

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

29th Legislative Day

Wednesday, February 4, 2015

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:30 a.m.

Pledge By Senator Donovan.

Roll Call Present--34
Excused--1, Balmer

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Cooke, reading of the Journal of Tuesday, February 3, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the Committee recommends that **SB15-023** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 16, strike "SIDE." and substitute "SIDE; EXCEPT THAT A PERSON SHALL NOT CROSS A STATE HIGHWAY WITHIN THE JURISDICTION OF A MUNICIPALITY.".

Trans- The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed:

**MEMBERS OF THE
COLORADO AERONAUTICAL BOARD**

effective December 19, 2014, for terms expiring December 19, 2017:

Robert Philip Olislagers of Aurora, Colorado, to serve as a representative of the statewide association of airport managers, appointed;

Ann Beardall of Kiowa, Colorado, to serve as a representative of the statewide association of pilots, appointed;

Joe Rice of Littleton, Colorado, to serve as a member familiar with and supportive of the state's aviation issues, interests, and concerns, appointed.

Local After consideration on the merits, the Committee recommends that **SB15-096** be **postponed indefinitely**.

Local Government

After consideration on the merits, the Committee recommends that **SB15-082** be **amended**, and as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 2, strike "HIGH SCHOOL GRADUATES" and substitute "COUNTY RESIDENTS".

Page 3, strike lines 7 and 8 and substitute "PROGRAM, TO BE KNOWN AS "BRIGHT FUTURE COLORADO", TO PROVIDE FINANCIAL ASSISTANCE TO COUNTY RESIDENTS WHO PURSUE POST-SECONDARY EDUCATION".

Page 3, line 10, after "PROGRAM." insert "A COUNTY WORKFORCE DEVELOPMENT PROGRAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, COUNTY RESIDENTS WHO ARE HIGH SCHOOL GRADUATES, COUNTY RESIDENTS WHO HAVE SUCCESSFULLY COMPLETED A HIGH SCHOOL EQUIVALENCY EXAMINATION, AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S., OR COUNTY RESIDENTS WHO ARE VETERANS.".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB15-036** be **postponed indefinitely**.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB15-065** be **amended**, and as so amended be referred, to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 20 insert:
(IV) WHEN THE OWNER OF AN AUTOMATED TELLER MACHINE LOCATED IN AN ESTABLISHMENT DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) MOVES THE MACHINE TO A LOCATION NOT SO DESCRIBED, THE OWNER SHALL REPROGRAM THE MACHINE TO ALLOW PUBLIC ASSISTANCE RECIPIENTS TO ACCESS THE MACHINE.".

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2018:

Lowell Roger Hutson of Denver, Colorado, to serve as member from the First Congressional District and as a representative who has been engaged in business in a management-level capacity for at least five years, and as a Republican, reappointed.

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Finance The Committee on Finance has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE COLORADO RACING COMMISSION

for a term expiring July 1, 2018:

Sean D. Beirne of Castle Rock, Colorado, a Republican and resident of the 4th Congressional District, who has been previously engaged in the racing industry for at least five years, reappointed.

Finance After consideration on the merits, the Committee recommends that SB15-040 be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that SB15-018 be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that SB15-095 be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that SB15-115 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 6, after "(m)" insert "and (50.5) (n)".

Page 2, after line 15, insert:

"(n) THE MEDICAL MARIJUANA PROGRAM CREATED IN SECTION 25-1.5-106, C.R.S.

SECTION 3. In Colorado Revised Statutes, 12-43.3-104, amend (16) as follows:

12-43.3-104. Definitions. As used in this article, unless the context otherwise requires:

(16) "State licensing authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of medical AND RETAIL marijuana in this state, pursuant to section 12-43.3-201.

SECTION 4. In Colorado Revised Statutes, amend 12-43.3-105 as follows:

12-43.3-105. Limited access areas. Subject to the provisions of section 12-43.3-701, a limited access area shall be a building, room, or other contiguous area upon the licensed premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with ACCESS limited access to only those persons licensed by the state licensing authority. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the state licensing authority. authority AND THOSE VISITORS ESCORTED BY A PERSON LICENSED BY THE STATE LICENSING AUTHORITY.

SECTION 5. In Colorado Revised Statutes, 12-43.3-202, amend (1) (d), (1) (f), and (1) (g); repeal (3); and add (1) (h) as follows:

12-43.3-202. Powers and duties of state licensing authority - rules. (1) The state licensing authority shall:

(d) Maintain the confidentiality of reports or other information obtained from a MEDICAL OR RETAIL licensee showing the sales volume or quantity of medical marijuana sold CONTAINING ANY INDIVIDUALIZED DATA, INFORMATION, OR RECORDS RELATED TO THE LICENSEE OR ITS OPERATION, INCLUDING SALES INFORMATION, FINANCIAL RECORDS, TAX RETURNS, CREDIT REPORTS, CULTIVATION INFORMATION, TESTING RESULTS, AND SECURITY INFORMATION AND PLANS, or revealing any

patient information, or any other records that are exempt from public inspection pursuant to state law. Such reports or other information may be used only for a purpose authorized by this article, ARTICLE 43.4 OF THIS TITLE, or for any other state or local law enforcement purpose. Any information released related to patients may be used only for a purpose authorized by this article, ARTICLE 43.4 OF THIS TITLE, or to verify that a person who presented a registry identification card to a state or local law enforcement official is lawfully in possession of such card.

(f) Prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to section 24-1-136, C.R.S., a report accounting to the governor for the efficient discharge of all responsibilities assigned by law or directive to the state licensing authority; and

(g) In recognition of the potential medicinal value of medical marijuana, make a request by January 1, 2012, to the federal drug enforcement administration to consider rescheduling, for pharmaceutical purposes, medical marijuana from a schedule I controlled substance to a schedule II controlled substance; AND

(h) DEVELOP AND MAINTAIN A SEED-TO-SALE TRACKING SYSTEM THAT TRACKS MEDICAL MARIJUANA FROM EITHER THE SEED OR IMMATURE PLANT STAGE UNTIL THE MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT IS SOLD TO A CUSTOMER AT A MEDICAL MARIJUANA CENTER TO ENSURE THAT NO MEDICAL MARIJUANA GROWN OR PROCESSED BY A MEDICAL MARIJUANA ESTABLISHMENT IS SOLD OR OTHERWISE TRANSFERRED EXCEPT BY A MEDICAL MARIJUANA CENTER.

~~(3) By October 31, 2013, the state licensing authority shall publish a report on its web site that shows:~~

~~(a) The number of applications received on or before August 1, 2010, and, of those applications, the number of licenses granted, the number of applications denied, the number of applications pending, and the number of applications withdrawn; and~~

~~(b) The number of applications received July 1, 2012, through September 30, 2013, and, of those applications, the number of licenses granted, the number of applications denied, the number of applications pending, and the number of applications withdrawn.~~

SECTION 6. In Colorado Revised Statutes, 12-43.3-303, **amend** (4) as follows:

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

(4) After approval of an application, ~~neither the state nor~~ local licensing authority shall NOT issue a local license until the building in which the business to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with the applicable provisions of this article, and then only after the state or local licensing authority has inspected the premises to determine that the applicant has complied with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.

SECTION 7. In Colorado Revised Statutes, 12-43.3-307, **amend** (1) (g) and (1) (h); and **add** (1) (g.5) as follows:

12-43.3-307. Persons prohibited as licensees. (1) A license provided by this article shall not be issued to or held by:

(g) A person licensed pursuant to this article who, during a period of licensure, or who, at the time of application, has failed to:

(I) Provide a surety bond or file any tax return with a taxing agency RELATED TO A MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA ESTABLISHMENT;

(II) Pay any taxes, interest, or penalties due RELATED TO A MEDICAL MARIJUANA BUSINESS OR RETAIL MARIJUANA ESTABLISHMENT;

~~(III) Pay any judgments due to a government agency;~~

~~(IV) Stay out of default on a government-issued student loan;~~

~~(V) Pay child support; or~~

~~(VI) Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments owed to a government agency, or an outstanding delinquency for child support;~~

(g.5) A PERSON WHO FAILS TO MEET QUALIFICATIONS FOR LICENSURE THAT DIRECTLY AND DEMONSTRABLY RELATE TO THE OPERATION OF A MEDICAL MARIJUANA ESTABLISHMENT;

~~(h) (I) A person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony~~

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~~or a person who at any time has been convicted of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance; except that the licensing authority may grant a license to an employee if the employee has a state felony conviction based on possession or use of a controlled substance that would not be a felony if the person were convicted of the offense on the date he or she applied for licensure; A PERSON WHO HAS DISCHARGED A SENTENCE FOR A CONVICTION OF A FELONY IN THE FIVE YEARS IMMEDIATELY PRECEDING HIS OR HER APPLICATION DATE; OR~~

(II) A PERSON WHO HAS DISCHARGED A SENTENCE FOR A CONVICTION OF A FELONY PURSUANT TO ANY STATE OR FEDERAL LAW REGARDING THE POSSESSION, DISTRIBUTION, MANUFACTURING, CULTIVATION, OR USE OF A CONTROLLED SUBSTANCE IN THE TEN YEARS IMMEDIATELY PRECEDING HIS OR HER APPLICATION DATE OR FIVE YEARS FROM MAY 28, 2013, WHICHEVER IS LONGER; EXCEPT THAT THE LICENSING AUTHORITY MAY GRANT A LICENSE TO A PERSON IF THE PERSON HAS A STATE FELONY CONVICTION BASED ON POSSESSION OR USE OF MARIJUANA OR MARIJUANA CONCENTRATE THAT WOULD NOT BE A FELONY IF THE PERSON WERE CONVICTED OF THE OFFENSE ON THE DATE HE OR SHE APPLIED FOR LICENSURE;

SECTION 8. In Colorado Revised Statutes, 12-43.3-311, **amend** (1) as follows:

12-43.3-311. License renewal. (1) Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of the expiration date by first class mail at the licensee's address of record with the state licensing authority. A licensee shall apply for the renewal of an existing license to the local licensing authority not less than forty-five days and to the state licensing authority not less than thirty days prior to the date of expiration. A local licensing authority shall not accept an application for renewal of a license after the date of expiration, except as provided in subsection (2) of this section. The state licensing authority may extend the expiration date of the license and accept a late application for renewal of a license provided that the applicant has filed a timely renewal application with the local licensing authority. All renewals filed with the local licensing authority and subsequently approved by the local licensing authority shall next be processed by the state licensing authority. ~~The state or the local licensing authority, in its discretion, subject to the requirements of this subsection (1) and subsection (2) of this section and based upon reasonable grounds, may waive the forty-five-day or thirty-day time requirements set forth in this subsection (1).~~ THE STATE LICENSING AUTHORITY MAY ADMINISTRATIVELY CONTINUE THE LICENSE AND ACCEPT A LATER APPLICATION FOR RENEWAL OF A LICENSE AT THE DISCRETION OF THE STATE LICENSING AUTHORITY. The local licensing authority may hold a hearing on the application for renewal only if the licensee has had complaints filed against it, has a history of violations, or there are allegations against the licensee that would constitute good cause. The local licensing authority shall not hold a renewal hearing provided for by this subsection (1) for a medical marijuana center until it has posted a notice of hearing on the licensed medical marijuana center premises in the manner described in section 12-43.3-302 (2) for a period of ten days and provided notice to the applicant at least ten days prior to the hearing. The local licensing authority may refuse to renew any license for good cause, subject to judicial review.

SECTION 9. In Colorado Revised Statutes, 12-43.3-402, **amend** (1) as follows:

12-43.3-402. Medical marijuana center license. (1) (a) A medical marijuana center license shall be issued only to a person selling medical marijuana pursuant to the terms and conditions of this article.

(b) THE MEDICAL MARIJUANA CENTER SHALL TRACK ALL OF ITS MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS FROM THE POINT THAT THEY ARE TRANSFERRED FROM A MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITY OR MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER TO THE POINT OF SALE.

SECTION 10. In Colorado Revised Statutes, 12-43.3-403, **amend** (2); and **add** (3) as follows:

12-43.3-403. Optional premises cultivation license. (2) Optional premises cultivation licenses may be combined in a

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common area solely for the purposes of growing and cultivating medical marijuana and used to provide medical marijuana to more than one licensed medical marijuana center or licensed medical marijuana-infused product manufacturer so long as the holder of the optional premise cultivation license is also a common owner of each licensed medical marijuana center or licensed medical marijuana-infused product manufacturer to which medical marijuana is provided. In accordance with promulgated rules relating to plant and product tracking requirements, each optional premises cultivation licensee shall supply medical marijuana only to its associated licensed medical marijuana centers or licensed medical marijuana-infused product manufacturers; EXCEPT THAT AN OPTIONAL PREMISES CULTIVATION LICENSEE ASSOCIATED WITH A LICENSED MEDICAL MARIJUANA CENTER MAY TRANSPORT MEDICAL MARIJUANA DIRECTLY TO ANY OTHER LICENSED MEDICAL MARIJUANA CENTER FOR A TRANSACTION PURSUANT TO SECTION 12-43.3-402 (4) OR A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER FOR A TRANSACTION PURSUANT TO SECTION 12-43.3-404 (3) IF THERE IS A CORRESPONDING DOCUMENTED POINT-OF-SALE TRANSACTION PRIOR TO TRANSPORTING THE MEDICAL MARIJUANA FROM THE OPTIONAL PREMISES CULTIVATION PREMISES TO THE LICENSED MEDICAL MARIJUANA CENTER OR LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER.

(3) A MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITY SHALL TRACK THE MARIJUANA IT CULTIVATES FROM SEED OR IMMATURE PLANT TO WHOLESALE TRANSFER.

SECTION 11. In Colorado Revised Statutes, 12-43.3-404, amend (1); and add (11) as follows:

12-43.3-404. Medical marijuana-infused products manufacturing license - rules. (1) (a) A medical marijuana-infused products manufacturing license may be issued to a person who manufactures medical marijuana-infused products, pursuant to the terms and conditions of this article.

(b) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER MAY CULTIVATE ITS OWN MEDICAL MARIJUANA IF IT OBTAINS A MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITY LICENSE, OR IT MAY PURCHASE MEDICAL MARIJUANA FROM A LICENSED MEDICAL MARIJUANA CENTER PURSUANT TO SUBSECTION (3) OF THIS SECTION. A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER SHALL TRACK ALL OF ITS MEDICAL MARIJUANA FROM THE POINT IT IS EITHER TRANSFERRED FROM ITS MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITY OR THE POINT WHEN IT IS DELIVERED TO THE MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER FROM A LICENSED MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITY TO THE POINT OF TRANSFER TO A LICENSED MEDICAL MARIJUANA CENTER.

(11) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER SHALL NOT:

(a) ADD ANY MEDICAL MARIJUANA TO A FOOD PRODUCT WHERE THE MANUFACTURER OF THE FOOD PRODUCT HOLDS A TRADEMARK TO THE FOOD PRODUCT'S NAME; EXCEPT THAT A MANUFACTURER MAY USE A TRADEMARKED FOOD PRODUCT IF THE MANUFACTURER USES THE PRODUCT AS A COMPONENT OR AS PART OF A RECIPE AND WHERE THE MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER DOES NOT STATE OR ADVERTISE TO THE CONSUMER THAT THE FINAL MEDICAL MARIJUANA-INFUSED PRODUCT CONTAINS A TRADEMARKED FOOD PRODUCT;

(b) INTENTIONALLY OR KNOWINGLY LABEL OR PACKAGE A MEDICAL MARIJUANA-INFUSED PRODUCT IN A MANNER THAT WOULD CAUSE A REASONABLE CONSUMER CONFUSION AS TO WHETHER THE MEDICAL MARIJUANA-INFUSED PRODUCT WAS A TRADEMARKED FOOD PRODUCT; OR

(c) LABEL OR PACKAGE A MEDICAL MARIJUANA-INFUSED PRODUCT IN A MANNER THAT VIOLATES ANY FEDERAL TRADEMARK LAW OR REGULATION.

SECTION 12. In Colorado Revised Statutes, 12-43.3-601, amend (4) as follows:

12-43.3-601. Suspension - revocation - fines. (4) Upon payment of the fine pursuant to subsection (3) of this section, the state or local licensing authority shall enter its further order permanently staying the

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imposition of the suspension. If the fine is paid to a local licensing authority, the governing body of the authority shall cause the moneys to be paid into the general fund of the local licensing authority. Fines paid to the state licensing authority pursuant to subsection (3) of this section shall be transmitted to the state treasurer, who shall credit the same to the medical marijuana license cash fund created in section 12-43.3-501.

SECTION 13. In Colorado Revised Statutes, 12-43.3-602, amend (6) as follows:

12-43.3-602. Disposition of unauthorized marijuana or marijuana-infused products and related materials. (6) ~~The licensing authority shall not carry out the destruction authorized by subsection (4) of this section until it has notified the district attorney for the judicial district in which the marijuana is located to determine whether the marijuana or product constitutes evidence in a criminal proceeding such that it should not be destroyed, and until fifteen days have passed from the date of the issuance of such notice.~~ A DISTRICT ATTORNEY SHALL NOTIFY THE STATE LICENSING AUTHORITY IF HE OR SHE BEGINS INVESTIGATING A MEDICAL MARIJUANA ESTABLISHMENT. IF THE STATE LICENSING AUTHORITY HAS RECEIVED NOTIFICATION FROM A DISTRICT ATTORNEY THAT AN INVESTIGATION IS BEING CONDUCTED, THE STATE LICENSING AUTHORITY SHALL NOT DESTROY ANY MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS FROM THE MEDICAL MARIJUANA ESTABLISHMENT UNTIL THE DESTRUCTION IS APPROVED BY THE DISTRICT ATTORNEY.

SECTION 14. In Colorado Revised Statutes, 12-43.3-901, repeal (4) (1) as follows:

12-43.3-901. Unlawful acts - exceptions. (4) It is unlawful for any person licensed to sell medical marijuana pursuant to this article:

(1) ~~To sell, serve, or distribute medical marijuana at any time other than between the hours of 8 a.m. and 7 p.m. Monday through Sunday;~~

SECTION 15. In Colorado Revised Statutes, 25-1.5-106, amend (18) as follows:

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (18)

(a) This section is repealed, effective July SEPTEMBER 1, 2019.

(b) PRIOR TO THE REPEAL OF THIS SECTION, THE DEPARTMENT OF REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW AS DESCRIBED IN SECTION 24-34-104 (8), C.R.S."

Renumber succeeding section accordingly.

SENATE SERVICES REPORT

Correctly Engrossed: SB15-044, 061 and 085.

Correctly Reengrossed: SB15-004, 025, 026, 027, 028, 030 and 049.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for expressions of personal privilege.

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB15-085 by Senator(s) Martinez Humenik; also Representative(s) Winter and Buck--Concerning the expansion of the "Colorado Cottage Foods Act," and, in connection therewith, increasing the net revenue a producer can earn under the act.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	E	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Baumgardner, Cadman, Cooke, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Marble, Merrifield, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Todd, Ulibarri and Woods.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB15-061 by Senator(s) Holbert; --Concerning the nonapplicability of disclosure requirements under Colorado law governing campaign finance in the case of certain issue committees that raise relatively small amounts of money.

Laid over until Thursday, February 12, retaining its place on the calendar.

SB15-044 by Senator(s) Scott, Sonnenberg, Holbert, Cadman, Crowder, Lambert, Lundberg; also Representative(s) Thurlow--Concerning a reduction in Colorado's renewable energy standard.

Laid over until Thursday, February 5, retaining its place on the calendar.

On motion of Majority Leader Scheffel, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB15-108, SB15-143, SB15-144, SB15-145, SB15-146, SB15-148, SB15-151, SB15-153, SB15-154, SB15-155, SB15-156, SB15-157, SB15-160, SB15-162, SB15-163, SB15-164, SB15-165, SB15-168, SB15-169, SB15-170, and SB15-060 were made Special Orders - Consent Calendar at 9:51 a.m.

Senate in recess. Senate reconvened.

Committee of the Whole The hour of 9:51 a.m. having arrived, Senator Roberts moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills - Consent Calendar, and Senator Roberts was called to the chair to act as Chairman.

**SPECIAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

- SB15-108** by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Hamner, Young, Rankin--Concerning the direct appropriation of moneys for certain programs in the department of education.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-143** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of agriculture.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-144** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of corrections.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-145** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of education.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-146** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-148** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of higher education.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-151** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of labor and employment.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB15-153** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of legislature.

Ordered engrossed and placed on the calendar for third reading and final passage.

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| SB15-154 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of local affairs. | 2 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 4 |
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| SB15-155 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of military and veterans affairs. | 7 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 10 |
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| SB15-156 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of natural resources. | 12 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 14 |
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| SB15-157 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of personnel. | 16 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 18 |
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| SB15-160 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of regulatory agencies. | 20 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 22 |
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| SB15-162 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of state. | 24 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 26 |
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| SB15-163 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of transportation. | 28 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 30 |
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| SB15-164 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of the treasury. | 32 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 34 |
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| SB15-165 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning funding for capital construction, and making supplemental appropriations in connection therewith. | 36 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 38 |
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| SB15-168 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a transfer from the intellectual and developmental disabilities services cash fund to the general fund for the 2014-15 state fiscal year. | 40 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 42 |
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| SB15-169 | by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a transfer from the department of public safety's account in the state employee reserve fund to the general fund for the 2014-15 state fiscal year. | 44 |
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| | Ordered engrossed and placed on the calendar for third reading and final passage. | 46 |
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SB15-170 by Senator(s) Grantham, Lambert, Steadman; also Representative(s) Young, Hamner, Rankin--Concerning a transfer from the general fund to the capital construction fund for the 2014-15 state fiscal year.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-060 by Senator(s) Holbert; also Representative(s) Everett--Concerning the prevention of multiple voter registrations by the same elector.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 3, page(s) 147 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Roberts, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	E	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB15-108, SB15-143, SB15-144, SB15-145, SB15-146, SB15-148, SB15-151, SB15-153, SB15-154, SB15-155, SB15-156, SB15-157, SB15-160, SB15-162, SB15-163, SB15-164, SB15-165, SB15-168, SB15-169, SB15-170, SB15-060 as amended.

On motion of Majority Leader Scheffel, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB15-071, SB15-117, SB15-112, SB15-147, SB15-149, SB15-150, SB15-152, SB15-158, SB15-166, and SB15-167 were made Special Orders at 10:04 a.m.

Senate in recess. Senate reconvened.

Committee of the Whole The hour of 10:04 a.m. having arrived, Senator Roberts moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills, and Senator Roberts was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB15-117 by Senator(s) Lambert, Woods, Cooke, Cadman, Baumgardner, Crowder, Grantham, Hill, Holbert, Lundberg, Marble, Neville T., Roberts, Scheffel; also Representative(s) Joshi, Saine, Humphrey, Rankin, Klingenschmitt, Lundeen, Buck, Neville P.--Concerning prohibiting discrimination in public financing of institutions of higher education.

Laid over until Thursday, February 5, retaining its place on the calendar.

SB15-112 by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Rankin, Hamner, Young--Concerning the transfer of moneys from the general fund to the building regulation fund.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-147 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of health care policy and financing.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-149 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of human services.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-150 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the judicial department.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-152 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of law.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-158 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of public health and environment.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-166 by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Hamner, Young, Rankin--Concerning adjustments in the amount of total program funding for public schools for the 2014-15 budget year, and, in connection therewith, reducing an appropriation.

Ordered engrossed and placed on the calendar for third reading and final passage.

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- SB15-167** by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Rankin, Hamner, Young--Concerning a modification in the moneys available to certain departments for the 2014-15 fiscal year for programs that the general assembly funded in 2014 from state moneys collected in connection with the legal marijuana industry. 1
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- Amendment No. 1(J.003), by Senator Steadman, Lambert, and Grantham. 6
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- Amend printed bill, page 5, line 21, strike "(4) and (7)" and substitute "(4), (6), and (7)". 8
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- Page 6, after line 5 insert: 11
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- "(6) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the marijuana tax cash fund created in section 39-28.8-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$1,500,000, or so much thereof as may be necessary, for allocation to behavioral health services, substance use treatment and prevention, treatment and detoxification contracts, for the provision of substance use disorder treatment AND PREVENTION services for adolescents and pregnant ~~women~~. WOMEN, INCLUDING BUT NOT LIMITED TO INTENSIVE WRAP AROUND SERVICES. ANY MONEYS APPROPRIATED IN THIS SUBSECTION NOT EXPENDED PRIOR TO JULY 1, 2015, ARE FURTHER APPROPRIATED TO THE DEPARTMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, FOR THE SAME PURPOSE." 27
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- As amended, ordered engrossed and placed on the calendar for third reading and final passage. 31
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- SB15-071** by Senator(s) Jahn and Hill, Aguilar, Scott, Newell, Guzman, Holbert, Johnston, Neville T., Todd; also Representative(s) McCann and Landgraf, Ginal--Concerning the ability of a pharmacist to substitute an interchangeable biological product for a prescribed biological product when certain conditions are satisfied. 36
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- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 2, page(s) 133 and placed in members' bill files.) 41
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- Amendment No. 2(L.008), by Senator Hill. 58
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- Amend printed bill, page 4, after line 12 insert: 64
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- "(II) WITHIN A REASONABLE TIME AFTER DISPENSING A BIOLOGICAL PRODUCT, THE DISPENSING PHARMACIST OR HIS OR HER DESIGNEE SHALL COMMUNICATE TO THE PRESCRIBING PRACTITIONER THE SPECIFIC BIOLOGICAL PRODUCT DISPENSED TO THE PATIENT, INCLUDING THE NAME AND MANUFACTURER OF THE BIOLOGICAL PRODUCT. THE PHARMACIST OR DESIGNEE SHALL COMMUNICATE THE INFORMATION TO THE PRESCRIBING PRACTITIONER BY MAKING AN ENTRY INTO AN INTEROPERABLE ELECTRONIC MEDICAL RECORDS SYSTEM, THROUGH ELECTRONIC PRESCRIBING TECHNOLOGY, OR THROUGH A PHARMACY RECORD THAT THE PRESCRIBING PRACTITIONER CAN ACCESS ELECTRONICALLY. OTHERWISE, THE PHARMACIST SHALL COMMUNICATE TO THE PRESCRIBING PRACTITIONER THE NAME AND MANUFACTURER OF THE BIOLOGICAL PRODUCT DISPENSED TO THE PATIENT USING FACSIMILE, TELEPHONE, ELECTRONIC TRANSMISSION, OR OTHER PREVAILING MEANS EXCEPT WHEN:
(A) THERE IS NO FDA-APPROVED INTERCHANGEABLE BIOLOGICAL PRODUCT FOR THE PRESCRIBED BIOLOGICAL PRODUCT; OR
(B) A REFILL PRESCRIPTION IS NOT CHANGED FROM THE BIOLOGICAL PRODUCT DISPENSED ON THE PRIOR FILLING OF THE PRESCRIPTION." 68
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- Renumber succeeding subparagraphs accordingly. 78
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Amendment No. 3(L.009), by Senator Lundberg.

Amend the Hill floor amendment (SB071_L.008), page 1, line 12, after "PHARMACIST" insert "OR HIS OR HER DESIGNEE".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Roberts, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	E	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB15-112, SB15-147, SB15-149, SB15-150, SB15-152, SB15-158, SB15-166, SB15-167 as amended, SB15-071 as amended.
Laid over until Thursday, February 5: SB15-117.

MESSAGE FROM THE HOUSE

February 4, 2015

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB15-1023, 1052, 1067.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB15-1004, amended as printed in House Journal, February 3, 2015.
HB15-1034, amended as printed in House Journal, February 3, 2015.
HB15-1059, amended as printed in House Journal, February 3, 2015.
HB15-1022, amended as printed in House Journal, February 3, 2015.

The House has passed on Third Reading and returns herewith SB15-098, 035.

MESSAGE FROM THE REVISOR OF STATUTES

February 4, 2015

We herewith transmit:

Without comment, HB15-1023, 1052, and 1067.
Without comment, as amended, HB15-1004, 1022, 1034, and 1059.

TRIBUTES

Honoring:

Nasimi Aghayev -- By Senator Larry Crowder.
The Colorado Youth Corp -- By Senator John Kefalas.
Jim and Marilyn Beman -- By Senator Leroy Garcia.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Thursday, February 5, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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