OF ARTICLE XVIII OF THE STATE
19 CONSTITUTION.
20

21 (12) "OPTIONAL PREMISES CULTIVATION OPERATION" MEANS A
22 PERSON LICENSED PURSUANT TO THIS ARTICLE TO OPERATE A BUSINESS AS
23 DESCRIBED IN SECTION 12-43.3-403.
24

25 (13) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,
26 ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, OR
27 ORGANIZATION, OR A MANAGER, AGENT, OWNER, DIRECTOR, SERVANT,
28 OFFICER, OR EMPLOYEE THEREOF.
29

30 (14) "PREMISES" MEANS A DISTINCT AND DEFINITE LOCATION,
31 WHICH MAY INCLUDE A BUILDING, A PART OF A BUILDING, A ROOM, OR ANY
32 OTHER DEFINITE CONTIGUOUS AREA.
33

34 (15) "SCHOOL" MEANS A PUBLIC OR PRIVATE PRESCHOOL OR A
35 PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.
36

37 (16) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY
38 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE
39 LICENSING OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE
40 OF MEDICAL MARIJUANA IN THIS STATE, PURSUANT TO SECTION 12-43.3-
41 201.
42

43 **12-43.3-105. Limited access areas.** NOTWITHSTANDING THE
44 PROVISIONS OF 12-43.3-701, A LIMITED ACCESS AREA SHALL BE A
45 BUILDING, ROOM, OR OTHER CONTIGUOUS AREA UPON THE LICENSED
46 PREMISES WHERE MEDICAL MARIJUANA IS GROWN, CULTIVATED, STORED,
47 WEIGHED, DISPLAYED, PACKAGED, SOLD, OR POSSESSED FOR SALE, UNDER
48 CONTROL OF THE LICENSEE, WITH LIMITED ACCESS TO ONLY THOSE
49 PERSONS LICENSED BY THE STATE LICENSING AUTHORITY. ALL AREAS OF
50 INGRESS OR EGRESS TO LIMITED ACCESS AREAS SHALL BE CLEARLY
51 IDENTIFIED AS SUCH BY A SIGN AS DESIGNATED BY THE STATE LICENSING
52 AUTHORITY.
53

54 PART 2
55 STATE LICENSING AUTHORITY
56

1 **12-43.3-201. State licensing authority - creation.** (1) FOR THE
2 PURPOSE OF REGULATING AND CONTROLLING THE LICENSING OF THE
3 CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL
4 MARIJUANA IN THIS STATE, THERE IS HEREBY CREATED THE STATE
5 LICENSING AUTHORITY, WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE
6 DEPARTMENT OF REVENUE OR THE DEPUTY DIRECTOR OF THE DEPARTMENT
7 OF REVENUE IF THE EXECUTIVE DIRECTOR SO DESIGNATES.

8
9 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
10 SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE STATE LICENSING
11 AUTHORITY AND MAY EMPLOY, PURSUANT TO SECTION 13 OF ARTICLE XII
12 OF THE STATE CONSTITUTION, SUCH OFFICERS AND EMPLOYEES AS MAY BE
13 DETERMINED TO BE NECESSARY, WHICH OFFICERS AND EMPLOYEES SHALL
14 BE PART OF THE DEPARTMENT OF REVENUE.

15
16 **12-43.3-202. Powers and duties of state licensing authority.**

17 (1) THE STATE LICENSING AUTHORITY SHALL:

18
19 (a) GRANT OR REFUSE STATE LICENSES FOR THE CULTIVATION,
20 MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA AS
21 PROVIDED BY LAW; SUSPEND, FINE, RESTRICT, OR REVOKE SUCH LICENSES
22 UPON A VIOLATION OF THIS ARTICLE, OR A RULE PROMULGATED PURSUANT
23 TO THIS ARTICLE; AND IMPOSE ANY PENALTY AUTHORIZED BY THIS
24 ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE. THE
25 STATE LICENSING AUTHORITY MAY TAKE ANY ACTION WITH RESPECT TO A
26 REGISTRATION PURSUANT TO THIS ARTICLE AS IT MAY WITH RESPECT TO A
27 LICENSE PURSUANT TO THIS ARTICLE, IN ACCORDANCE WITH THE
28 PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE;

29
30 (b) PROMULGATE SUCH RULES AND SUCH SPECIAL RULINGS AND
31 FINDINGS AS NECESSARY FOR THE PROPER REGULATION AND CONTROL OF
32 THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL
33 MARIJUANA AND FOR THE ENFORCEMENT OF THIS ARTICLE. A COUNTY,
34 MUNICIPALITY, OR CITY AND COUNTY THAT HAS ADOPTED A TEMPORARY
35 MORATORIUM REGARDING THE SUBJECT MATTER OF THIS ARTICLE SHALL
36 BE SPECIFICALLY AUTHORIZED TO EXTEND THE MORATORIUM UNTIL THE
37 EFFECTIVE DATE OF THE RULES ADOPTED BY THE DEPARTMENT OF
38 REVENUE IN ACCORDANCE WITH THIS ARTICLE;

39
40 (c) HEAR AND DETERMINE AT PUBLIC HEARING ANY APPEALS OF A
41 STATE LICENSE DENIAL AND ANY COMPLAINTS AGAINST A LICENSEE AND
42 ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF
43 PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS
44 NECESSARY TO THE DETERMINATION OF ANY HEARING SO HELD, ALL IN
45 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.;

46
47 (d) MAINTAIN THE CONFIDENTIALITY OF REPORTS OBTAINED FROM
48 A LICENSEE SHOWING THE SALES VOLUME OR QUANTITY OF MEDICAL
49 MARIJUANA SOLD OR ANY OTHER RECORDS THAT ARE EXEMPT FROM
50 PUBLIC INSPECTION PURSUANT TO STATE LAW;

51
52 (e) DEVELOP SUCH FORMS, LICENSES, IDENTIFICATION CARDS, AND
53 APPLICATIONS AS ARE NECESSARY OR CONVENIENT IN THE DISCRETION OF
54 THE STATE LICENSING AUTHORITY FOR THE ADMINISTRATION OF THIS
55 ARTICLE OR ANY OF THE RULES PROMULGATED UNDER THIS ARTICLE;

56

1 (f) PREPARE AND TRANSMIT ANNUALLY, IN THE FORM AND
2 MANNER PRESCRIBED BY THE HEADS OF THE PRINCIPAL DEPARTMENTS
3 PURSUANT TO SECTION 24-1-136, C.R.S., A REPORT ACCOUNTING TO THE
4 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES
5 ASSIGNED BY LAW OR DIRECTIVE TO THE STATE LICENSING AUTHORITY;
6 AND
7

8 (g) IN RECOGNITION OF THE POTENTIAL MEDICINAL VALUE OF
9 MEDICAL MARIJUANA, MAKE A REQUEST BY JANUARY 1, 2012, TO THE
10 FEDERAL DRUG ENFORCEMENT ADMINISTRATION TO CONSIDER
11 RESCHEDULING, FOR PHARMACEUTICAL PURPOSES, MEDICAL MARIJUANA
12 FROM A SCHEDULE I CONTROLLED SUBSTANCE TO A SCHEDULE II
13 CONTROLLED SUBSTANCE.
14

15 (2) (a) RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF
16 SUBSECTION (1) OF THIS SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED
17 TO, THE FOLLOWING SUBJECTS:
18

19 (I) COMPLIANCE WITH, ENFORCEMENT OF, OR VIOLATION OF ANY
20 PROVISION OF THIS ARTICLE, OR ANY RULE ISSUED PURSUANT TO THIS
21 ARTICLE, INCLUDING PROCEDURES AND GROUNDS FOR DENYING,
22 SUSPENDING, FINING, RESTRICTING, OR REVOKING A STATE LICENSE ISSUED
23 PURSUANT TO THIS ARTICLE;
24

25 (II) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF
26 THE STATE LICENSING AUTHORITY;
27

28 (III) INSTRUCTIONS FOR LOCAL LICENSING AUTHORITIES AND LAW
29 ENFORCEMENT OFFICERS;
30

31 (IV) REQUIREMENTS FOR INSPECTIONS, INVESTIGATIONS,
32 SEARCHES, SEIZURES, AND SUCH ADDITIONAL ACTIVITIES AS MAY BECOME
33 NECESSARY FROM TIME TO TIME;
34

35 (V) CREATION OF A RANGE OF PENALTIES FOR USE BY THE STATE
36 LICENSING AUTHORITY;
37

38 (VI) PROHIBITION OF MISREPRESENTATION AND UNFAIR
39 PRACTICES;
40

41 (VII) CONTROL OF INFORMATIONAL AND PRODUCT DISPLAYS ON
42 LICENSED PREMISES;
43

44 (VIII) DEVELOPMENT OF INDIVIDUAL IDENTIFICATION CARDS FOR
45 OWNERS, OFFICERS, MANAGERS, CONTRACTORS, EMPLOYEES, AND OTHER
46 SUPPORT STAFF OF ENTITIES LICENSED PURSUANT TO THIS ARTICLE,
47 INCLUDING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS
48 MAY BE REQUIRED BY THE STATE LICENSING AUTHORITY PRIOR TO ISSUING
49 A CARD;
50

51 (IX) IDENTIFICATION OF STATE LICENSEES AND THEIR OWNERS,
52 OFFICERS, MANAGERS, AND EMPLOYEES;
53

54 (X) SECURITY REQUIREMENTS FOR MEDICAL MARIJUANA CENTERS
55 AND OPTIONAL PREMISES CULTIVATION OPERATIONS, INCLUDING, AT A
56 MINIMUM, LIGHTING, PHYSICAL SECURITY, VIDEO, ALARM REQUIREMENTS,

1 AND OTHER MINIMUM PROCEDURES FOR INTERNAL CONTROL AS DEEMED
2 NECESSARY BY THE STATE LICENSING AUTHORITY TO PROPERLY
3 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE, INCLUDING
4 REPORTING REQUIREMENTS FOR CHANGES, ALTERATIONS, OR
5 MODIFICATIONS TO THE PREMISES;

6
7 (XI) REGULATION OF THE STORAGE OF, WAREHOUSES FOR, AND
8 TRANSPORTATION OF MEDICAL MARIJUANA;

9
10 (XII) SANITARY REQUIREMENTS FOR MEDICAL MARIJUANA
11 CENTERS, INCLUDING BUT NOT LIMITED TO SANITARY REQUIREMENTS FOR
12 THE PREPARATION OF MEDICAL MARIJUANA-INFUSED PRODUCTS;

13
14 (XIII) THE SPECIFICATION OF ACCEPTABLE FORMS OF PICTURE
15 IDENTIFICATION THAT A MEDICAL MARIJUANA CENTER MAY ACCEPT WHEN
16 VERIFYING A SALE;

17
18 (XIV) LABELING STANDARDS;

19
20 (XV) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED
21 AVAILABILITY OF THE RECORDS;

22
23 (XVI) STATE LICENSING PROCEDURES, INCLUDING PROCEDURES
24 FOR RENEWALS, REINSTATEMENTS, INITIAL LICENSES, AND THE PAYMENT
25 OF LICENSING FEES;

26
27 (XVII) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES
28 TAX PAYMENTS BY MEDICAL MARIJUANA CENTERS;

29
30 (XVIII) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO
31 HAVE ACCESS TO LICENSING INFORMATION TO ENSURE SALES AND INCOME
32 TAX PAYMENT AND THE EFFECTIVE ADMINISTRATION OF THIS ARTICLE;

33
34 (XIX) THE SIZE, DIMENSIONS, AND ACCEPTABLE COLORS FOR A
35 MEDICAL MARIJUANA CENTER SIGN;

36
37 (XX) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO
38 ISSUE ADMINISTRATIVE CITATIONS AND PROCEDURES FOR ISSUING,
39 APPEALING AND CREATING A CITATION VIOLATION LIST AND SCHEDULE OF
40 PENALTIES;

41
42 (XXI) DAYS AND HOURS OF OPERATION; AND

43
44 (XXII) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,
45 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
46 ARTICLE.

47
48 (b) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS
49 DELEGATING TO THE STATE LICENSING AUTHORITY THE POWER TO FIX
50 PRICES FOR MEDICAL MARIJUANA.

51
52 (c) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT A
53 LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL
54 ACTIVITY IN RELATION TO A MEDICAL MARIJUANA CENTER, OPTIONAL
55 PREMISES CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED
56 PRODUCTS MANUFACTURER. A LAW ENFORCEMENT AGENCY SHALL HAVE

1 THE AUTHORITY TO RUN A COLORADO CRIME INFORMATION CENTER
2 CRIMINAL HISTORY RECORD CHECK OF A PRIMARY CAREGIVER, LICENSEE,
3 OR EMPLOYEE OF A LICENSEE DURING AN INVESTIGATION OF UNLAWFUL
4 ACTIVITY RELATED TO MEDICAL MARIJUANA.

5

6

7

8

9

PART 3
STATE AND LOCAL LICENSING

10 **12-43.3-301. Local licensing authority - applications - licenses.**
11 (1) A LOCAL LICENSING AUTHORITY MAY ISSUE ONLY THE FOLLOWING
12 MEDICAL MARIJUANA LICENSES UPON PAYMENT OF THE FEE AND
13 COMPLIANCE WITH ALL LOCAL LICENSING REQUIREMENTS TO BE
14 DETERMINED BY THE LOCAL LICENSING AUTHORITY:

15 (a) A MEDICAL MARIJUANA CENTER LICENSE;

16

17 (b) AN OPTIONAL PREMISES CULTIVATION LICENSE;

18

19 (c) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
20 LICENSE.

21

22 (2) (a) A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE A LOCAL
23 LICENSE WITHIN A MUNICIPALITY, CITY AND COUNTY, OR THE
24 UNINCORPORATED PORTION OF A COUNTY UNLESS THE GOVERNING BODY
25 OF THE MUNICIPALITY OR CITY AND COUNTY HAS ADOPTED AN ORDINANCE,
26 OR THE GOVERNING BODY OF THE COUNTY HAS ADOPTED A RESOLUTION,
27 CONTAINING SPECIFIC STANDARDS FOR LICENSE ISSUANCE, OR IF NO SUCH
28 ORDINANCE OR RESOLUTION IS ADOPTED PRIOR TO JULY 1, 2011, THEN A
29 LOCAL LICENSING AUTHORITY SHALL CONSIDER THE MINIMUM LICENSING
30 REQUIREMENTS OF PART 3 OF THIS ARTICLE WHEN ISSUING A LICENSE.

31

32 (b) IN ADDITION TO ALL OTHER STANDARDS APPLICABLE TO THE
33 ISSUANCE OF LICENSES UNDER THIS ARTICLE, THE LOCAL GOVERNING BODY
34 MAY ADOPT ADDITIONAL STANDARDS FOR THE ISSUANCE OF MEDICAL
35 MARIJUANA CENTER, OPTIONAL PREMISES CULTIVATION, OR MEDICAL
36 MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSES THAT MAY
37 INCLUDE, BUT NEED NOT BE LIMITED TO:

38

39 (I) DISTANCE RESTRICTIONS BETWEEN PREMISES FOR WHICH LOCAL
40 LICENSES ARE ISSUED;

41

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

44

45 (III) ANY OTHER REQUIREMENTS NECESSARY TO ENSURE THE
46 CONTROL OF THE PREMISES AND THE EASE OF ENFORCEMENT OF THE
47 TERMS AND CONDITIONS OF THE LICENSE.

48

49 (3) AN APPLICATION FOR A LICENSE SPECIFIED IN SUBSECTION (1)
50 OF THIS SECTION SHALL BE FILED WITH THE APPROPRIATE LOCAL
51 LICENSING AUTHORITY ON FORMS PROVIDED BY THE STATE LICENSING
52 AUTHORITY AND SHALL CONTAIN SUCH INFORMATION AS THE STATE
53 LICENSING AUTHORITY MAY REQUIRE AND ANY FORMS AS THE LOCAL
54 LICENSING AUTHORITY MAY REQUIRE. EACH APPLICATION SHALL BE
55 VERIFIED BY THE OATH OR AFFIRMATION OF THE PERSONS PRESCRIBED BY
56 THE STATE LICENSING AUTHORITY.

1 (4) AN APPLICANT SHALL FILE AT THE TIME OF APPLICATION FOR
2 A LOCAL LICENSE PLANS AND SPECIFICATIONS FOR THE INTERIOR OF THE
3 BUILDING IF THE BUILDING TO BE OCCUPIED IS IN EXISTENCE AT THE TIME.
4 IF THE BUILDING IS NOT IN EXISTENCE, THE APPLICANT SHALL FILE A PLOT
5 PLAN AND A DETAILED SKETCH FOR THE INTERIOR AND SUBMIT AN
6 ARCHITECT'S DRAWING OF THE BUILDING TO BE CONSTRUCTED. IN ITS
7 DISCRETION, THE LOCAL OR STATE LICENSING AUTHORITY MAY IMPOSE
8 ADDITIONAL REQUIREMENTS NECESSARY FOR THE APPROVAL OF THE
9 APPLICATION.

10

11 **12-43.3-302. Public hearing notice - posting and publication.**

12 (1) UPON RECEIPT OF AN APPLICATION FOR A LOCAL LICENSE, EXCEPT AN
13 APPLICATION FOR RENEWAL OR FOR TRANSFER OF OWNERSHIP, A LOCAL
14 LICENSING AUTHORITY MAY SCHEDULE A PUBLIC HEARING UPON THE
15 APPLICATION TO BE HELD NOT LESS THAN THIRTY DAYS AFTER THE DATE
16 OF THE APPLICATION. IF THE LOCAL LICENSING AUTHORITY SCHEDULES A
17 HEARING FOR A MEDICAL MARIJUANA CENTER APPLICATION, IT SHALL POST
18 AND PUBLISH PUBLIC NOTICE THEREOF NOT LESS THAN TEN DAYS PRIOR TO
19 THE HEARING. THE LOCAL LICENSING AUTHORITY SHALL GIVE PUBLIC
20 NOTICE BY THE POSTING OF A SIGN IN A CONSPICUOUS PLACE ON THE
21 PREMISES FOR WHICH APPLICATION HAS BEEN MADE AND BY PUBLICATION
22 IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
23 PREMISES ARE LOCATED.

24

25 (2) PUBLIC NOTICE GIVEN BY POSTING SHALL INCLUDE A SIGN OF
26 SUITABLE MATERIAL, NOT LESS THAN TWENTY-TWO INCHES WIDE AND
27 TWENTY-SIX INCHES HIGH, COMPOSED OF LETTERS NOT LESS THAN ONE
28 INCH IN HEIGHT AND STATING THE TYPE OF LICENSE APPLIED FOR, THE
29 DATE OF THE APPLICATION, THE DATE OF THE HEARING, THE NAME AND
30 ADDRESS OF THE APPLICANT, AND SUCH OTHER INFORMATION AS MAY BE
31 REQUIRED TO FULLY APPRISE THE PUBLIC OF THE NATURE OF THE
32 APPLICATION. THE SIGN SHALL CONTAIN THE NAMES AND ADDRESSES OF
33 THE OFFICERS, DIRECTORS, OR MANAGER OF THE FACILITY TO BE LICENSED.

34

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

37

38 (4) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD
39 IS IN EXISTENCE AT THE TIME OF THE APPLICATION, A SIGN POSTED AS
40 REQUIRED IN SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE PLACED
41 SO AS TO BE CONSPICUOUS AND PLAINLY VISIBLE TO THE GENERAL PUBLIC.
42 IF THE BUILDING IS NOT CONSTRUCTED AT THE TIME OF THE APPLICATION,
43 THE APPLICANT SHALL POST A SIGN AT THE PREMISES UPON WHICH THE
44 BUILDING IS TO BE CONSTRUCTED IN SUCH A MANNER THAT THE NOTICE
45 SHALL BE CONSPICUOUS AND PLAINLY VISIBLE TO THE GENERAL PUBLIC.

46

47 (5) (a) A LOCAL LICENSING AUTHORITY, OR A LICENSE APPLICANT
48 WITH LOCAL LICENSING AUTHORITY APPROVAL, MAY REQUEST THAT THE
49 STATE LICENSING AUTHORITY CONDUCT A CONCURRENT REVIEW OF A NEW
50 LICENSE APPLICATION PRIOR TO THE LOCAL LICENSING AUTHORITY'S FINAL
51 APPROVAL OF THE LICENSE APPLICATION. LOCAL LICENSING AUTHORITIES
52 WHO PERMIT A CONCURRENT REVIEW WILL CONTINUE TO INDEPENDENTLY
53 REVIEW THE APPLICANT'S LICENSE APPLICATION.

54

55 (b) WHEN CONDUCTING A CONCURRENT APPLICATION REVIEW, THE
56 STATE LICENSING AUTHORITY MAY ADVISE THE LOCAL LICENSING

1 AUTHORITY OF ANY ITEMS THAT IT FINDS THAT COULD RESULT IN THE
2 DENIAL OF THE LICENSE APPLICATION. UPON CORRECTION OF THE NOTED
3 DISCREPANCIES IF THE CORRECTION IS PERMITTED BY THE STATE
4 LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL NOTIFY
5 THE LOCAL LICENSING AUTHORITY OF ITS CONDITIONAL APPROVAL OF THE
6 LICENSE APPLICATION SUBJECT TO THE FINAL APPROVAL BY THE LOCAL
7 LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL THEN
8 ISSUE THE APPLICANT'S STATE LICENSE UPON RECEIVING EVIDENCE OF
9 FINAL APPROVAL BY THE LOCAL LICENSING AUTHORITY.

10

11 (c) ALL APPLICATIONS SUBMITTED FOR CONCURRENT REVIEW
12 SHALL BE ACCOMPANIED BY ALL APPLICABLE STATE LICENSE AND
13 APPLICATION FEES. ANY APPLICATIONS THAT ARE LATER DENIED OR
14 WITHDRAWN MAY ALLOW FOR A REFUND OF LICENSE FEES ONLY. ALL
15 APPLICATION FEES PROVIDED BY AN APPLICANT SHALL BE RETAINED BY
16 THE RESPECTIVE LICENSING AUTHORITY.

17

18 **12-43.3-303. Results of investigation - decision of authorities.**

19 (1) NOT LESS THAN FIVE DAYS PRIOR TO THE DATE OF THE PUBLIC
20 HEARING REQUIRED IN SECTION 12-43.3-302, THE LOCAL LICENSING
21 AUTHORITY SHALL MAKE KNOWN ITS FINDINGS, BASED ON ITS
22 INVESTIGATION, IN WRITING TO THE APPLICANT AND OTHER PARTIES OF
23 INTEREST AS DESCRIBED IN SECTION 12-43.3-302 (5). THE LOCAL
24 LICENSING AUTHORITY HAS AUTHORITY TO REFUSE TO ISSUE A LICENSE
25 PROVIDED FOR IN THIS SECTION FOR GOOD CAUSE, SUBJECT TO JUDICIAL
26 REVIEW.

27

28 (2) BEFORE ENTERING A DECISION APPROVING OR DENYING THE
29 APPLICATION FOR A LOCAL LICENSE, THE LOCAL LICENSING AUTHORITY
30 MAY CONSIDER, EXCEPT WHERE THIS ARTICLE SPECIFICALLY PROVIDES
31 OTHERWISE, THE FACTS AND EVIDENCE ADDUCED AS A RESULT OF ITS
32 INVESTIGATION, AS WELL AS ANY OTHER FACTS PERTINENT TO THE TYPE
33 OF LICENSE FOR WHICH APPLICATION HAS BEEN MADE, INCLUDING THE
34 NUMBER, TYPE, AND AVAILABILITY OF MEDICAL MARIJUANA OUTLETS
35 LOCATED IN OR NEAR THE PREMISES UNDER CONSIDERATION, AND ANY
36 OTHER PERTINENT MATTERS AFFECTING THE QUALIFICATIONS OF THE
37 APPLICANT FOR THE CONDUCT OF THE TYPE OF BUSINESS PROPOSED.

38

39 (3) WITHIN THIRTY DAYS AFTER THE PUBLIC HEARING OR
40 COMPLETION OF THE APPLICATION INVESTIGATION, A LOCAL LICENSING
41 AUTHORITY SHALL ISSUE ITS DECISION APPROVING OR DENYING AN
42 APPLICATION FOR LOCAL LICENSURE. THE DECISION SHALL BE IN WRITING
43 AND SHALL STATE THE REASONS FOR THE DECISION. THE LOCAL LICENSING
44 AUTHORITY SHALL SEND A COPY OF THE DECISION BY CERTIFIED MAIL TO
45 THE APPLICANT AT THE ADDRESS SHOWN IN THE APPLICATION.

46

47 (4) AFTER APPROVAL OF AN APPLICATION, A LOCAL LICENSING
48 AUTHORITY SHALL NOT ISSUE A LOCAL LICENSE UNTIL THE BUILDING IN
49 WHICH THE BUSINESS TO BE CONDUCTED IS READY FOR OCCUPANCY WITH
50 SUCH FURNITURE, FIXTURES, AND EQUIPMENT IN PLACE AS ARE NECESSARY
51 TO COMPLY WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE, AND THEN
52 ONLY AFTER THE LOCAL LICENSING AUTHORITY HAS INSPECTED THE
53 PREMISES TO DETERMINE THAT THE APPLICANT HAS COMPLIED WITH THE
54 ARCHITECT'S DRAWING AND THE PLOT PLAN AND DETAILED SKETCH FOR
55 THE INTERIOR OF THE BUILDING SUBMITTED WITH THE APPLICATION.

56

1 (5) AFTER APPROVAL OF AN APPLICATION FOR LOCAL LICENSURE,
2 THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE STATE LICENSING
3 AUTHORITY OF SUCH APPROVAL, WHO SHALL INVESTIGATE AND EITHER
4 APPROVE OR DISAPPROVE THE APPLICATION FOR STATE LICENSURE.
5

6 **12-43.3-304. Medical marijuana license bond.** (1) BEFORE THE
7 STATE LICENSING AUTHORITY ISSUES A STATE LICENSE TO AN APPLICANT,
8 THE APPLICANT SHALL PROCURE AND FILE WITH THE STATE LICENSING
9 AUTHORITY EVIDENCE OF A GOOD AND SUFFICIENT BOND IN THE AMOUNT
10 OF FIVE THOUSAND DOLLARS WITH CORPORATE SURETY THEREON DULY
11 LICENSED TO DO BUSINESS WITH THE STATE, APPROVED AS TO FORM BY
12 THE ATTORNEY GENERAL OF THE STATE, AND CONDITIONED THAT THE
13 APPLICANT SHALL REPORT AND PAY ALL SALES AND USE TAXES DUE TO THE
14 STATE, OR FOR WHICH THE STATE IS THE COLLECTOR OR COLLECTING
15 AGENT, IN A TIMELY MANNER, AS PROVIDED IN LAW.
16

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

23 (3) ALL BONDS REQUIRED PURSUANT TO THIS SECTION SHALL BE
24 RENEWED AT SUCH TIME AS THE BONDHOLDER'S LICENSE IS RENEWED.
25 THE RENEWAL MAY BE ACCOMPLISHED THROUGH A CONTINUATION
26 CERTIFICATE ISSUED BY THE SURETY.
27

28 **12-43.3-305. State licensing authority - application and**
29 **issuance procedures.** (1) APPLICATIONS FOR A STATE LICENSE UNDER
30 THE PROVISIONS OF THIS ARTICLE SHALL BE MADE TO THE STATE
31 LICENSING AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE
32 STATE LICENSING AUTHORITY AND SHALL SET FORTH SUCH INFORMATION
33 AS THE STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE STATE
34 LICENSING AUTHORITY TO DETERMINE WHETHER A STATE LICENSE SHOULD
35 BE GRANTED. THE INFORMATION SHALL INCLUDE THE NAME AND ADDRESS
36 OF THE APPLICANT, THE NAMES AND ADDRESSES OF THE OFFICERS,
37 DIRECTORS, OR MANAGERS, AND ALL OTHER INFORMATION DEEMED
38 NECESSARY BY THE STATE LICENSING AUTHORITY. EACH APPLICATION
39 SHALL BE VERIFIED BY THE OATH OR AFFIRMATION OF SUCH PERSON OR
40 PERSONS AS THE STATE LICENSING AUTHORITY MAY PRESCRIBE.
41

42 (2) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A STATE
43 LICENSE PURSUANT TO THIS SECTION UNTIL THE LOCAL LICENSING
44 AUTHORITY HAS APPROVED THE APPLICATION FOR A LOCAL LICENSE AND
45 ISSUED A LOCAL LICENSE AS PROVIDED FOR IN SECTIONS 12-43.3-301 TO
46 12-43.3-303.
47

48 (3) NOTHING IN THIS ARTICLE SHALL PREEMPT OR OTHERWISE
49 IMPAIR THE POWER OF A LOCAL GOVERNMENT TO ENACT ORDINANCES OR
50 RESOLUTIONS CONCERNING MATTERS AUTHORIZED TO LOCAL
51 GOVERNMENTS.
52

53 **12-43.3-306. Denial of application.** (1) THE STATE LICENSING
54 AUTHORITY SHALL DENY A STATE LICENSE IF THE PREMISES ON WHICH THE
55 APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DO NOT MEET THE
56 REQUIREMENTS OF THIS ARTICLE OR FOR REASONS SET FORTH IN SECTIONS

1 12-43.3-104 (1) OR 12-43.3-305.

2

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

10

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

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

15

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

18

19 (III) A CORPORATION, ANY OF WHOSE OFFICERS, DIRECTORS, OR
20 STOCKHOLDERS ARE NOT OF GOOD MORAL CHARACTER;

21

22 (IV) A LICENSED PHYSICIAN MAKING PATIENT
23 RECOMMENDATIONS;

24

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

29

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

31

32 (VII) A PERSON LICENSED PURSUANT TO THIS ARTICLE WHO,
33 DURING A PERIOD OF LICENSURE, FAILS TO:

34

35 (A) PROVIDE A SURETY BOND OR FAILS TO FILE ANY TAX RETURN
36 WITH A TAXING AGENCY;

37

38 (B) PAY ANY TAXES, INTEREST, OR PENALTIES DUE;

39

40 (C) PAY ANY JUDGMENTS DUE TO A GOVERNMENT AGENCY;

41

42 (D) REPAY GOVERNMENT-INSURED STUDENT LOANS; OR

43

44 (E) PAY CHILD SUPPORT;

45

46 (IX) A PERSON WHO HAS DISCHARGED A SENTENCE IN THE FIVE
47 YEARS IMMEDIATELY PRECEDING THE APPLICATION DATE FOR A
48 CONVICTION OF A FELONY OR A MISDEMEANOR PURSUANT TO ANY STATE
49 OR FEDERAL LAW REGULATING THE POSSESSION, DISTRIBUTION, OR USE OF
50 MARIJUANA OR OF ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION
51 18-18-102 (5), C.R.S.;

52

53 (X) A PERSON WHO EMPLOYEES ANOTHER PERSON AT A MEDICAL
54 MARIJUANA FACILITY WHO HAS NOT PASSED A CRIMINAL HISTORY RECORD
55 CHECK;

56

1 (XI) A SHERIFF, DEPUTY SHERIFF, POLICE OFFICER, OR
2 PROSECUTING OFFICER, OR AN OFFICER OR EMPLOYEE OF THE STATE
3 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY;

4
5 (XII) A PERSON WHOSE AUTHORITY TO BE A CAREGIVER HAS BEEN
6 REVOKED BY THE STATE HEALTH AGENCY AS DEFINED IN SECTION 25-1.5-
7 106 (2); OR

8
9 (XIII) A PERSON WHO HAS A LICENSE FOR A PROPERTY AS A RETAIL
10 FOOD ESTABLISHMENT OR A WHOLESALE FOOD REGISTRANT SHALL NOT
11 OBTAIN A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES, OR INFUSED
12 PRODUCTS MANUFACTURERS LICENSE FOR THE SAME PROPERTY OR
13 PREMISES.

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

28
29 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2),
30 "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL
31 COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY
32 THAT ADMINISTERS CRIMINAL JUSTICE PURSUANT TO A STATUTE OR
33 EXECUTIVE ORDER AND THAT ALLOCATES A SUBSTANTIAL PART OF ITS
34 ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

35
36 (c) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OR
37 RENEWAL OF A STATE MEDICAL MARIJUANA CENTER LICENSE, MEDICAL
38 MARIJUANA-INFUSED PRODUCT MANUFACTURER LICENSE, OR OPTIONAL
39 PREMISES CULTIVATION LICENSE, AN APPLICANT SHALL SUBMIT A SET OF
40 HIS OR HER FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION
41 CONCERNING THE APPLICANT'S QUALIFICATIONS FOR A STATE LICENSE ON
42 FORMS PREPARED BY THE STATE LICENSING AUTHORITY. THE STATE
43 LICENSING AUTHORITY SHALL SUBMIT THE FINGERPRINTS TO THE
44 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
45 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO
46 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE
47 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
48 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE STATE
49 LICENSING AUTHORITY MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY
50 RECORD CHECK FOR AN APPLICANT OR A LICENSE HOLDER WHO HAS TWICE
51 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
52 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS
53 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE LICENSING PURPOSES
54 MAY REQUEST THAT THE FINGERPRINTS ON FILE BE USED. THE STATE
55 LICENSING AUTHORITY SHALL USE THE INFORMATION RESULTING FROM
56 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO

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

5

6 **12-43.3-308. Restrictions for applications for new licenses.**

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

10

11 (a) IF THE APPLICATION FOR A STATE OR LOCAL LICENSE CONCERNS
12 A PARTICULAR LOCATION THAT IS THE SAME AS OR WITHIN ONE THOUSAND
13 FEET OF A LOCATION FOR WHICH, WITHIN THE TWO YEARS IMMEDIATELY
14 PRECEDING THE DATE OF THE APPLICATION, THE STATE OR A LOCAL
15 LICENSING AUTHORITY DENIED AN APPLICATION FOR THE SAME CLASS OF
16 LICENSE DUE TO A USE OR OTHER LOCAL CONCERN;

17

18 (b) UNTIL IT IS ESTABLISHED THAT THE APPLICANT IS, OR WILL BE,
19 ENTITLED TO POSSESSION OF THE PREMISES FOR WHICH APPLICATION IS
20 MADE UNDER A LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT
21 FOR POSSESSION OF THE PREMISES OR BY VIRTUE OF OWNERSHIP OF THE
22 PREMISES;

23

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

28

29 (d) (I) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE
30 SOLD IS LOCATED WITHIN ONE THOUSAND FEET OF A SCHOOL, OR THE
31 PRINCIPAL CAMPUS OF A COLLEGE, UNIVERSITY, OR SEMINARY. THE
32 PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE RENEWAL OR
33 RE-ISSUANCE OF A LICENSE ONCE GRANTED OR APPLY TO LICENSED
34 PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A
35 MUNICIPALITY, NOR SHALL THE PROVISIONS OF THIS SECTION APPLY TO AN
36 EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE, OR APPLY
37 TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID
38 PRINCIPAL CAMPUS WAS CONSTRUCTED. THE LOCAL LICENSING
39 AUTHORITY OF A CITY AND COUNTY, BY RULE OR REGULATION, THE
40 GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, AND THE
41 GOVERNING BODY OF A COUNTY, BY RESOLUTION, MAY VARY THE
42 DISTANCE RESTRICTIONS IMPOSED BY THIS SUBPARAGRAPH (I) FOR A
43 LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR
44 CAMPUSES FROM THE APPLICATION OF A DISTANCE RESTRICTION
45 ESTABLISHED BY OR PURSUANT TO THIS SUBPARAGRAPH (I).

46

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

52

53 (III) IN ADDITION TO THE REQUIREMENTS OF SECTION 12-43.3-303
54 (2), THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE EVIDENCE
55 AND MAKE A SPECIFIC FINDING OF FACT AS TO WHETHER THE BUILDING IN
56 WHICH THE MEDICAL MARIJUANA IS TO BE SOLD IS LOCATED WITHIN ANY

1 DISTANCE RESTRICTIONS ESTABLISHED BY OR PURSUANT TO THIS
2 PARAGRAPH (d).

3

4 **12-43.3-309. Transfer of ownership.** (1) A STATE OR LOCAL
5 LICENSE GRANTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE
6 TRANSFERABLE EXCEPT AS PROVIDED IN THIS SECTION, BUT THIS SECTION
7 SHALL NOT PREVENT A CHANGE OF LOCATION AS PROVIDED IN SECTION 12-
8 43.3-310 (13).

9

10 (2) FOR A TRANSFER OF OWNERSHIP, A LICENSE HOLDER SHALL
11 APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES ON FORMS
12 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY. IN
13 DETERMINING WHETHER TO PERMIT A TRANSFER OF OWNERSHIP, THE
14 STATE AND LOCAL LICENSING AUTHORITIES SHALL CONSIDER ONLY THE
15 REQUIREMENTS OF THIS ARTICLE, ANY RULES PROMULGATED BY THE
16 STATE LICENSING AUTHORITY, AND ANY OTHER LOCAL RESTRICTIONS. THE
17 LOCAL LICENSING AUTHORITY MAY HOLD A HEARING ON THE APPLICATION
18 FOR TRANSFER OF OWNERSHIP. THE LOCAL LICENSING AUTHORITY SHALL
19 NOT HOLD A HEARING PURSUANT TO THIS SUBSECTION (2) UNTIL THE
20 LOCAL LICENSING AUTHORITY HAS POSTED A NOTICE OF HEARING IN THE
21 MANNER DESCRIBED IN SECTION 12-43.3-302 (2) ON THE LICENSED
22 PREMISES FOR A PERIOD OF TEN DAYS AND HAS PROVIDED NOTICE OF THE
23 HEARING TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE HEARING.
24 ANY TRANSFER OF OWNERSHIP HEARING BY THE STATE LICENSING
25 AUTHORITY SHALL BE HELD IN COMPLIANCE WITH THE REQUIREMENTS
26 SPECIFIED IN SECTION 12-43.3-302.

27

28 **12-43.3-310. Licensing in general.** (1) THIS ARTICLE
29 AUTHORIZES A COUNTY, MUNICIPALITY, OR CITY AND COUNTY TO PROHIBIT
30 THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES
31 CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS
32 MANUFACTURERS' LICENSES AND TO ENACT REASONABLE REGULATIONS OR
33 OTHER RESTRICTIONS APPLICABLE TO MEDICAL MARIJUANA CENTERS,
34 OPTIONAL PREMISES CULTIVATION LICENSES, AND MEDICAL MARIJUANA-
35 INFUSED PRODUCTS MANUFACTURERS' LICENSES BASED ON LOCAL
36 GOVERNMENT ZONING, HEALTH, SAFETY, AND PUBLIC WELFARE LAWS FOR
37 THE DISTRIBUTION OF MEDICAL MARIJUANA THAT ARE MORE RESTRICTIVE
38 THAN THIS ARTICLE.

39

40 (2) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES
41 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS
42 MANUFACTURER MAY NOT OPERATE UNTIL IT HAS BEEN LICENSED BY THE
43 LOCAL LICENSING AUTHORITY AND THE STATE LICENSING AUTHORITY
44 PURSUANT TO THIS ARTICLE. IN CONNECTION WITH A LICENSE, THE
45 APPLICANT SHALL PROVIDE A COMPLETE AND ACCURATE LIST OF ALL
46 OWNERS, OFFICERS, AND EMPLOYEES WHO WORK AT, MANAGE, OWN, OR
47 ARE OTHERWISE ASSOCIATED WITH THE OPERATION AND SHALL PROVIDE
48 A COMPLETE AND ACCURATE APPLICATION AS REQUIRED BY THE STATE
49 LICENSING AUTHORITY.

50

51 (3) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES
52 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS
53 MANUFACTURER SHALL NOTIFY THE STATE LICENSING AUTHORITY IN
54 WRITING WITHIN TEN DAYS AFTER AN OWNER, OFFICER, OR EMPLOYEE
55 CEASES TO WORK AT, MANAGE, OWN, OR OTHERWISE BE ASSOCIATED WITH
56 THE OPERATION. THE OWNER, OFFICER, OR EMPLOYEE SHALL SURRENDER

1 HIS OR HER IDENTIFICATION CARD TO THE STATE AUTHORITY ON OR
2 BEFORE THE DATE OF THE NOTIFICATION.
3

4 (4) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES
5 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS
6 MANUFACTURER SHALL NOTIFY THE STATE LICENSING AUTHORITY IN
7 WRITING OF THE NAME, ADDRESS, AND DATE OF BIRTH OF AN OWNER,
8 OFFICER, MANAGER, OR EMPLOYEE BEFORE THE NEW OWNER, OFFICER, OR
9 EMPLOYEE BEGINS WORKING AT, MANAGING, OWNING, OR BEING
10 ASSOCIATED WITH THE OPERATION. THE OWNER, OFFICER, MANAGER, OR
11 EMPLOYEE SHALL PASS A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
12 CHECK AS REQUIRED BY THE STATE LICENSING AUTHORITY AND OBTAIN
13 THE REQUIRED IDENTIFICATION PRIOR TO BEING ASSOCIATED WITH,
14 MANAGING, OWNING, OR WORKING AT THE OPERATION.
15

16 (5) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES
17 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS
18 MANUFACTURER SHALL NOT ACQUIRE, POSSESS, CULTIVATE, DELIVER,
19 TRANSFER, TRANSPORT, SUPPLY, OR DISPENSE MARIJUANA FOR ANY
20 PURPOSE EXCEPT TO ASSIST PATIENTS, AS DEFINED BY SECTION 14(1) OF
21 ARTICLE XVIII OF THE STATE CONSTITUTION.
22

23 (6) ALL OPERATORS OF A MEDICAL MARIJUANA CENTER, OPTIONAL
24 PREMISES CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED
25 PRODUCTS MANUFACTURER SHALL BE RESIDENTS OF COLORADO. A LOCAL
26 LICENSING AUTHORITY SHALL NOT ISSUE A LICENSE PROVIDED FOR IN THIS
27 ARTICLE UNTIL THAT SHARE OF THE LICENSE APPLICATION FEE DUE TO THE
28 STATE HAS BEEN RECEIVED BY THE DEPARTMENT OF REVENUE. ALL
29 LICENSES GRANTED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR A
30 PERIOD NOT TO EXCEED TWO YEARS FROM THE DATE OF ISSUANCE UNLESS
31 REVOKED OR SUSPENDED PURSUANT TO THIS ARTICLE OR THE RULES
32 PROMULGATED PURSUANT TO THIS ARTICLE.
33

34 (7) BEFORE GRANTING A LOCAL OR STATE LICENSE, THE
35 RESPECTIVE LICENSING AUTHORITY MAY CONSIDER, EXCEPT WHERE THIS
36 ARTICLE SPECIFICALLY PROVIDES OTHERWISE, THE REQUIREMENTS OF THIS
37 ARTICLE AND ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE, AND
38 ALL OTHER REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED
39 UPON THE LICENSEE BY THE LICENSING AUTHORITY. WITH RESPECT TO A
40 SECOND OR ADDITIONAL LICENSE FOR THE SAME LICENSEE OR THE SAME
41 OWNER OF ANOTHER LICENSED BUSINESS PURSUANT TO THIS ARTICLE,
42 EACH LICENSING AUTHORITY SHALL CONSIDER THE EFFECT ON
43 COMPETITION OF GRANTING OR DENYING THE ADDITIONAL LICENSES TO
44 SUCH LICENSEE AND SHALL NOT APPROVE AN APPLICATION FOR A SECOND
45 OR ADDITIONAL LICENSE THAT WOULD HAVE THE EFFECT OF RESTRAINING
46 COMPETITION.
47

48 (8) (a) EACH LICENSE ISSUED UNDER THIS ARTICLE IS SEPARATE
49 AND DISTINCT. IT IS UNLAWFUL FOR A PERSON TO EXERCISE ANY OF THE
50 PRIVILEGES GRANTED UNDER A LICENSE OTHER THAN THE LICENSE THAT
51 THE PERSON HOLDS OR FOR A LICENSEE TO ALLOW ANY OTHER PERSON TO
52 EXERCISE THE PRIVILEGES GRANTED UNDER THE LICENSEE'S LICENSE. A
53 SEPARATE LICENSE SHALL BE REQUIRED FOR EACH SPECIFIC BUSINESS OR
54 BUSINESS ENTITY AND EACH GEOGRAPHICAL LOCATION.
55

56 (b) AT ALL TIMES, A LICENSEE SHALL POSSESS AND MAINTAIN

1 POSSESSION OF THE PREMISES OR OPTIONAL PREMISES FOR WHICH THE
2 LICENSE IS ISSUED BY OWNERSHIP, LEASE, RENTAL, OR OTHER
3 ARRANGEMENT FOR POSSESSION OF THE PREMISES.

4
5 (9) (a) THE LICENSES PROVIDED PURSUANT TO THIS ARTICLE SHALL
6 SPECIFY THE DATE OF ISSUANCE, THE PERIOD OF LICENSURE, THE NAME OF
7 THE LICENSEE, AND THE PREMISES OR OPTIONAL PREMISES LICENSED. THE
8 LICENSEE SHALL CONSPICUOUSLY PLACE THE LICENSE AT ALL TIMES ON
9 THE LICENSED PREMISES OR OPTIONAL PREMISES.

10
11 (b) A LOCAL LICENSING AUTHORITY SHALL NOT TRANSFER
12 LOCATION OF OR RENEW A LICENSE TO SELL MEDICAL MARIJUANA UNTIL
13 THE APPLICANT FOR THE LICENSE PRODUCES A LICENSE ISSUED AND
14 GRANTED BY THE STATE LICENSING AUTHORITY COVERING THE WHOLE
15 PERIOD FOR WHICH A LICENSE OR LICENSE RENEWAL IS SOUGHT.

16
17 (10) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS
18 ARTICLE, THE DAY OF THE ACT, EVENT, OR DEFAULT FROM WHICH THE
19 DESIGNATED PERIOD OF TIME BEGINS TO RUN SHALL NOT BE INCLUDED.
20 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS SHALL BE COUNTED AS ANY
21 OTHER DAY.

22
23 (11) A LICENSEE SHALL REPORT EACH TRANSFER OR CHANGE OF
24 FINANCIAL INTEREST IN THE LICENSE TO THE STATE AND LOCAL LICENSING
25 AUTHORITIES, THIRTY DAYS PRIOR TO ANY TRANSFER OR CHANGE
26 PURSUANT TO SECTION 12-43.3-309. A REPORT SHALL BE REQUIRED FOR
27 TRANSFERS OF CAPITAL STOCK OF ANY CORPORATION REGARDLESS OF
28 SIZE.

29
30 (12) EACH LICENSEE SHALL MANAGE THE LICENSED PREMISES
31 HIMSELF OR HERSELF OR EMPLOY A SEPARATE AND DISTINCT MANAGER ON
32 THE PREMISES AND SHALL REPORT THE NAME OF THE MANAGER TO THE
33 STATE AND LOCAL LICENSING AUTHORITIES. THE LICENSEE SHALL REPORT
34 ANY CHANGE IN MANAGER TO THE STATE AND LOCAL LICENSING
35 AUTHORITIES THIRTY DAYS PRIOR TO THE CHANGE PURSUANT TO SECTION
36 12-43.3-309.

37
38 (13) (a) A LICENSEE MAY MOVE HIS OR HER PERMANENT LOCATION
39 TO ANY OTHER PLACE IN THE SAME MUNICIPALITY OR CITY AND COUNTY
40 FOR WHICH THE LICENSE WAS ORIGINALLY GRANTED, OR IN THE SAME
41 COUNTY IF THE LICENSE WAS GRANTED FOR A PLACE OUTSIDE THE
42 CORPORATE LIMITS OF A MUNICIPALITY OR CITY AND COUNTY, BUT IT
43 SHALL BE UNLAWFUL TO CULTIVATE, MANUFACTURE, DISTRIBUTE OR SELL
44 MEDICAL MARIJUANA AT ANY SUCH PLACE UNTIL PERMISSION TO DO SO IS
45 GRANTED BY THE STATE AND LOCAL LICENSING AUTHORITIES PROVIDED
46 FOR IN THIS ARTICLE.

47
48 (b) IN PERMITTING A CHANGE OF LOCATION, THE STATE AND LOCAL
49 LICENSING AUTHORITIES SHALL CONSIDER ALL REASONABLE RESTRICTIONS
50 THAT ARE OR MAY BE PLACED UPON THE NEW LOCATION BY THE
51 GOVERNING BOARD OR LOCAL LICENSING AUTHORITY OF THE
52 MUNICIPALITY, CITY AND COUNTY, OR COUNTY AND ANY SUCH CHANGE IN
53 LOCATION SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THIS
54 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE.

55
56 **12-43.3-311. License renewal.** (1) NINETY DAYS PRIOR TO THE

1 EXPIRATION DATE OF AN EXISTING LICENSE, THE STATE LICENSING
2 AUTHORITY SHALL NOTIFY THE LICENSEE OF THE EXPIRATION DATE BY
3 FIRST CLASS MAIL AT THE LICENSEE'S ADDRESS OF RECORD WITH THE
4 STATE LICENSING AUTHORITY. A LICENSEE SHALL APPLY FOR THE
5 RENEWAL OF AN EXISTING LICENSE TO THE LOCAL LICENSING AUTHORITY
6 NOT LESS THAN FORTY-FIVE DAYS AND TO THE STATE LICENSING
7 AUTHORITY NOT LESS THAN THIRTY DAYS PRIOR TO THE DATE OF
8 EXPIRATION. A LOCAL LICENSING AUTHORITY SHALL NOT ACCEPT AN
9 APPLICATION FOR RENEWAL OF A LICENSE AFTER THE DATE OF EXPIRATION,
10 EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION. THE STATE
11 LICENSING AUTHORITY MAY EXTEND THE EXPIRATION DATE OF THE
12 LICENSE AND ACCEPT A LATE APPLICATION FOR RENEWAL OF A LICENSE
13 PROVIDED THAT THE APPLICANT HAS FILED A TIMELY RENEWAL
14 APPLICATION WITH THE LOCAL LICENSING AUTHORITY. ALL RENEWALS
15 FILED WITH THE LOCAL LICENSING AUTHORITY AND SUBSEQUENTLY
16 APPROVED BY THE LOCAL LICENSING AUTHORITY SHALL NEXT BE
17 PROCESSED BY THE STATE LICENSING AUTHORITY. THE STATE OR THE
18 LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, SUBJECT TO THE
19 REQUIREMENTS OF THIS SUBSECTION (1) AND SUBSECTION (2) OF THIS
20 SECTION AND BASED UPON REASONABLE GROUNDS, MAY WAIVE THE
21 FORTY-FIVE-DAY OR THIRTY-DAY TIME REQUIREMENTS SET FORTH IN THIS
22 SUBSECTION (1). THE LOCAL LICENSING AUTHORITY MAY HOLD A HEARING
23 ON THE APPLICATION FOR RENEWAL ONLY IF THE LICENSEE HAS HAD
24 COMPLAINTS FILED AGAINST IT, HAS A HISTORY OF VIOLATIONS, OR THERE
25 ARE ALLEGATIONS AGAINST THE LICENSEE THAT WOULD CONSTITUTE
26 GOOD CAUSE. THE LOCAL LICENSING AUTHORITY SHALL NOT HOLD A
27 RENEWAL HEARING PROVIDED FOR BY THIS SUBSECTION (1) UNTIL IT HAS
28 POSTED A NOTICE OF HEARING ON THE LICENSED PREMISES IN THE MANNER
29 DESCRIBED IN SECTION 12-43.3-302 (2) FOR A PERIOD OF TEN DAYS AND
30 PROVIDED NOTICE TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE
31 HEARING. THE LOCAL LICENSING AUTHORITY MAY REFUSE TO RENEW ANY
32 LICENSE FOR GOOD CAUSE, SUBJECT TO JUDICIAL REVIEW.

33
34 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
35 THIS SECTION, A LICENSEE WHOSE LICENSE HAS BEEN EXPIRED FOR NOT
36 MORE THAN NINETY DAYS MAY FILE A LATE RENEWAL APPLICATION UPON
37 THE PAYMENT OF A NONREFUNDABLE LATE APPLICATION FEE OF FIVE
38 HUNDRED DOLLARS TO THE LOCAL LICENSING AUTHORITY. A LICENSEE
39 WHO FILES A LATE RENEWAL APPLICATION AND PAYS THE REQUISITE FEES
40 MAY CONTINUE TO OPERATE UNTIL BOTH THE STATE AND LOCAL LICENSING
41 AUTHORITIES HAVE TAKEN FINAL ACTION TO APPROVE OR DENY THE
42 LICENSEE'S LATE RENEWAL APPLICATION UNLESS THE STATE OR LOCAL
43 LICENSING AUTHORITY SUMMARILY SUSPENDS THE LICENSE PURSUANT TO
44 ARTICLE 4 OF TITLE 24, C.R.S., THIS ARTICLE, AND RULES PROMULGATED
45 PURSUANT TO THIS ARTICLE.

46
47 (b) THE STATE AND LOCAL LICENSING AUTHORITIES MAY NOT
48 ACCEPT A LATE RENEWAL APPLICATION MORE THAN NINETY DAYS AFTER
49 THE EXPIRATION OF A LICENSEE'S PERMANENT ANNUAL LICENSE. A
50 LICENSEE WHOSE PERMANENT ANNUAL LICENSE HAS BEEN EXPIRED FOR
51 MORE THAN NINETY DAYS SHALL NOT CULTIVATE, MANUFACTURE,
52 DISTRIBUTE, OR SELL ANY MEDICAL MARIJUANA UNTIL ALL REQUIRED
53 LICENSES HAVE BEEN OBTAINED.

54
55 (c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE
56 APPLICATION FEE IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE

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

9
10 **12-43.3-312. Inactive licenses.** THE STATE OR LOCAL LICENSING
11 AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW
12 ANY LICENSE IF IT DETERMINES THAT THE LICENSED PREMISES HAVE BEEN
13 INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR.

14
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
21 (2) A PERSON SHALL NOT HAVE AN UNREPORTED FINANCIAL
22 INTEREST IN A LICENSE PURSUANT TO THIS ARTICLE UNLESS THAT PERSON
23 HAS UNDERGONE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
24 CHECK AS PROVIDED FOR BY THE STATE LICENSING AUTHORITY IN ITS
25 RULES; EXCEPT THAT THIS SUBSECTION (2) SHALL NOT APPLY TO BANKS,
26 SAVINGS AND LOAN ASSOCIATIONS, OR INDUSTRIAL BANKS SUPERVISED
27 AND REGULATED BY AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT,
28 OR TO FHA-APPROVED MORTGAGEES, OR TO STOCKHOLDERS, DIRECTORS,
29 OR OFFICERS THEREOF.

30
31 (3) THIS SECTION IS INTENDED TO PROHIBIT AND PREVENT THE
32 CONTROL OF THE OUTLETS FOR THE SALE OF MEDICAL MARIJUANA BY A
33 PERSON OR PARTY OTHER THAN THE PERSONS LICENSED PURSUANT TO THE
34 PROVISIONS OF THIS ARTICLE.

35
36 **PART 4**
37 **LICENSE TYPES**

38
39 **12-43.3-401. Classes of licenses.** (1) FOR THE PURPOSE OF
40 REGULATING THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE
41 OF MEDICAL MARIJUANA, THE STATE LICENSING AUTHORITY IN ITS
42 DISCRETION, UPON APPLICATION IN THE PRESCRIBED FORM MADE TO IT,
43 MAY ISSUE AND GRANT TO THE APPLICANT A LICENSE FROM ANY OF THE
44 FOLLOWING CLASSES, SUBJECT TO THE PROVISIONS AND RESTRICTIONS
45 PROVIDED BY THIS ARTICLE:

46
47 (a) MEDICAL MARIJUANA CENTER LICENSE;

48
49 (b) OPTIONAL PREMISES CULTIVATION LICENSE;

50
51 (c) MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
52 LICENSE; AND

53
54 (d) OCCUPATIONAL LICENSES AND REGISTRATIONS FOR OWNERS,
55 MANAGERS, OPERATORS, EMPLOYEES, CONTRACTORS, AND OTHER
56 SUPPORT STAFF EMPLOYED BY, WORKING IN, OR HAVING ACCESS TO

1 RESTRICTED AREAS OF THE LICENSED PREMISES, AS DETERMINED BY THE
2 STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY MAY
3 TAKE ANY ACTION WITH RESPECT TO A REGISTRATION PURSUANT TO THIS
4 ARTICLE AS IT MAY WITH RESPECT TO A LICENSE PURSUANT TO THIS
5 ARTICLE, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT
6 TO THIS ARTICLE.

7
8 (2) ALL PERSONS LICENSED PURSUANT TO THIS ARTICLE SHALL
9 COLLECT SALES TAX ON ALL SALES MADE PURSUANT TO THE LICENSING
10 ACTIVITIES.

11
12 **12-43.3-402. Medical marijuana center license.** (1) A MEDICAL
13 MARIJUANA CENTER LICENSE SHALL BE ISSUED ONLY TO A PERSON SELLING
14 MEDICAL MARIJUANA PURSUANT TO THE TERMS AND CONDITIONS OF THIS
15 ARTICLE.

16
17 (2) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
18 MEDICAL MARIJUANA CENTER LICENSEE MAY ALSO SELL EDIBLE MEDICAL
19 MARIJUANA-INFUSED PRODUCTS THAT ARE PREPACKAGED AND LABELED
20 SO AS TO CLEARLY INDICATE ALL OF THE FOLLOWING:

21
22 (I) THAT THE PRODUCT CONTAINS MEDICAL MARIJUANA;

23
24 (II) THAT THE PRODUCT IS MANUFACTURED WITHOUT ANY
25 REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY; AND

26
27 (III) THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE
28 CONSUMPTION OR USE OF THE PRODUCT.

29
30 (b) A LICENSED MEDICAL MARIJUANA CENTER MAY PERMIT THE
31 CONSUMPTION OF EDIBLE MEDICAL MARIJUANA-INFUSED PRODUCTS ON ITS
32 PREMISES AS LONG AS THE CONSUMPTION TAKES PLACE IN AN AREA
33 SEPARATE FROM WHERE MEDICAL MARIJUANA IS SOLD ON THE PREMISES.

34
35 (c) A MEDICAL MARIJUANA LICENSEE MAY CONTRACT WITH
36 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE FOR
37 THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS UPON A
38 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE'S
39 LICENSED PREMISES.

40
41 (3) EVERY PERSON SELLING MEDICAL MARIJUANA AS PROVIDED
42 FOR IN THIS ARTICLE SHALL SELL ONLY MEDICAL MARIJUANA GROWN IN ITS
43 MEDICAL MARIJUANA OPTIONAL PREMISES LICENSED PURSUANT TO THIS
44 ARTICLE.

45
46 (4) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (3) OF
47 THIS SECTION, A MEDICAL MARIJUANA LICENSEE MAY PURCHASE NOT
48 MORE THAN THIRTY PERCENT OF ITS TOTAL ON-HAND INVENTORY OF
49 MEDICAL MARIJUANA FROM ANOTHER LICENSED MEDICAL MARIJUANA
50 CENTER IN COLORADO. A MEDICAL MARIJUANA CENTER MAY SELL NO
51 MORE THAN THIRTY PERCENT OF ITS TOTAL ON-HAND INVENTORY TO
52 ANOTHER COLORADO LICENSED MEDICAL MARIJUANA LICENSEE.

53
54 (5) PRIOR TO CONCLUDING A SALE, THE EMPLOYEE OF THE
55 MEDICAL MARIJUANA CENTER MAKING THE SALE SHALL VERIFY THAT THE
56 PURCHASER HAS A VALID REGISTRATION CARD ISSUED PURSUANT TO

1 SECTION 25-1.5-105, C.R.S., AND A VALID PICTURE IDENTIFICATION CARD
2 THAT MATCHES THE NAME ON THE REGISTRATION CARD.

3
4 (6) A LICENSED MEDICAL MARIJUANA CENTER MAY PROVIDE A
5 SMALL AMOUNT OF ITS MEDICAL MARIJUANA FOR TESTING TO A
6 LABORATORY THAT IS LICENSED PURSUANT TO THE OCCUPATIONAL
7 LICENSING RULES PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2)
8 (a) (VIII), C.R.S.

9
10 **12-43.3-403. Optional premises cultivation license.** AN
11 OPTIONAL PREMISES CULTIVATION LICENSE MAY BE ISSUED ONLY TO A
12 PERSON LICENSED PURSUANT TO 12-43.3-402 (1) WHO GROWS AND
13 CULTIVATES MEDICAL MARIJUANA AT AN ADDITIONAL COLORADO
14 LICENSED PREMISES CONTIGUOUS OR NOT CONTIGUOUS WITH THE
15 LICENSED PREMISES OF THE PERSON'S MEDICAL MARIJUANA CENTER
16 LICENSE.

17
18 **12-43.3-404. Medical marijuana-infused products**
19 **manufacturing license.** (1) A MEDICAL MARIJUANA-INFUSED PRODUCTS
20 MANUFACTURING LICENSE MAY BE ISSUED TO A PERSON WHO
21 MANUFACTURES MEDICAL MARIJUANA-INFUSED PRODUCTS, PURSUANT TO
22 THE TERMS AND CONDITIONS OF THIS ARTICLE.

23
24 (2) MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL BE PREPARED
25 ON A LICENSED PREMISES THAT IS USED EXCLUSIVELY FOR THE
26 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED
27 PRODUCTS AND USING EQUIPMENT THAT IS USED EXCLUSIVELY FOR THE
28 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED
29 PRODUCTS.

30
31 (3) A MEDICAL MARIJUANA-INFUSED PRODUCTS LICENSEE SHALL
32 HAVE A WRITTEN AGREEMENT OR CONTRACT WITH A MEDICAL MARIJUANA
33 CENTER LICENSEE, WHICH CONTRACT SHALL AT A MINIMUM SET FORTH THE
34 TOTAL AMOUNT OF MEDICAL MARIJUANA OBTAINED FROM A MEDICAL
35 MARIJUANA CENTER LICENSEE TO BE USED IN THE MANUFACTURING
36 PROCESS, AND THE TOTAL AMOUNT OF MEDICAL MARIJUANA-INFUSED
37 PRODUCTS TO BE EXCLUSIVELY MANUFACTURED FROM THE MEDICAL
38 MARIJUANA OBTAINED FROM THE MEDICAL MARIJUANA CENTER. THE
39 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE MAY
40 SELL ITS PRODUCTS TO ANY LICENSED MEDICAL MARIJUANA CENTER.

41
42 (4) ALL LICENSED PREMISES ON WHICH MEDICAL
43 MARIJUANA-INFUSED PRODUCTS ARE MANUFACTURED SHALL MEET THE
44 SANITARY STANDARDS FOR MEDICAL MARIJUANA-INFUSED PRODUCT
45 PREPARATION PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2) (a)
46 (XII).

47
48 (5) THE MEDICAL MARIJUANA-INFUSED PRODUCT SHALL BE SEALED
49 AND CONSPICUOUSLY LABELED IN COMPLIANCE WITH THIS ARTICLE AND
50 ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE.

51
52 (6) MEDICAL MARIJUANA-INFUSED PRODUCTS MAY NOT BE
53 UNSEALED OR CONSUMED ON A PREMISES LICENSED PURSUANT TO THIS
54 ARTICLE.

55
56 (7) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW,

1 SALES OF MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL NOT BE EXEMPT
2 FROM STATE OR LOCAL SALES TAX.

3
4 PART 5
5 FEES
6

7 **12-43.3-501. Medical marijuana license cash fund.** ALL
8 MONEYS COLLECTED BY THE STATE LICENSING AUTHORITY PURSUANT TO
9 THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
10 SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA LICENSE CASH
11 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS
12 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO
13 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
14 DEPARTMENT OF REVENUE FOR THE DIRECT AND INDIRECT COSTS
15 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS IN THE
16 FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE
17 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
18 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
19 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
20 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
21 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
22 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

23
24 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
25 BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT
26 OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION 24-75-
27 402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE FUND TO
28 WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS CREDITED.
29 AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY
30 REDUCED, THE EXECUTIVE DIRECTOR BY RULE OR AS OTHERWISE
31 PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE
32 FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

33
34 (3) (a) THE STATE LICENSING AUTHORITY SHALL ESTABLISH FEES
35 FOR PROCESSING THE FOLLOWING TYPES OF APPLICATIONS, LICENSES,
36 NOTICES, OR REPORTS REQUIRED TO BE SUBMITTED TO THE STATE
37 LICENSING AUTHORITY:

38
39 (I) APPLICATIONS FOR LICENSES LISTED IN SECTION 12-43.3-401
40 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

41
42 (II) APPLICATIONS TO CHANGE LOCATION PURSUANT TO SECTION
43 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

44
45 (III) APPLICATIONS FOR TRANSFER OF OWNERSHIP PURSUANT TO
46 SECTION 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT
47 SECTION;

48
49 (IV) LICENSE RENEWAL AND EXPIRED LICENSE RENEWAL
50 APPLICATIONS PURSUANT TO SECTION 12-43.3-311; AND

51
52 (V) LICENSES AS DEFINED IN SECTION 12-43.3-401.

53
54 (b) THE AMOUNTS OF SUCH FEES, WHEN ADDED TO THE OTHER FEES
55 TRANSFERRED TO THE FUND PURSUANT TO THIS SECTION SHALL REFLECT
56 THE DIRECT AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY IN

1 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE.
2

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

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

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

26 (4) THE SUBPOENA FEE ESTABLISHED PURSUANT TO SUBSECTION
27 (3) OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY FEDERAL, STATE
28 OR LOCAL GOVERNMENTAL AGENCY.
29

30 **12-43.3-502. Fees - allocation.** (1) EXCEPT AS OTHERWISE
31 PROVIDED, ALL FEES AND FINES PROVIDED FOR BY THIS ARTICLE SHALL BE
32 PAID TO THE DEPARTMENT OF REVENUE, WHICH SHALL TRANSMIT THE FEES
33 TO THE STATE TREASURER. THE STATE TREASURER SHALL CREDIT THE
34 FEES AND TAXES TO THE MEDICAL MARIJUANA LICENSE CASH FUND
35 CREATED IN SECTION 12-43.3-501.
36

37 (2) THE EXPENDITURES OF THE STATE LICENSING AUTHORITY
38 SHALL BE PAID OUT OF APPROPRIATIONS FROM MEDICAL MARIJUANA
39 LICENSE CASH FUND CREATED IN SECTION 12-43.3-501.
40

41 **12-43.3-503. Local license fees.** (1) EACH APPLICATION FOR A
42 LOCAL LICENSE PROVIDED FOR IN THIS ARTICLE FILED WITH A LOCAL
43 LICENSING AUTHORITY SHALL BE ACCOMPANIED BY AN APPLICATION FEE
44 IN AN AMOUNT DETERMINED BY THE LOCAL LICENSING AUTHORITY.
45

46 (2) LICENSE FEES AS DETERMINED BY THE LOCAL LICENSING
47 AUTHORITY SHALL BE PAID TO THE TREASURER OF THE MUNICIPALITY,
48 CITY AND COUNTY, OR COUNTY WHERE THE LICENSED PREMISES IS
49 LOCATED IN ADVANCE OF THE APPROVAL, DENIAL, OR RENEWAL OF THE
50 LICENSE.
51

52 PART 6
53 DISCIPLINARY ACTIONS
54

55 **12-43.3-601. Suspension - revocation - fines.** (1) IN ADDITION
56 TO ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE OR RULES

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

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

33
34 (3) (a) WHENEVER A DECISION OF THE STATE LICENSING
35 AUTHORITY OR A LOCAL LICENSING AUTHORITY SUSPENDING A LICENSE
36 FOR FOURTEEN DAYS OR LESS BECOMES FINAL, THE LICENSEE MAY, BEFORE
37 THE OPERATIVE DATE OF THE SUSPENSION, PETITION FOR PERMISSION TO
38 PAY A FINE IN LIEU OF HAVING THE LICENSE SUSPENDED FOR ALL OR PART
39 OF THE SUSPENSION PERIOD. UPON THE RECEIPT OF THE PETITION, THE
40 STATE OR LOCAL LICENSING AUTHORITY MAY, IN ITS SOLE DISCRETION,
41 STAY THE PROPOSED SUSPENSION AND CAUSE ANY INVESTIGATION TO BE
42 MADE WHICH IT DEEMS DESIRABLE AND MAY, IN ITS SOLE DISCRETION,
43 GRANT THE PETITION IF THE STATE OR LOCAL LICENSING AUTHORITY IS
44 SATISFIED THAT:

45
46 (I) THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED
47 BY PERMITTING THE LICENSEE TO OPERATE DURING THE PERIOD SET FOR
48 SUSPENSION AND THAT THE PAYMENT OF THE FINE WILL ACHIEVE THE
49 DESIRED DISCIPLINARY PURPOSES;

50
51 (II) THE BOOKS AND RECORDS OF THE LICENSEE ARE KEPT IN SUCH
52 A MANNER THAT THE LOSS OF SALES THAT THE LICENSEE WOULD HAVE
53 SUFFERED HAD THE SUSPENSION GONE INTO EFFECT CAN BE DETERMINED
54 WITH REASONABLE ACCURACY; AND

55
56 (III) THE LICENSEE HAS NOT HAD HIS OR HER LICENSE SUSPENDED

1 OR REVOKED, NOR HAD ANY SUSPENSION STAYED BY PAYMENT OF A FINE,
2 DURING THE TWO YEARS IMMEDIATELY PRECEDING THE DATE OF THE
3 MOTION OR COMPLAINT THAT RESULTED IN A FINAL DECISION TO SUSPEND
4 THE LICENSE OR PERMIT.

5
6 (b) THE FINE ACCEPTED SHALL BE NOT LESS THAN FIVE HUNDRED
7 DOLLARS NOR MORE THAN ONE HUNDRED THOUSAND DOLLARS.

8
9 (c) PAYMENT OF A FINE PURSUANT TO THE PROVISIONS OF THIS
10 SUBSECTION (3) SHALL BE IN THE FORM OF CASH OR IN THE FORM OF A
11 CERTIFIED CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE STATE OR
12 LOCAL LICENSING AUTHORITY, WHICHEVER IS APPROPRIATE.

13
14 (4) UPON PAYMENT OF THE FINE PURSUANT TO SUBSECTION (3) OF
15 THIS SECTION, THE STATE OR LOCAL LICENSING AUTHORITY SHALL ENTER
16 ITS FURTHER ORDER PERMANENTLY STAYING THE IMPOSITION OF THE
17 SUSPENSION. IF THE FINE IS PAID TO A LOCAL LICENSING AUTHORITY, THE
18 GOVERNING BODY OF THE AUTHORITY SHALL CAUSE THE MONEYS TO BE
19 PAID INTO THE GENERAL FUND OF THE LOCAL LICENSING AUTHORITY.
20 FINES PAID TO THE STATE LICENSING AUTHORITY PURSUANT TO
21 SUBSECTION (3) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE
22 TREASURER WHO SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA
23 LICENSE CASH FUND CREATED IN SECTION 12-43.3-501.

24
25 (5) IN CONNECTION WITH A PETITION PURSUANT TO SUBSECTION (3)
26 OF THIS SECTION, THE AUTHORITY OF THE STATE OR LOCAL LICENSING
27 AUTHORITY IS LIMITED TO THE GRANTING OF SUCH STAYS AS ARE
28 NECESSARY FOR THE AUTHORITY TO COMPLETE ITS INVESTIGATION AND
29 MAKE ITS FINDINGS AND, IF THE AUTHORITY MAKES SUCH FINDINGS, TO
30 THE GRANTING OF AN ORDER PERMANENTLY STAYING THE IMPOSITION OF
31 THE ENTIRE SUSPENSION OR THAT PORTION OF THE SUSPENSION NOT
32 OTHERWISE CONDITIONALLY STAYED.

33
34 (6) IF THE STATE OR LOCAL LICENSING AUTHORITY DOES NOT MAKE
35 THE FINDINGS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS
36 SECTION AND DOES NOT ORDER THE SUSPENSION PERMANENTLY STAYED,
37 THE SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE FINALLY
38 SET BY THE STATE OR LOCAL LICENSING AUTHORITY.

39
40 (7) EACH LOCAL LICENSING AUTHORITY SHALL REPORT ALL
41 ACTIONS TAKEN TO IMPOSE FINES, SUSPENSIONS, AND REVOCATIONS TO
42 THE STATE LICENSING AUTHORITY IN A MANNER REQUIRED BY THE STATE
43 LICENSING AUTHORITY. NO LATER THAN JANUARY 15 OF EACH YEAR, THE
44 STATE LICENSING AUTHORITY SHALL COMPILE A REPORT OF THE
45 PRECEDING YEAR'S ACTIONS IN WHICH FINES, SUSPENSIONS, OR
46 REVOCATIONS WERE IMPOSED BY LOCAL LICENSING AUTHORITIES AND BY
47 THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY
48 SHALL FILE ONE COPY OF THE REPORT WITH THE CHIEF CLERK OF THE
49 HOUSE OF REPRESENTATIVES, ONE COPY WITH THE SECRETARY OF THE
50 SENATE, AND SIX COPIES IN THE JOINT LEGISLATIVE LIBRARY.

51
52 PART 7
53 INSPECTION OF BOOKS AND RECORDS

54
55 **12-43.3-701. Inspection procedures.** (1) EACH LICENSEE SHALL
56 KEEP A COMPLETE SET OF ALL RECORDS NECESSARY TO SHOW FULLY THE

1 BUSINESS TRANSACTIONS OF THE LICENSEE, ALL OF WHICH SHALL BE OPEN
2 AT ALL TIMES DURING BUSINESS HOURS FOR THE INSPECTION AND
3 EXAMINATION OF THE STATE LICENSING AUTHORITY OR ITS DULY
4 AUTHORIZED REPRESENTATIVES. THE STATE LICENSING AUTHORITY MAY
5 REQUIRE ANY LICENSEE TO FURNISH SUCH INFORMATION AS IT CONSIDERS
6 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS ARTICLE AND MAY
7 REQUIRE AN AUDIT TO BE MADE OF THE BOOKS OF ACCOUNT AND RECORDS
8 ON SUCH OCCASIONS AS IT MAY CONSIDER NECESSARY BY AN AUDITOR TO
9 BE SELECTED BY THE STATE LICENSING AUTHORITY WHO SHALL LIKEWISE
10 HAVE ACCESS TO ALL BOOKS AND RECORDS OF THE LICENSEE, AND THE
11 EXPENSE THEREOF SHALL BE PAID BY THE LICENSEE.

12
13 (2) THE LICENSED PREMISES, INCLUDING ANY PLACES OF STORAGE
14 WHERE MEDICAL MARIJUANA IS GROWN, STORED, CULTIVATED, SOLD, OR
15 DISPENSED, SHALL BE SUBJECT TO INSPECTION BY THE STATE OR LOCAL
16 LICENSING AUTHORITIES AND THEIR INVESTIGATORS, DURING ALL
17 BUSINESS HOURS AND OTHER TIMES OF APPARENT ACTIVITY, FOR THE
18 PURPOSE OF INSPECTION OR INVESTIGATION. FOR EXAMINATION OF ANY
19 INVENTORY OR BOOKS AND RECORDS REQUIRED TO BE KEPT BY THE
20 LICENSEES, ACCESS SHALL BE REQUIRED DURING BUSINESS HOURS. WHERE
21 ANY PART OF THE LICENSED PREMISES CONSISTS OF A LOCKED AREA, UPON
22 DEMAND TO THE LICENSEE, SUCH AREA SHALL BE MADE AVAILABLE FOR
23 INSPECTION WITHOUT DELAY, AND, UPON REQUEST BY AUTHORIZED
24 REPRESENTATIVES OF THE STATE OR LOCAL LICENSING AUTHORITY, THE
25 LICENSEE SHALL OPEN THE AREA FOR INSPECTION.

26
27 (3) EACH LICENSEE SHALL RETAIN ALL BOOKS AND RECORDS
28 NECESSARY TO SHOW FULLY THE BUSINESS TRANSACTIONS OF THE
29 LICENSEE FOR A PERIOD OF THE CURRENT TAX YEAR AND THE THREE
30 IMMEDIATELY PRIOR TAX YEARS.

31
32 PART 8
33 JUDICIAL REVIEW
34

35 **12-43.3-801. Judicial review.** DECISIONS BY THE STATE
36 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY SHALL BE
37 SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

38
39 PART 9
40 UNLAWFUL ACTS - ENFORCEMENT
41

42 **12-43.3-901. Unlawful acts - exceptions.** (1) EXCEPT AS
43 OTHERWISE PROVIDED IN THIS ARTICLE, IT IS UNLAWFUL FOR A PERSON:
44

45 (a) TO CONSUME MEDICAL MARIJUANA IN A LICENSED MEDICAL
46 MARIJUANA CENTER, AND IT SHALL BE UNLAWFUL FOR A MEDICAL
47 MARIJUANA LICENSEE TO ALLOW MEDICAL MARIJUANA TO BE CONSUMED
48 UPON ITS LICENSED PREMISES; EXCEPT THAT EDIBLE MEDICAL MARIJUANA-
49 INFUSED PRODUCTS MAY BE CONSUMED ON THE PREMISES PURSUANT TO
50 SECTION 12-43.3-402 (2) (b); OR

51
52 (b) WITH KNOWLEDGE, TO PERMIT OR FAIL TO PREVENT THE USE OF
53 HIS OR HER REGISTRY IDENTIFICATION BY ANY OTHER PERSON FOR THE
54 UNLAWFUL PURCHASING OF MEDICAL MARIJUANA.

55
56 (2) IT IS UNLAWFUL FOR A PERSON TO BUY, SELL, TRANSFER, GIVE

1 AWAY, OR ACQUIRE MEDICAL MARIJUANA EXCEPT AS ALLOWED PURSUANT
2 TO THIS ARTICLE.

3

4 (3) IT IS UNLAWFUL FOR A PERSON LICENSED PURSUANT TO THIS
5 ARTICLE:

6

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

10

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

14

15 (c) TO FAIL TO REPORT A TRANSFER REQUIRED BY SECTION 12-
16 43.3-310 (11); OR

17

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

20

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

23

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

26

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

29

30 (c) TO PROVIDE PUBLIC PREMISES, OR ANY PORTION THEREOF, FOR
31 THE PURPOSE OF CONSUMPTION OF MEDICAL MARIJUANA IN ANY FORM;
32 EXCEPT THAT EDIBLE MEDICAL MARIJUANA-INFUSED PRODUCTS MAY BE
33 CONSUMED ON THE PREMISES PURSUANT TO SECTION 12-43.3-402 (2) (b);

34

35 (d) (I) TO SELL MEDICAL MARIJUANA TO A PERSON NOT LICENSED
36 PURSUANT TO THIS ARTICLE OR TO A PERSON NOT ABLE TO PRODUCE A
37 VALID PATIENT REGISTRY IDENTIFICATION CARD. NOTWITHSTANDING ANY
38 PROVISION IN THIS SUBPARAGRAPH (I) TO THE CONTRARY, A PERSON
39 UNDER TWENTY-ONE YEARS OF AGE SHALL NOT BE EMPLOYED TO SELL OR
40 DISPENSE MEDICAL MARIJUANA AT A MEDICAL MARIJUANA CENTER OR
41 GROW OR CULTIVATE MEDICAL MARIJUANA AT AN OPTIONAL PREMISES
42 CULTIVATION OPERATION.

43

44 (II) IF A LICENSEE OR A LICENSEE'S EMPLOYEE HAS REASONABLE
45 CAUSE TO BELIEVE THAT A PERSON IS EXHIBITING A FRAUDULENT PATIENT
46 REGISTRY IDENTIFICATION CARD IN AN ATTEMPT TO OBTAIN MEDICAL
47 MARIJUANA, THE LICENSEE OR EMPLOYEE SHALL BE AUTHORIZED TO
48 CONFISCATE THE FRAUDULENT PATIENT REGISTRY IDENTIFICATION CARD,
49 IF POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE
50 CONFISCATION, TURN IT OVER TO THE STATE HEALTH DEPARTMENT OR
51 LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO CONFISCATE THE
52 FRAUDULENT PATIENT REGISTRY IDENTIFICATION CARD OR TO TURN IT
53 OVER TO THE STATE HEALTH DEPARTMENT OR A STATE OR LOCAL LAW
54 ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS AFTER THE
55 CONFISCATION SHALL NOT CONSTITUTE A CRIMINAL OFFENSE.

56

1 (e) TO POSSESS MORE THAN SIX MEDICAL MARIJUANA PLANTS AND
2 TWO OUNCES OF MEDICAL MARIJUANA FOR EACH PATIENT WHO HAS
3 REGISTERED THE CENTER AS HIS OR HER PRIMARY CENTER PURSUANT TO
4 SECTION 25-1.5-106 (6) (f), C.R.S.; EXCEPT THAT A MEDICAL MARIJUANA
5 CENTER MAY HAVE AN AMOUNT THAT EXCEEDS THE SIX-PLANT AND TWO-
6 OUNCE PRODUCT PER PATIENT LIMIT IF THE CENTER SELLS TO PATIENTS
7 THAT ARE AUTHORIZED TO HAVE MORE THAN SIX PLANTS AND TWO
8 OUNCES OF PRODUCT. IN THE CASE OF A PATIENT AUTHORIZED TO EXCEED
9 THE SIX-PLANT AND TWO-OUNCE LIMIT, THE CENTER SHALL OBTAIN
10 DOCUMENTATION FROM THE PATIENT'S PHYSICIAN THAT THE PATIENT
11 NEEDS MORE THAN SIX PLANTS AND TWO OUNCES OF PRODUCT.

12
13 (f) TO OFFER FOR SALE OR SOLICIT AN ORDER FOR MEDICAL
14 MARIJUANA IN PERSON EXCEPT WITHIN THE LICENSED PREMISES;

15
16 (g) TO HAVE IN POSSESSION OR UPON THE LICENSED PREMISES ANY
17 MEDICAL MARIJUANA, THE SALE OF WHICH IS NOT PERMITTED BY THE
18 LICENSE;

19
20 (h) TO BUY MEDICAL MARIJUANA FROM A PERSON NOT LICENSED
21 TO SELL AS PROVIDED BY THIS ARTICLE;

22
23 (i) TO SELL MEDICAL MARIJUANA EXCEPT IN THE PERMANENT
24 LOCATION SPECIFICALLY DESIGNATED IN THE LICENSE FOR SALE;

25
26 (j) TO HAVE ON THE LICENSED PREMISES ANY MEDICAL MARIJUANA
27 OR MARIJUANA PARAPHERNALIA THAT SHOWS EVIDENCE OF THE MEDICAL
28 MARIJUANA HAVING BEEN CONSUMED OR PARTIALLY CONSUMED; OR

29
30 (k) TO REQUIRE A MEDICAL MARIJUANA CENTER OR MEDICAL
31 MARIJUANA CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE
32 TO MAKE DELIVERY TO ANY PREMISES OTHER THAN THE SPECIFIC LICENSED
33 PREMISES WHERE THE MEDICAL MARIJUANA IS TO BE SOLD.

34
35 (5) EXCEPT FOR AS PROVIDED IN SECTIONS 12-43.3-402 (4), 12-
36 43.3-403, AND 12-43.3-404, IT IS UNLAWFUL FOR A MEDICAL MARIJUANA
37 CENTER OR MEDICAL MARIJUANA CENTER WITH AN OPTIONAL PREMISES
38 CULTIVATION LICENSE TO SELL, DELIVER, OR CAUSE TO BE DELIVERED TO
39 A LICENSEE ANY MEDICAL MARIJUANA NOT GROWN UPON ITS LICENSED
40 PREMISES, OR FOR A LICENSEE OR MEDICAL MARIJUANA CENTER WITH AN
41 OPTIONAL PREMISES CULTIVATION LICENSE TO SELL, POSSESS, OR PERMIT
42 SALE OF MEDICAL MARIJUANA NOT GROWN UPON ITS LICENSED PREMISES.
43 A VIOLATION OF THE PROVISIONS OF THIS SUBSECTION (5) BY A LICENSEE
44 SHALL BE GROUNDS FOR THE IMMEDIATE REVOCATION OF THE LICENSE
45 GRANTED UNDER THIS ARTICLE.

46
47 (6) IT SHALL BE UNLAWFUL FOR A PHYSICIAN WHO MAKES PATIENT
48 REFERRALS TO A LICENSED MEDICAL MARIJUANA CENTER TO RECEIVE
49 ANYTHING OF VALUE FROM THE MEDICAL MARIJUANA CENTER LICENSEE
50 OR ITS AGENTS, SERVANTS, OFFICERS, OR OWNERS OR ANYONE
51 FINANCIALLY INTERESTED IN THE LICENSEE, AND IT SHALL BE UNLAWFUL
52 FOR A LICENSEE LICENSED PURSUANT TO THIS ARTICLE TO OFFER
53 ANYTHING OF VALUE TO A MEDICAL DOCTOR FOR MAKING PATIENT
54 REFERRALS TO THE LICENSED MEDICAL MARIJUANA CENTER.

55
56 (7) A PERSON WHO COMMITS ANY OF THE UNLAWFUL ACTS IN THIS

1 SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS
2 PROVIDED IN SECTION 18-1.3-501, C.R.S.

3

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

6

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

14

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

19

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

24

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

31

32 (2) **Definitions.** IN ADDITION TO THE DEFINITIONS SET FORTH IN
33 SECTION 14 (1) OF ARTICLE XVIII OF THE STATE CONSTITUTION, AS USED
34 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PRIMARY
35 CAREGIVER" MEANS A NATURAL PERSON, OTHER THAN THE PATIENT OR
36 THE PATIENT'S PHYSICIAN, WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND
37 HAS SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF A
38 PATIENT WHO HAS A DEBILITATING MEDICAL CONDITION.

39

40 ~~(1)~~ (3) **Rule-making.** THE STATE HEALTH AGENCY MAY
41 PROMULGATE RULES REGARDING THE FOLLOWING:

42

43 (I) WHAT CONSTITUTES "SIGNIFICANT RESPONSIBILITY FOR
44 MANAGING THE WELL-BEING OF A PATIENT";

45

46 (II) THE DEVELOPMENT OF A FORM FOR A PRIMARY CAREGIVER TO
47 USE IN APPLYING TO THE REGISTRY, WHICH FORM SHALL REQUIRE, AT A
48 MINIMUM, THAT THE APPLICANT PROVIDE HIS OR HER FULL NAME, HOME
49 ADDRESS, DATE OF BIRTH, AND AN ATTESTATION THAT THE APPLICANT HAS
50 A SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF THE
51 PATIENT FOR WHOM HE OR SHE IS DESIGNATED AS THE PRIMARY
52 CAREGIVER AND THAT HE OR SHE UNDERSTANDS AND WILL ABIDE BY
53 SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION,
54 AND THE RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT
55 TO THIS SECTION;

56

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

6
7 (IV) THE GROUNDS AND PROCEDURE FOR A PATIENT TO CHANGE
8 HIS OR HER DESIGNATED PRIMARY CAREGIVER.

9
10 (4) NOTWITHSTANDING ANY OTHER REQUIREMENTS TO THE
11 CONTRARY, NOTICE ISSUED BY THE STATE HEALTH AGENCY FOR A
12 RULEMAKING HEARING PURSUANT TO SECTION 24-4-103, C.R.S., FOR
13 RULES CONCERNING THE MEDICAL MARIJUANA PROGRAM SHALL BE
14 SUFFICIENT IF THE STATE HEALTH AGENCY PROVIDES THE NOTICE NO
15 LATER THAN FORTY-FIVE DAYS IN ADVANCE OF THE RULEMAKING HEARING
16 IN AT LEAST ONE PUBLICATION IN A NEWSPAPER OF GENERAL
17 DISTRIBUTION IN THE STATE AND POSTS THE NOTICE ON THE STATE HEALTH
18 AGENCY'S WEB SITE; EXCEPT THAT EMERGENCY RULES PURSUANT TO
19 SECTION 24-4-103 (6), C.R.S., SHALL NOT REQUIRE ADVANCE NOTICE.

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

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

29
30 (c) ONLY A MEDICAL MARIJUANA CENTER WITH AN OPTIONAL
31 PREMISES CULTIVATION LICENSE OR A PRIMARY CAREGIVER FOR HIS OR
32 HER PATIENTS OR A PATIENT FOR HIMSELF OR HERSELF MAY CULTIVATE OR
33 PROVIDE MARIJUANA AND ONLY FOR MEDICAL USE.

34
35 (d) A PRIMARY CAREGIVER SHALL PROVIDE TO A LAW
36 ENFORCEMENT AGENCY, UPON INQUIRY, THE REGISTRY IDENTIFICATION
37 CARD NUMBER OF EACH OF HIS OR HER PATIENTS. THE STATE HEALTH
38 AGENCY SHALL MAINTAIN A REGISTRY OF THIS INFORMATION AND MAKE
39 IT AVAILABLE TWENTY-FOUR HOURS PER DAY AND SEVEN DAYS A WEEK TO
40 LAW ENFORCEMENT FOR VERIFICATION PURPOSES. UPON INQUIRY BY A
41 LAW ENFORCEMENT OFFICER AS TO AN INDIVIDUAL'S STATUS AS A PATIENT
42 OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY SHALL CHECK THE
43 REGISTRY. IF THE INDIVIDUAL IS NOT REGISTERED AS A PATIENT OR
44 PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY PROVIDE THAT
45 RESPONSE TO LAW ENFORCEMENT. IF THE PERSON IS A REGISTERED
46 PATIENT OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY NOT
47 RELEASE INFORMATION UNLESS CONSISTENT WITH SECTION 14 OF ARTICLE
48 XVIII OF THE STATE CONSTITUTION. THE STATE HEALTH AGENCY MAY
49 PROMULGATE RULES TO PROVIDE FOR THE EFFICIENT ADMINISTRATION OF
50 THIS PARAGRAPH (d).

51
52 (6) **Patient - primary caregiver relationship.** (a) A PERSON
53 SHALL BE LISTED AS A PRIMARY CAREGIVER FOR NO MORE THAN FIVE
54 PATIENTS ON THE MEDICAL MARIJUANA PROGRAM REGISTRY AT ANY GIVEN
55 TIME; EXCEPT THAT THE STATE HEALTH AGENCY MAY ALLOW A PRIMARY
56 CAREGIVER TO CIRCUMSTANCES, AND A PRIMARY CAREGIVER MAY SERVE

1 NO MORE THAN SIXTEEN PATIENTS IF THE LOCALITY WHERE THE PRIMARY
2 CAREGIVER LIVES HAS BANNED MEDICAL MARIJUANA CENTERS. IN
3 DETERMINING WHETHER EXCEPTIONAL CIRCUMSTANCES EXIST, THE STATE
4 HEALTH AGENCY MAY CONSIDER THE PROXIMITY OF MEDICAL MARIJUANA
5 CENTERS TO THE PATIENT. A PRIMARY CAREGIVER SHALL MAINTAIN A LIST
6 OF HIS OR HER PATIENTS INCLUDING THE REGISTRY IDENTIFICATION CARD
7 NUMBER OF EACH PATIENT AT ALL TIMES.

8
9 (b) A PATIENT SHALL HAVE ONLY ONE PRIMARY CAREGIVER AT
10 ANY GIVEN TIME.

11
12 (c) A PATIENT WHO HAS DESIGNATED A PRIMARY CAREGIVER FOR
13 HIMSELF OR HERSELF MAY NOT BE DESIGNATED AS A PRIMARY CAREGIVER
14 FOR ANOTHER PATIENT.

15
16 (d) A PRIMARY CAREGIVER MAY NOT CHARGE A PATIENT MORE
17 THAN THE COST OF CULTIVATING OR PURCHASING THE MEDICAL
18 MARIJUANA, BUT MAY CHARGE FOR CAREGIVER SERVICES.

19
20 (e) (I) THE STATE HEALTH AGENCY SHALL MAINTAIN A SECURE
21 AND CONFIDENTIAL REGISTRY OF AVAILABLE PRIMARY CAREGIVERS FOR
22 THOSE PATIENTS WHO ARE UNABLE TO SECURE THE SERVICES OF A
23 PRIMARY CAREGIVER.

24
25 (II) AN EXISTING PRIMARY CAREGIVER MAY INDICATE AT THE TIME
26 OF REGISTRATION WHETHER HE OR SHE WOULD BE WILLING TO HANDLE
27 ADDITIONAL PATIENTS AND WAIVE CONFIDENTIALITY TO ALLOW RELEASE
28 OF HIS OR HER CONTACT INFORMATION TO PHYSICIANS OR REGISTERED
29 PATIENTS ONLY.

30
31 (III) AN INDIVIDUAL WHO IS NOT REGISTERED BUT IS WILLING TO
32 PROVIDE PRIMARY CAREGIVING SERVICES MAY SUBMIT HIS OR HER
33 CONTACT INFORMATION TO BE PLACED ON THE PRIMARY CAREGIVER
34 REGISTRY.

35
36 (IV) A PATIENT-PRIMARY CAREGIVER ARRANGEMENT SECURED
37 PURSUANT TO THIS PARAGRAPH (e) SHALL BE STRICTLY BETWEEN THE
38 PATIENT AND THE POTENTIAL PRIMARY CAREGIVER. THE STATE HEALTH
39 AGENCY, BY PROVIDING THE INFORMATION REQUIRED BY THIS PARAGRAPH
40 (e), SHALL NOT ENDORSE OR VOUCH FOR A PRIMARY CAREGIVER. TO PASS
41 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE
42 PRIMARY CAREGIVER SHALL NOT HAVE BEEN CONVICTED OF A FELONY
43 PURSUANT TO PART 4 OF ARTICLE 18 OF TITLE 18, C.R.S., WITHIN THE FIVE
44 YEARS PRECEDING THE CRIMINAL HISTORY RECORD CHECK.

45
46 (V) THE STATE HEALTH AGENCY MAY MAKE AN EXCEPTION, BASED
47 ON A REQUEST FROM A PATIENT, TO PARAGRAPH (a) OF THIS SUBSECTION
48 (6) LIMITING PRIMARY CAREGIVERS TO FIVE PATIENTS. IF THE STATE
49 HEALTH AGENCY MAKES AN EXCEPTION TO THE LIMIT, THE STATE HEALTH
50 AGENCY SHALL NOTE THE EXCEPTION ON THE PRIMARY CAREGIVER'S
51 RECORD IN THE REGISTRY.

52
53 (f) AT THE TIME A PATIENT APPLIES FOR INCLUSION ON THE
54 CONFIDENTIAL REGISTRY, THE PATIENT SHALL INDICATE WHETHER THE
55 PATIENT INTENDS TO CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA OR
56 INTENDS TO OBTAIN IT FROM EITHER A PRIMARY CAREGIVER OR A

1 LICENSED MEDICAL MARIJUANA CENTER. IF THE PATIENT ELECTS TO USE
2 A LICENSED MEDICAL MARIJUANA CENTER, THE PATIENT SHALL REGISTER
3 THE PRIMARY CENTER HE OR SHE INTENDS TO USE.
4

5 **(7) Registry identification card required - denial - revocation -**
6 **renewal.** (a) TO BE CONSIDERED IN COMPLIANCE WITH THE PROVISIONS
7 OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS
8 SECTION, AND THE RULES OF THE STATE HEALTH AGENCY, A PATIENT OR
9 PRIMARY CAREGIVER SHALL HAVE HIS OR HER REGISTRY IDENTIFICATION
10 CARD IN HIS OR HER POSSESSION AT ALL TIMES THAT HE OR SHE IS IN
11 POSSESSION OF ANY FORM OF MEDICAL MARIJUANA AND PRODUCE THE
12 SAME UPON REQUEST OF A LAW ENFORCEMENT OFFICER TO DEMONSTRATE
13 THAT THE PATIENT OR PRIMARY CAREGIVER IS NOT IN VIOLATION OF THE
14 LAW; EXCEPT THAT, IF MORE THAN THIRTY-FIVE DAYS HAVE PASSED SINCE
15 THE DATE THE PATIENT OR PRIMARY CAREGIVER FILED HIS OR HER
16 MEDICAL MARIJUANA PROGRAM APPLICATION AND THE STATE HEALTH
17 AGENCY HAS NOT YET ISSUED OR DENIED A REGISTRY IDENTIFICATION
18 CARD, A COPY OF THE PATIENT'S OR PRIMARY CAREGIVER'S APPLICATION
19 ALONG WITH PROOF OF THE DATE OF SUBMISSION SHALL BE IN THE
20 PATIENT'S OR PRIMARY CAREGIVER'S POSSESSION AT ALL TIMES THAT HE
21 OR SHE IS IN POSSESSION OF ANY FORM OF MEDICAL MARIJUANA UNTIL THE
22 STATE HEALTH AGENCY ISSUES OR DENIES THE REGISTRY IDENTIFICATION
23 CARD. A PERSON WHO VIOLATES SECTION 14 OF ARTICLE XVIII OF THE
24 STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE
25 STATE HEALTH AGENCY MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR
26 VIOLATIONS OF SECTION 18-18-406, C.R.S.
27

28 (b) THE STATE HEALTH AGENCY MAY DENY A PATIENT'S OR
29 PRIMARY CAREGIVER'S APPLICATION FOR A REGISTRY IDENTIFICATION
30 CARD OR REVOKE THE CARD IF THE STATE HEALTH AGENCY, IN
31 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., DETERMINES THAT THE
32 PHYSICIAN WHO DIAGNOSED THE PATIENT'S DEBILITATING MEDICAL
33 CONDITION, THE PATIENT, OR THE PRIMARY CAREGIVER VIOLATED SECTION
34 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, OR THE
35 RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS
36 SECTION; EXCEPT THAT A PATIENT'S APPLICATION OR REGISTRY
37 IDENTIFICATION CARD MAY ONLY BE DENIED OR REVOKED BASED ON A
38 PHYSICIAN'S VIOLATION THAT IS RELATED TO THE ISSUANCE OF A MEDICAL
39 MARIJUANA RECOMMENDATION.
40

41 (c) A PATIENT OR PRIMARY CAREGIVER REGISTRY IDENTIFICATION
42 CARD SHALL BE VALID FOR ONE YEAR AND SHALL CONTAIN A UNIQUE
43 IDENTIFICATION NUMBER. IT SHALL BE THE RESPONSIBILITY OF THE
44 PATIENT OR PRIMARY CAREGIVER TO APPLY TO RENEW HIS OR HER
45 REGISTRY IDENTIFICATION CARD PRIOR TO THE DATE ON WHICH THE CARD
46 EXPIRES. THE STATE HEALTH AGENCY SHALL DEVELOP A FORM FOR A
47 PATIENT OR PRIMARY CAREGIVER TO USE IN RENEWING HIS OR HER
48 REGISTRY IDENTIFICATION CARD.
49

50 **(8) Use of medical marijuana.** (a) THE USE OF MEDICAL
51 MARIJUANA IS ALLOWED UNDER STATE LAW TO THE EXTENT THAT IT IS
52 CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14 OF
53 ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE
54 RULES OF THE STATE HEALTH AGENCY.
55

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

- 1 (I) ENGAGE IN THE MEDICAL USE OF MARIJUANA IN A WAY THAT
2 ENDANGERS THE HEALTH AND WELL-BEING OF A PERSON;
3
- 4 (II) ENGAGE IN THE MEDICAL USE OF MARIJUANA IN PLAIN VIEW OF
5 OR IN A PLACE OPEN TO THE GENERAL PUBLIC;
6
- 7 (III) UNDERTAKE ANY TASK WHILE UNDER THE INFLUENCE OF
8 MEDICAL MARIJUANA, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE
9 OR PROFESSIONAL MALPRACTICE;
10
- 11 (IV) POSSESS MEDICAL MARIJUANA OR OTHERWISE ENGAGE IN THE
12 USE OF MEDICAL MARIJUANA IN A SCHOOL BUS;
13
- 14 (V) ENGAGE IN THE USE OF MEDICAL MARIJUANA WHILE:
15
- 16 (A) IN A CORRECTIONAL FACILITY OR A COMMUNITY CORRECTIONS
17 FACILITY;
18
- 19 (B) SUBJECT TO A SENTENCE TO INCARCERATION; OR
20
- 21 (C) IN A VEHICLE, AIRCRAFT, OR MOTORBOAT;
22
- 23 (VI) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL
24 OF ANY VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE UNDER THE
25 INFLUENCE OF MEDICAL MARIJUANA; OR
26
- 27 (VII) USE MEDICAL MARIJUANA IF THE PERSON DOES NOT HAVE A
28 DEBILITATING MEDICAL CONDITION AS DIAGNOSED BY THE PERSON'S
29 PHYSICIAN IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT
30 RELATIONSHIP AND FOR WHICH THE PHYSICIAN HAS RECOMMENDED THE
31 USE OF MEDICAL MARIJUANA.
32
- 33 (c) A PERSON SHALL NOT ESTABLISH A BUSINESS TO PERMIT
34 PATIENTS TO CONGREGATE AND SMOKE OR OTHERWISE CONSUME MEDICAL
35 MARIJUANA.
36
- 37 (9) **Limit on cultivation of medical marijuana.** ONLY
38 REGISTERED PATIENTS, LICENSED PRIMARY CAREGIVERS, AND LICENSED
39 MEDICAL MARIJUANA CENTERS WITH OPTIONAL PREMISES CULTIVATION
40 LICENSES MAY CULTIVATE MEDICAL MARIJUANA.
41
- 42 (10) **Affirmative defense.** IF A PATIENT OR PRIMARY CAREGIVER
43 RAISES AN AFFIRMATIVE DEFENSE AS PROVIDED IN SECTION 14 (4) (b) OF
44 ARTICLE XVIII OF THE STATE CONSTITUTION, THE PATIENT'S PHYSICIAN
45 SHALL CERTIFY THE SPECIFIC AMOUNTS IN EXCESS OF TWO OUNCES THAT
46 ARE NECESSARY TO ADDRESS THE PATIENT'S DEBILITATING MEDICAL
47 CONDITION AND WHY SUCH AMOUNTS ARE NECESSARY. A PATIENT WHO
48 ASSERTS THIS AFFIRMATIVE DEFENSE SHALL WAIVE CONFIDENTIALITY
49 PRIVILEGES RELATED TO THE CONDITION OR CONDITIONS THAT WERE THE
50 BASIS FOR THE RECOMMENDATION. IF A PATIENT, PRIMARY CAREGIVER, OR
51 PHYSICIAN RAISES AN EXCEPTION TO THE STATE CRIMINAL LAWS AS
52 PROVIDED IN SECTION 14 (2) (b) OR (c) OF ARTICLE XVIII OF THE STATE
53 CONSTITUTION, THE PATIENT, PRIMARY CAREGIVER OR PHYSICIAN WAIVES
54 THE CONFIDENTIALITY OF HIS OR HER RECORDS RELATED TO THE
55 CONDITION OR CONDITIONS THAT WERE THE BASIS FOR THE
56 RECOMMENDATION MAINTAINED BY THE STATE HEALTH AGENCY FOR THE

1 MEDICAL MARIJUANA PROGRAM. UPON REQUEST OF A LAW ENFORCEMENT
2 AGENCY FOR SUCH RECORDS, THE STATE HEALTH AGENCY SHALL ONLY
3 PROVIDE RECORDS PERTAINING TO THE INDIVIDUAL RAISING THE
4 EXCEPTION, AND SHALL REDACT ALL OTHER PATIENT, PRIMARY
5 CAREGIVER, OR PHYSICIAN IDENTIFYING INFORMATION.
6

7 (11) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
8 SUBSECTION (11), THE STATE HEALTH AGENCY SHALL ESTABLISH A BASIC
9 FEE THAT SHALL BE PAID AT THE TIME OF SERVICE OF ANY SUBPOENA UPON
10 THE STATE HEALTH AGENCY, PLUS A FEE FOR MEALS AND A FEE FOR
11 MILEAGE AT THE RATE PRESCRIBED FOR STATE OFFICERS AND EMPLOYEES
12 IN SECTION 24-9-104, C.R.S., FOR EACH MILE ACTUALLY AND
13 NECESSARILY TRAVELED IN GOING TO AND RETURNING FROM THE PLACE
14 NAMED IN THE SUBPOENA. IF THE PERSON NAMED IN THE SUBPOENA IS
15 REQUIRED TO ATTEND THE PLACE NAMED IN THE SUBPOENA FOR MORE
16 THAN ONE DAY, THERE SHALL BE PAID, IN ADVANCE, A SUM TO BE
17 ESTABLISHED BY THE STATE HEALTH AGENCY FOR EACH DAY OF
18 ATTENDANCE TO COVER THE EXPENSES OF THE PERSON NAMED IN THE
19 SUBPOENA.
20

21 (b) THE SUBPOENA FEE ESTABLISHED PURSUANT TO PARAGRAPH
22 (a) OF THIS SUBSECTION (11) SHALL NOT BE APPLICABLE TO ANY FEDERAL,
23 STATE, OR LOCAL GOVERNMENTAL AGENCY.
24

25 ~~(2)~~ (12) **Fees.** The ~~department~~ STATE HEALTH AGENCY may
26 collect fees from patients who, pursuant to section 14 of article XVIII of
27 the state constitution, apply to the medical marijuana program ~~established~~
28 ~~by such section~~ for a marijuana registry identification CARD for the
29 purpose of offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and
30 indirect costs of administering the program. The amount of ~~such~~ THE fees
31 shall be set by rule of the ~~state board of health~~ STATE HEALTH AGENCY.
32 All fees collected by the ~~department~~ STATE HEALTH AGENCY through the
33 medical marijuana program shall be transferred to the state treasurer who
34 shall credit the same to the medical marijuana program cash fund, which
35 fund is hereby created.
36

37 ~~(3)~~ (13) **Cash fund.** (a) The medical marijuana program cash
38 fund shall be subject to annual appropriation by the general assembly to
39 the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,
40 operating, and maintaining the medical marijuana program. ~~established~~
41 ~~by section 14 of article XVIII of the state constitution.~~ All moneys
42 credited to the medical marijuana program cash fund and all interest
43 derived from the deposit of such moneys that are not expended during the
44 fiscal year shall be retained in the fund for future use and shall not be
45 credited or transferred to the general fund or any other fund.
46

47 (b) ~~Notwithstanding any provision of paragraph (a) of this~~
48 ~~subsection (3) to the contrary, on April 20, 2009, the state treasurer shall~~
49 ~~deduct two hundred fifty-eight thousand seven hundred thirty-five dollars~~
50 ~~from the medical marijuana program cash fund and transfer such sum to~~
51 ~~the general fund.~~
52

53 **SECTION 3.** 25-5-403, Colorado Revised Statutes, is amended
54 BY THE ADDITION OF A NEW SUBSECTION to read:
55

56 **25-5-403. Offenses.** (3) THE PROVISIONS OF THIS SECTION SHALL

1 NOT APPLY TO A MEDICAL MARIJUANA CENTER OR A
2 MEDICAL-MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSED
3 PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., THAT MANUFACTURES OR
4 SELLS A FOOD PRODUCT THAT CONTAINS MEDICAL MARIJUANA SO LONG AS
5 THE FOOD PRODUCT IS LABELED AS CONTAINING MEDICAL MARIJUANA AND
6 THE LABEL SPECIFIES THAT THE PRODUCT IS MANUFACTURED WITHOUT
7 ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY, AND
8 THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE CONSUMPTION
9 OR USE OF THE PRODUCT.

10

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

13

14 **16-2.5-121. Executive director of the department of revenue**
15 **- senior director of enforcement for the department of revenue.** The
16 executive director and the senior director of enforcement of the
17 department of revenue are peace officers while engaged in the
18 performance of their duties whose authority includes the enforcement of
19 laws and rules regarding automobile dealers pursuant to section 12-6-105
20 (1) (d) (II), C.R.S., the lottery pursuant to sections 24-35-205 (3) and
21 24-35-206 (7), C.R.S., MEDICAL MARIJUANA PURSUANT TO ARTICLE 43.3
22 OF TITLE 12, C.R.S., limited gaming pursuant to section 12-47.1-204,
23 C.R.S., liquor pursuant to section 12-47-904 (1), C.R.S., and racing
24 events pursuant to section 12-60-203 (1), C.R.S., and the enforcement of
25 all laws of the state of Colorado and who may be certified by the P.O.S.T.
26 board.

27

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

31

32 **16-2.5-124.5. Medical marijuana enforcement investigator.** A
33 MEDICAL MARIJUANA ENFORCEMENT INVESTIGATOR IS A PEACE OFFICER
34 WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES AND WHILE
35 ACTING UNDER PROPER ORDERS OR RULES PURSUANT TO ARTICLE 43.3 OF
36 TITLE 12, C.R.S., AND SHALL ALSO INCLUDE THE ENFORCEMENT OF ALL
37 LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE
38 P.O.S.T. BOARD.

39

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

42

43 **24-75-402. Cash funds - limit on uncommitted reserves -**
44 **reduction in amount of fees - exclusions.** (5) Notwithstanding any
45 provision of this section to the contrary, the following cash funds are
46 excluded from the limitations specified in this section:

47

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

50

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

53

54 **39-26-102. Definitions.** As used in this article, unless the context
55 otherwise requires:

56

1 (5.8) "MEDICAL MARIJUANA" SHALL HAVE THE SAME MEANING AS
2 SET FORTH IN SECTION 12-43.3-104 (6), C.R.S.

3
4 **SECTION 8.** 39-26-123 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6
7 **39-26-123. Receipts - disposition - transfers of general fund**
8 **surplus - sales and use tax holding fund - creation - definitions -**
9 **repeal.** (1) As used in this section, unless the context otherwise requires:

10
11 (a.5) "SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF
12 MEDICAL MARIJUANA" MEANS THE NET REVENUE RAISED FROM THE STATE
13 SALES AND USE TAXES IMPOSED PURSUANT TO THIS ARTICLE ON THE SALES
14 OR USE OF MEDICAL MARIJUANA.

15
16 **SECTION 9.** 39-26-123, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18
19 **39-26-123. Receipts - disposition - transfers of general fund**
20 **surplus - sales and use tax holding fund - creation - definitions -**
21 **repeal.** (6) (a) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER
22 JULY 1, 2010, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
23 THE FIRST TWO MILLION DOLLARS OF SALES AND USE TAXES
24 ATTRIBUTABLE TO SALES OR USE OF MEDICAL MARIJUANA OR EQUALLY
25 APPROPRIATE THE SALES AND USE TAXES ATTRIBUTABLE TO SALES AND
26 USE OF MEDICAL MARIJUANA IF TWO MILLION DOLLARS IS NOT GENERATED.

27
28 (b) (I) ONE HALF OF THE MONEYS DESCRIBED IN PARAGRAPH (a) OF
29 THIS SUBSECTION (6) SHALL BE APPROPRIATED TO THE DEPARTMENT OF
30 HUMAN SERVICES TO BE USED TO PROVIDE SERVICES FOR ADULTS WITH CO-
31 OCCURRING MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS WHO ARE
32 INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM. THE APPROPRIATION
33 SHALL BE INCLUDED IN THE LINE ITEM OF THE ANNUAL GENERAL
34 APPROPRIATION BILL FOR INDIGENT MENTALLY ILL CLIENTS UNDER
35 MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE SERVICES, MENTAL
36 HEALTH COMMUNITY PROGRAMS, AND THE AMOUNT APPROPRIATED TO THE
37 DEPARTMENT FOR SUCH USE SHALL BE SPECIFIED IN A FOOTNOTE. ANY
38 MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION (6) SHALL BE IN
39 ADDITION TO ANY OTHER APPROPRIATION REQUIRED BY LAW.

40
41 (II) ONE HALF OF THE MONEYS DESCRIBED IN PARAGRAPH (a) OF
42 THIS SUBSECTION (6) SHALL BE APPROPRIATED TO THE DEPARTMENT OF
43 HEALTH CARE POLICY AND FINANCING FOR SCREENING, BRIEF
44 INTERVENTION, AND REFERRAL TO TREATMENT FOR INDIVIDUALS AT RISK
45 OF SUBSTANCE ABUSE PURSUANT TO SECTION 25.5-5-202 (1) (u), C.R.S.

46
47 **SECTION 10.** 25-14-203 (16), Colorado Revised Statutes, is
48 amended to read:

49
50 **25-14-203. Definitions.** As used in this part 2, unless the context
51 otherwise requires:

52
53 (16) "Smoking" means the burning of a lighted cigarette, cigar,
54 pipe, or any other matter or substance that contains tobacco OR MEDICAL
55 MARIJUANA AS DEFINED BY SECTION 12-43.3-104 (6), C.R.S.

1 **SECTION 11. Specified effective date.** (1) Except as otherwise
2 provided in subsection (2) of this section, this act shall take effect July 1,
3 2011.

4
5 (2) (a) Sections 12-43.3-103 and 12-43.3-104 and parts 2 and 5 of
6 article 43.3 of title 12, set forth in section 1 of this act shall take effect
7 July 1, 2010.

8
9 (b) Sections 2, 7, 8, 9, 10, 11, and 12 of this act shall take effect
10 July 1, 2010.

11
12 **SECTION 12. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety."

15
16
17
18 **HB10-1352** be amended as follows, and as so amended, be referred to
19 the Committee on Appropriations with favorable
20 recommendation:

21
22 Amend printed bill, page 7, line 19, strike "THE FOLLOWING" and
23 substitute "A".

24
25 Page 7, line 20, strike "SECTIONS" and substitute "SECTION".

26
27 Page 7, strike lines 22 through 27 and substitute:

28
29 "(1) EXCEPT AS AUTHORIZED BY PART 3 OF ARTICLE 22 OF TITLE
30 12, C.R.S., OR BY PART 2 OR 3 OF THIS ARTICLE, IT IS UNLAWFUL FOR ANY
31 PERSON KNOWINGLY TO POSSESS A CONTROLLED SUBSTANCE.

32
33 (2) A PERSON WHO VIOLATES SUBSECTION (1) BY POSSESSING:

34
35 (a) (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
36 WEIGHING FOUR GRAMS OR LESS THAT CONTAINS ANY QUANTITY OF
37 FLUNITRAZEPAM, KETAMINE, OR A CONTROLLED SUBSTANCE LISTED IN
38 SCHEDULE I OR II OF PART 2 OF THIS ARTICLE EXCEPT METHAMPHETAMINE
39 COMMITS A CLASS 6 FELONY.

40
41 (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
42 WEIGHING MORE THAN FOUR GRAMS THAT CONTAINS ANY QUANTITY OF
43 FLUNITRAZEPAM, KETAMINE, OR A CONTROLLED SUBSTANCE LISTED IN
44 SCHEDULE I OR II OF PART 2 OF THIS ARTICLE EXCEPT METHAMPHETAMINE
45 COMMITS A CLASS 4 FELONY.

46
47 (b) (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
48 WEIGHING TWO GRAMS OR LESS THAT CONTAINS ANY QUANTITY OF
49 METHAMPHETAMINE COMMITS A CLASS 6 FELONY.

50
51 (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
52 WEIGHING MORE THAN TWO GRAMS THAT CONTAINS ANY QUANTITY OF
53 METHAMPHETAMINE COMMITS A CLASS 4 FELONY.

54
55 (c) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
56 CONTAINS ANY QUANTITY OF A CONTROLLED SUBSTANCE LISTED IN

1 SCHEDULE III, IV, OR V OF PART 2 OF THIS ARTICLE EXCEPT
2 FLUNITRAZEPAM OR KETAMINE COMMITS A CLASS 1 MISDEMEANOR."

3
4 Strike page 8 and substitute:

5
6 "SECTION 5. 18-18-405, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8
9 **18-18-405. Unlawful distribution, manufacturing, dispensing,
10 sale, or possession.** (7) NOTWITHSTANDING THE PROVISIONS OF
11 SUBSECTION (2) OF THIS SECTION, AND EXCEPT AS OTHERWISE PROVIDED
12 IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
13 SUBSECTION (2) OR PARAGRAPH (a) OF SUBSECTION (2.5) OF THIS SECTION,
14 A PERSON VIOLATES SUBSECTION (1) OF THIS SECTION BY SELLING,
15 DISPENSING, OR DISTRIBUTING A CONTROLLED SUBSTANCE OTHER THAN
16 MARIJUANA OR MARIJUANA CONCENTRATE TO A MINOR UNDER EIGHTEEN
17 YEARS OF AGE AND WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND AT
18 LEAST TWO YEARS OLDER THAN THE MINOR COMMITS A CLASS 3 FELONY
19 AND, UNLESS A GREATER SENTENCE IS PROVIDED UNDER ANY OTHER
20 STATUTE, SHALL BE SENTENCED TO THE DEPARTMENT OF CORRECTIONS
21 FOR TERM OF AT LEAST THE MINIMUM, BUT NOT MORE THAN TWICE THE
22 MAXIMUM, OF THE PRESUMPTIVE RANGE PROVIDED FOR SUCH OFFENSE IN
23 SECTION 18-1.3-401 (1) (a) AS MODIFIED PURSUANT TO SECTION 18-1.3-
24 410 (10)."

25
26 Page 9, strike lines 1 through 10.

27
28 Renumber succeeding sections accordingly.

29
30 Page 12, line 27, strike "transfers" and substitute "SELLS, transfers,".

31
32 Page 13, line 3, strike "any amount" and substitute "~~any amount~~ LESS
33 THAN ONE POUND".

34
35 Page 13, after line 9 insert:

36
37 "(b) THE SALE, TRANSFER, OR DISPENSING OF FIVE OR MORE
38 POUNDS OF MARIJUANA OR ONE POUND OR MORE OF MARIJUANA
39 CONCENTRATE TO A PERSON UNDER EIGHTEEN YEARS OF AGE BUT AT
40 LEAST FIFTEEN YEARS OF AGE IS A CLASS 3 FELONY."

41
42 Reletter succeeding paragraphs accordingly.

43
44 Page 13, line 10, strike "transfers" and substitute "SELLS, transfers,".

45
46 Page 14, strike lines 5 through 8.

47
48 Page 17, strike lines 9 through 12 and substitute:

49
50 "SECTION 9. 18-19-103 (4) (a) and (5.5), Colorado Revised
51 Statutes, are amended, and the said 18-19-103 is further amended BY
52 THE ADDITION OF A NEW SUBSECTION, to read:

53
54 **18-19-103. Source of revenues - allocation of moneys.**
55 (3.5) MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY PURSUANT TO
56 HOUSE BILL 10-1352, ENACTED IN 2010, SHALL BE DEPOSITED INTO THE

1 DRUG OFFENDER SURCHARGE FUND CREATED PURSUANT TO SUBSECTION
2 (4) OF THIS SECTION AND SHALL BE ALLOCATED PURSUANT TO SECTION 16-
3 11.5-102 (3) (c), C.R.S.

4
5 (4) (a) There is hereby created in the state treasury a drug offender
6 surcharge fund, which shall consist of moneys received by the state
7 treasurer pursuant to paragraph (d) of subsection (3) of this section AND
8 SUBSECTION (3.5) OF THIS SECTION. All interest derived from the deposit
9 and investment of moneys in the fund shall be credited to the fund. Any
10 moneys not appropriated by the general assembly shall remain in the drug
11 offender surcharge fund and shall not be transferred or revert to the
12 general fund of the state at the end of any fiscal year. All moneys in the
13 fund shall be subject to annual appropriation by the general assembly to
14 the judicial department, the department of corrections, the division of
15 criminal justice of the department of public safety, and the department of
16 human services, after consideration of the plan developed pursuant to
17 section 16-11.5-102 (3), C.R.S., to cover the costs associated with
18 substance abuse assessment, testing, education, and treatment.

19
20 (5.5) (a) There is hereby created".

21
22 Page 17, line 25, strike "A PORTION OF", and strike "SENATE BILL 10-___,"
23 and substitute "HOUSE BILL 10-1352,".

24
25 Page 18, after line 5 insert:

26
27 **"SECTION 10.** 16-11.5-102 (3), Colorado Revised Statutes, is
28 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

29
30 **16-11.5-102. Substance abuse assessment - standardized**
31 **procedure.** (3) (c) (I) THE MONEYS ALLOCATED TO THE DRUG OFFENDER
32 SURCHARGE FUND PURSUANT TO SECTION 18-19-103 (3.5), C.R.S., SHALL
33 ONLY BE USED TO COVER THE COSTS ASSOCIATED WITH THE TREATMENT
34 OF SUBSTANCE ABUSE OR CO-OCCURRING DISORDERS OF ADULT
35 OFFENDERS WHO ARE ASSESSED TO BE IN NEED OF TREATMENT AND WHO
36 ARE:

37
38 (A) ON DIVERSION;

39
40 (B) ON PROBATION;

41
42 (C) ON PAROLE;

43
44 (D) IN COMMUNITY CORRECTIONS; OR

45
46 (E) IN JAIL.

47
48 (II) THE PLAN TO ALLOCATE MONEYS DEPOSITED IN THE DRUG
49 OFFENDER SURCHARGE FUND PURSUANT TO SECTION 18-19-103 (3.5),
50 C.R.S., SHALL BE DEVELOPED PURSUANT TO PARAGRAPH (a) OF
51 SUBSECTION (3) AND SHALL ALSO INCLUDE A REPRESENTATIVE
52 DESIGNATED BY THE COLORADO DISTRICT ATTORNEY'S COUNCIL, THE
53 STATE PUBLIC DEFENDER, A REPRESENTATIVE FROM A STATEWIDE
54 ASSOCIATION REPRESENTING COUNTY SHERIFFS, AND REPRESENTATIVE
55 FROM A STATEWIDE ASSOCIATION REPRESENTING COUNTIES."

56

1 Renumber succeeding sections accordingly.

2

3 Page 18, line 10, strike "SENATE" and substitute "HOUSE".

4

5 Page 18, line 11, strike "10-___," and substitute "10-1352,".

6

7

8

9 **SB10-042** be referred to the Committee of the Whole with favorable
10 recommendation.

11

12

13 **SB10-048** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17 **SB10-066** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20

21 Amend reengrossed bill, page 2, strike lines 21 through 24 and substitute:

22

23 "PERPETRATOR OF THE SUSPECTED ABUSE OR NEGLECT:

24

25 (A) HAS SUBJECTED ANY OTHER CHILD CURRENTLY UNDER
26 EIGHTEEN YEARS OF AGE TO ABUSE OR NEGLECT OR TO CIRCUMSTANCES
27 OR CONDITIONS THAT WOULD LIKELY RESULT IN ABUSE OR NEGLECT; OR

28

29 (B) IS CURRENTLY IN A POSITION OF TRUST, AS DEFINED IN SECTION
30 18-3-401 (3.5), C.R.S., WITH REGARD TO ANY CHILD CURRENTLY UNDER
31 EIGHTEEN YEARS OF AGE."

32

33

34

35

PRINTING REPORT

36

37 The Chief Clerk reports the following bill has been correctly printed:
38 **HB10-1372.**

39

40

41

42

MESSAGE(S) FROM THE SENATE

43

44 The Senate has passed on Third Reading and transmitted to the Revisor
45 of Statutes:

46

47 SB10-070 amended as printed in Senate Journal, March 19,2010,
48 page 610.

49

50 The Senate has passed on Third Reading and transmitted to the Revisor
51 of Statutes:

52

53 HB10-1212 amended as printed in Senate Journal, March 22, 2010,
54 page 633.

55

56 HB10-1211 amended as printed in Senate Journal, March 22, 2010,
pages 633-634 and March 23, 2010 .

1 HB10-1044 amended as printed in Senate Journal, March 22, 2010,
2 pages 634-635.
3

4 The Senate has passed on Third Reading and returns herewith: HB10-
5 1346, HB10-1256.
6

7
8 **MESSAGE(S) FROM THE REVISOR**
9

10 We herewith transmit:
11 Without comment, as amended, HB10-1212, 1211, and 1044.
12 Without comment, as amended, SB10-070.
13

14
15 **MESSAGE(S) FROM THE GOVERNOR**
16

17
18 I certify I received the following on the 22nd day of March, 2010, at
19 4:45 p.m. The original is on file in the records of the House of
20 Representatives of the General Assembly.
21

22 Marilyn Eddins,
23 Chief Clerk of the House

24 March 22, 2010
25

26 To the Honorable House of Representatives
27 Sixty-seventh General Assembly
28 Second Regular Session
29 State Capitol
30 Denver, CO 80203
31

32 Ladies and Gentlemen:
33

34 I have the honor to inform you that I have approved and filed with the
35 Secretary of State the following Acts:
36

37 **HB10-1001** CONCERNING INCENTIVES FOR THE INSTALLATION OF
38 NEW DISTRIBUTED RENEWABLE ENERGY GENERATION
39 FACILITIES IN COLORADO, AND, IN CONNECTION
40 THEREWITH, INCREASING THE TARGET PERCENTAGES
41 UNDER THE ELECTRIC UTILITY PORTFOLIO STANDARD TO
42 ENCOURAGE COLORADO UTILITIES TO GENERATE THREE
43 PERCENT OF THEIR RETAIL ELECTRICITY SALES FROM
44 DISTRIBUTED RENEWABLE SOURCES BY THE YEAR 2020,
45 ADOPTING STANDARDS FOR THE INSTALLATION OF
46 DISTRIBUTED SOLAR ELECTRIC GENERATION
47 EQUIPMENT, AND MAKING AN APPROPRIATION
48 THEREFOR.
49

50 Approved March 22, 2010 at 3:27 p.m.
51

52 Sincerely,
53 (signed)
54 Bill Ritter, Jr.
55 Governor
56

INTRODUCTION OF BILLS
First Reading

1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:

6
7 **HB10-1373** by Representative(s) Carroll T.; also Senator(s) Hudak--
8 Concerning changes to sentencing provisions for escape
9 crimes.

10 Committee on Judiciary

11
12 **HB10-1374** by Representative(s) Ferrandino, Levy, Waller; also
13 Senator(s) Penry, Morse, Steadman--Concerning parole.

14 Committee on Judiciary

15
16 **HB10-1375** by Representative(s) Riesberg, McFadyen; also Senator(s)
17 Bacon, Schwartz--Concerning the necessary authority for
18 Metropolitan state college of Denver to access favorable
19 financing.

20 Committee on Education

21
22 **SB10-073** by Senator(s) Tapia; also Representative(s) McFadyen--
23 Concerning the nurse home visitor program duties of the
24 health sciences facility at the university of Colorado.

25 Committee on Health and Human Services

26
27 **SB10-166** by Senator(s) Bacon, Schwartz; also Representative(s)
28 Riesberg and Sonnenberg, McFadyen--Concerning the
29 authority of the executive director of the department of
30 personnel to enter into lease-purchase agreements.

31 Committee on Business Affairs and Labor

32
33 **SB10-176** by Senator(s) Tochtrop; also Representative(s) Gagliardi--
34 Concerning the requirements for inclusion of a
35 professional nurse on the advanced practice nurse registry.

36 Committee on Business Affairs and Labor

LAY OVER OF CALENDAR ITEM(S)

37
38
39
40
41 On motion of Representative Weissmann, the following item(s) on the
42 Calendar (was)were laid over until March 24, retaining place on
43 Calendar:

44
45 Consideration of Resolution(s)--**HJR10-1016, 1017.**

46 Consideration of Senate Amendment(s)--**HB10-1021, 1137, 1233, 1245,**
47 **1010, 1108, 1128, 1132, 1135, 1188.**

48
49
50 On motion of Representative Weissmann, the House adjourned until
51 9:00 a.m., March 24, 2010.

52
53
54 Attest:
55 MARILYN EDDINS,
56 Chief Clerk

Approved:
TERRANCE D. CARROLL,
Speaker

