

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

**PREAMENDED**

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

LLS NO. 10-0773.02 Michael Dohr

**HOUSE BILL 10-1284**

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**HOUSE SPONSORSHIP**

**Massey and Summers,** McCann, Rice

**SENATE SPONSORSHIP**

**Romer and Spence,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REGULATION OF MEDICAL MARIJUANA.**

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**Bill Summary**

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

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

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

authority for alcoholic beverages.

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

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

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

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

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

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

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

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

**Sections 4, 5, and 6** make conforming amendments.

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

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

4 **ARTICLE 43.3**

5 **Medical Marijuana**

1 PART 1

2 COLORADO MEDICAL MARIJUANA CODE

3 **12-43.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
4 MAY BE CITED AS THE "COLORADO MEDICAL MARIJUANA CODE".

5 **12-43.3-102. Legislative declaration.** (1) THE GENERAL  
6 ASSEMBLY HEREBY DECLARES THAT THIS ARTICLE SHALL BE DEEMED AN  
7 EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE PROTECTION OF  
8 THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH, PEACE, AND  
9 MORALS OF THE PEOPLE OF THIS STATE.

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

18 **12-43.3-103. Applicability.** (1) (a) AS OF JULY 1, 2011, A  
19 PERSON SHALL NOT OPEN A MEDICAL MARIJUANA CENTER UNTIL THE  
20 CENTER HAS BEEN LICENSED PURSUANT TO THIS ARTICLE.

21 (b) AS OF JULY 1, 2010, A PERSON WHO IS ALREADY OPERATING A  
22 MEDICAL MARIJUANA CENTER MAY CONTINUE TO OPERATE THAT CENTER  
23 UNTIL JULY 1, 2011. AFTER JULY 1, 2011, THE PERSON MAY CONTINUE  
24 OPERATING THE MEDICAL MARIJUANA CENTER ONLY IF THE CENTER IS  
25 LICENSED PURSUANT TO THIS ARTICLE. TO CONTINUE OPERATING THE  
26 MEDICAL MARIJUANA CENTER THAT WAS OPERATING PRIOR TO JULY 1,  
27 2011, THE OWNER OF THE CENTER SHALL, ON OR BEFORE SEPTEMBER 1,

1 2010, COMPLETE A FORM PROVIDED BY THE DEPARTMENT OF REVENUE  
2 AND MUST PAY A FEE, WHICH SHALL BE CREDITED TO THE MEDICAL  
3 MARIJUANA LICENSE CASH FUND ESTABLISHED PURSUANT TO SECTION  
4 12-43.3-501. THE PURPOSE OF THE FEE SHALL BE TO PAY FOR THE DIRECT  
5 AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY, AND  
6 DEVELOPMENT OF APPLICATION PROCEDURES AND RULES NECESSARY TO  
7 IMPLEMENT THIS ARTICLE. PAYMENT OF THE FEE AND COMPLETION OF THE  
8 FORM SHALL NOT CREATE A LOCAL OR STATE MEDICAL MARIJUANA CENTER  
9 LICENSE OR A PRESENT OR FUTURE ENTITLEMENT TO RECEIVE A LICENSE.  
10 COMMENCING ON JULY 1, 2011, ALL MEDICAL MARIJUANA CENTERS SHALL  
11 BE SUBJECT TO THE TERMS AND CONDITIONS OF THIS ARTICLE AND ANY  
12 RULES PROMULGATED PURSUANT TO THIS ARTICLE.

13 (2) PRIOR TO JULY 1, 2011, A COUNTY, CITY AND COUNTY, OR  
14 MUNICIPALITY MAY ADOPT AND ENFORCE A RESOLUTION OR ORDINANCE  
15 LICENSING, REGULATING OR PROHIBITING THE CULTIVATION OR SALE OF  
16 MEDICAL MARIJUANA. IN A COUNTY, CITY AND COUNTY, OR  
17 MUNICIPALITY WHERE SUCH AN ORDINANCE OR RESOLUTION HAS BEEN  
18 ADOPTED, A PERSON WHO IS NOT REGISTERED AS A PATIENT OR PRIMARY  
19 CAREGIVER PURSUANT TO SECTION 25-1.5-106, C.R.S., AND WHO IS  
20 CULTIVATING OR SELLING MEDICAL MARIJUANA SHALL NOT BE ENTITLED  
21 TO AN AFFIRMATIVE DEFENSE TO A CRIMINAL PROSECUTION AS PROVIDED  
22 FOR IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION  
23 UNLESS THE PERSON IS IN COMPLIANCE WITH THE APPLICABLE COUNTY OR  
24 MUNICIPAL LAW.

25 **12-43.3-104. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "GOOD CAUSE", FOR PURPOSES OF REFUSING OR DENYING A

1 LICENSE RENEWAL, REINSTATEMENT, OR INITIAL LICENSE ISSUANCE,  
2 MEANS:

3 (a) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET,  
4 OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR  
5 PROVISIONS OF THIS ARTICLE OR ANY RULES PROMULGATED PURSUANT TO  
6 THIS ARTICLE;

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

10 (c) THE LICENSED PREMISES HAVE BEEN OPERATED IN A MANNER  
11 THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR WELFARE OR THE  
12 SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE  
13 ESTABLISHMENT IS LOCATED.

14 (2) "LICENSE" MEANS TO GRANT A LICENSE OR REGISTRATION  
15 PURSUANT TO THIS ARTICLE.

16 (3) "LICENSED PREMISES" MEANS THE PREMISES SPECIFIED IN AN  
17 APPLICATION FOR A LICENSE UNDER THIS ARTICLE, WHICH ARE OWNED OR  
18 IN POSSESSION OF THE LICENSEE AND WITHIN WHICH THE LICENSEE IS  
19 AUTHORIZED TO CULTIVATE, MANUFACTURE, DISTRIBUTE, OR SELL  
20 MEDICAL MARIJUANA IN ACCORDANCE WITH THE PROVISIONS OF THIS  
21 ARTICLE.

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

24 (5) "LOCAL LICENSING AUTHORITY" MEANS AN AUTHORITY  
25 DESIGNATED BY MUNICIPAL OR COUNTY CHARTER, MUNICIPAL ORDINANCE,  
26 OR COUNTY RESOLUTION.

27 (6) "LOCATION" MEANS A PARTICULAR PARCEL OF LAND THAT MAY

1 BE IDENTIFIED BY AN ADDRESS OR OTHER DESCRIPTIVE MEANS.

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

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

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

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

22 (11) "OPTIONAL PREMISES" MEANS THE PREMISES SPECIFIED IN AN  
23 APPLICATION FOR A MEDICAL MARIJUANA CENTER LICENSE WITH RELATED  
24 GROWING FACILITIES IN COLORADO FOR WHICH THE LICENSEE IS  
25 AUTHORIZED TO GROW AND CULTIVATE MARIJUANA FOR A PURPOSE  
26 AUTHORIZED BY SECTION 14 OF ARTICLE XVIII OF THE STATE  
27 CONSTITUTION.

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

4 (13) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,  
5 ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, OR  
6 ORGANIZATION, OR A MANAGER, AGENT, OWNER, DIRECTOR, SERVANT,  
7 OFFICER, OR EMPLOYEE THEREOF.

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

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

13 (16) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY  
14 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE  
15 LICENSING OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE  
16 OF MEDICAL MARIJUANA IN THIS STATE, PURSUANT TO SECTION  
17 12-43.3-201.

18 **12-43.3-105. Limited access areas.** NOTWITHSTANDING THE  
19 PROVISIONS OF 12-43.3-701, A LIMITED ACCESS AREA SHALL BE A  
20 BUILDING, ROOM, OR OTHER CONTIGUOUS AREA UPON THE LICENSED  
21 PREMISES WHERE MEDICAL MARIJUANA IS GROWN, CULTIVATED, STORED,  
22 WEIGHED, DISPLAYED, PACKAGED, SOLD, OR POSSESSED FOR SALE, UNDER  
23 CONTROL OF THE LICENSEE, WITH LIMITED ACCESS TO ONLY THOSE  
24 PERSONS LICENSED BY THE STATE LICENSING AUTHORITY. ALL AREAS OF  
25 INGRESS OR EGRESS TO LIMITED ACCESS AREAS SHALL BE CLEARLY  
26 IDENTIFIED AS SUCH BY A SIGN AS DESIGNATED BY THE STATE LICENSING  
27 AUTHORITY.

1 PART 2

2 STATE LICENSING AUTHORITY

3 **12-43.3-201. State licensing authority - creation.** (1) FOR THE

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

10 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE

11 SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE STATE LICENSING  
12 AUTHORITY AND MAY EMPLOY, PURSUANT TO SECTION 13 OF ARTICLE XII  
13 OF THE STATE CONSTITUTION, SUCH OFFICERS AND EMPLOYEES AS MAY BE  
14 DETERMINED TO BE NECESSARY, WHICH OFFICERS AND EMPLOYEES SHALL  
15 BE PART OF THE DEPARTMENT OF REVENUE.

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

17 (1) THE STATE LICENSING AUTHORITY SHALL:

18 (a) GRANT OR REFUSE STATE LICENSES FOR THE CULTIVATION,

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



1 (b) PROMULGATE SUCH RULES AND SUCH SPECIAL RULINGS AND  
2 FINDINGS AS NECESSARY FOR THE PROPER REGULATION AND CONTROL OF  
3 THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL  
4 MARIJUANA AND FOR THE ENFORCEMENT OF THIS ARTICLE. A COUNTY,  
5 MUNICIPALITY, OR CITY AND COUNTY THAT HAS ADOPTED A TEMPORARY  
6 MORATORIUM REGARDING THE SUBJECT MATTER OF THIS ARTICLE SHALL  
7 BE SPECIFICALLY AUTHORIZED TO EXTEND THE MORATORIUM UNTIL THE  
8 EFFECTIVE DATE OF THE RULES ADOPTED BY THE DEPARTMENT OF  
9 REVENUE IN ACCORDANCE WITH THIS ARTICLE;

10 (c) HEAR AND DETERMINE AT PUBLIC HEARING ANY APPEALS OF A  
11 STATE LICENSE DENIAL AND ANY COMPLAINTS AGAINST A LICENSEE AND  
12 ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF  
13 PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND RECORDS  
14 NECESSARY TO THE DETERMINATION OF ANY HEARING SO HELD, ALL IN  
15 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.;

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

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

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

1 ASSIGNED BY LAW OR DIRECTIVE TO THE STATE LICENSING AUTHORITY;  
2 AND

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

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

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

17 (II) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF  
18 THE STATE LICENSING AUTHORITY;

19 (III) INSTRUCTIONS FOR LOCAL LICENSING AUTHORITIES AND LAW  
20 ENFORCEMENT OFFICERS;

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

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

26 (VI) PROHIBITION OF MISREPRESENTATION AND UNFAIR  
27 PRACTICES;

1 (VII) CONTROL OF INFORMATIONAL AND PRODUCT DISPLAYS ON  
2 LICENSED PREMISES;

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

9 (IX) IDENTIFICATION OF STATE LICENSEES AND THEIR OWNERS,  
10 OFFICERS, MANAGERS, AND EMPLOYEES;

11 (X) SECURITY REQUIREMENTS FOR MEDICAL MARIJUANA CENTERS  
12 AND OPTIONAL PREMISES CULTIVATION OPERATIONS, INCLUDING, AT A  
13 MINIMUM, LIGHTING, PHYSICAL SECURITY, VIDEO, ALARM REQUIREMENTS,  
14 AND OTHER MINIMUM PROCEDURES FOR INTERNAL CONTROL AS DEEMED  
15 NECESSARY BY THE STATE LICENSING AUTHORITY TO PROPERLY  
16 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE, INCLUDING  
17 REPORTING REQUIREMENTS FOR CHANGES, ALTERATIONS, OR  
18 MODIFICATIONS TO THE PREMISES;

19 (XI) REGULATION OF THE STORAGE OF, WAREHOUSES FOR, AND  
20 TRANSPORTATION OF MEDICAL MARIJUANA;

21 (XII) SANITARY REQUIREMENTS FOR MEDICAL MARIJUANA  
22 CENTERS, INCLUDING BUT NOT LIMITED TO SANITARY REQUIREMENTS FOR  
23 THE PREPARATION OF MEDICAL MARIJUANA-INFUSED PRODUCTS;

24 (XIII) THE SPECIFICATION OF ACCEPTABLE FORMS OF PICTURE  
25 IDENTIFICATION THAT A MEDICAL MARIJUANA CENTER MAY ACCEPT WHEN  
26 VERIFYING A SALE;

27 (XIV) LABELING STANDARDS;

1 (XV) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED  
2 AVAILABILITY OF THE RECORDS;

3 (XVI) STATE LICENSING PROCEDURES, INCLUDING PROCEDURES  
4 FOR RENEWALS, REINSTATEMENTS, INITIAL LICENSES, AND THE PAYMENT  
5 OF LICENSING FEES;

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

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

11 (XIX) THE SIZE, DIMENSIONS, AND ACCEPTABLE COLORS FOR A  
12 MEDICAL MARIJUANA CENTER SIGN;

13 (XX) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO  
14 ISSUE ADMINISTRATIVE CITATIONS AND PROCEDURES FOR ISSUING,  
15 APPEALING AND CREATING A CITATION VIOLATION LIST AND SCHEDULE OF  
16 PENALTIES;

17 (XXI) DAYS AND HOURS OF OPERATION; AND

18 (XXII) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,  
19 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS  
20 ARTICLE.

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

24 (c) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT A  
25 LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL  
26 ACTIVITY IN RELATION TO A MEDICAL MARIJUANA CENTER, OPTIONAL  
27 PREMISES CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED

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

6 PART 3

7 STATE AND LOCAL LICENSING

8 **12-43.3-301. Local licensing authority - applications - licenses.**

9 (1) A LOCAL LICENSING AUTHORITY MAY ISSUE ONLY THE FOLLOWING  
10 MEDICAL MARIJUANA LICENSES UPON PAYMENT OF THE FEE AND  
11 COMPLIANCE WITH ALL LOCAL LICENSING REQUIREMENTS TO BE  
12 DETERMINED BY THE LOCAL LICENSING AUTHORITY:

13 (a) A MEDICAL MARIJUANA CENTER LICENSE;

14 (b) AN OPTIONAL PREMISES CULTIVATION LICENSE;

15 (c) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
16 LICENSE.

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

26 (b) IN ADDITION TO ALL OTHER STANDARDS APPLICABLE TO THE  
27 ISSUANCE OF LICENSES UNDER THIS ARTICLE, THE LOCAL GOVERNING BODY

1 MAY ADOPT ADDITIONAL STANDARDS FOR THE ISSUANCE OF MEDICAL  
2 MARIJUANA CENTER, OPTIONAL PREMISES CULTIVATION, OR MEDICAL  
3 MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSES THAT MAY  
4 INCLUDE, BUT NEED NOT BE LIMITED TO:

5 (I) DISTANCE RESTRICTIONS BETWEEN PREMISES FOR WHICH LOCAL  
6 LICENSES ARE ISSUED;

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

9 (III) ANY OTHER REQUIREMENTS NECESSARY TO ENSURE THE  
10 CONTROL OF THE PREMISES AND THE EASE OF ENFORCEMENT OF THE  
11 TERMS AND CONDITIONS OF THE LICENSE.

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

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

1 APPLICATION.

2 **12-43.3-302. Public hearing notice - posting and publication.**

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

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

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

26 (4) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD  
27 IS IN EXISTENCE AT THE TIME OF THE APPLICATION, A SIGN POSTED AS

1 REQUIRED IN SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE PLACED  
2 SO AS TO BE CONSPICUOUS AND PLAINLY VISIBLE TO THE GENERAL PUBLIC.  
3 IF THE BUILDING IS NOT CONSTRUCTED AT THE TIME OF THE APPLICATION,  
4 THE APPLICANT SHALL POST A SIGN AT THE PREMISES UPON WHICH THE  
5 BUILDING IS TO BE CONSTRUCTED IN SUCH A MANNER THAT THE NOTICE  
6 SHALL BE CONSPICUOUS AND PLAINLY VISIBLE TO THE GENERAL PUBLIC.

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

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

25 (c) ALL APPLICATIONS SUBMITTED FOR CONCURRENT REVIEW  
26 SHALL BE ACCOMPANIED BY ALL APPLICABLE STATE LICENSE AND  
27 APPLICATION FEES. ANY APPLICATIONS THAT ARE LATER DENIED OR



1 WITHDRAWN MAY ALLOW FOR A REFUND OF LICENSE FEES ONLY. ALL  
2 APPLICATION FEES PROVIDED BY AN APPLICANT SHALL BE RETAINED BY  
3 THE RESPECTIVE LICENSING AUTHORITY.

4 **12-43.3-303. Results of investigation - decision of authorities.**

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

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

23 (3) WITHIN THIRTY DAYS AFTER THE PUBLIC HEARING OR  
24 COMPLETION OF THE APPLICATION INVESTIGATION, A LOCAL LICENSING  
25 AUTHORITY SHALL ISSUE ITS DECISION APPROVING OR DENYING AN  
26 APPLICATION FOR LOCAL LICENSURE. THE DECISION SHALL BE IN WRITING  
27 AND SHALL STATE THE REASONS FOR THE DECISION. THE LOCAL LICENSING

1 AUTHORITY SHALL SEND A COPY OF THE DECISION BY CERTIFIED MAIL TO  
2 THE APPLICANT AT THE ADDRESS SHOWN IN THE APPLICATION.

3 (4) AFTER APPROVAL OF AN APPLICATION, A LOCAL LICENSING  
4 AUTHORITY SHALL NOT ISSUE A LOCAL LICENSE UNTIL THE BUILDING IN  
5 WHICH THE BUSINESS TO BE CONDUCTED IS READY FOR OCCUPANCY WITH  
6 SUCH FURNITURE, FIXTURES, AND EQUIPMENT IN PLACE AS ARE NECESSARY  
7 TO COMPLY WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE, AND THEN  
8 ONLY AFTER THE LOCAL LICENSING AUTHORITY HAS INSPECTED THE  
9 PREMISES TO DETERMINE THAT THE APPLICANT HAS COMPLIED WITH THE  
10 ARCHITECT'S DRAWING AND THE PLOT PLAN AND DETAILED SKETCH FOR  
11 THE INTERIOR OF THE BUILDING SUBMITTED WITH THE APPLICATION.

12 (5) AFTER APPROVAL OF AN APPLICATION FOR LOCAL LICENSURE,  
13 THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE STATE LICENSING  
14 AUTHORITY OF SUCH APPROVAL, WHO SHALL INVESTIGATE AND EITHER  
15 APPROVE OR DISAPPROVE THE APPLICATION FOR STATE LICENSURE.

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

26 (2) A CORPORATE SURETY SHALL NOT BE REQUIRED TO MAKE  
27 PAYMENTS TO THE STATE CLAIMING UNDER SUCH BOND UNTIL A FINAL

1 DETERMINATION OF FAILURE TO PAY TAXES DUE TO THE STATE HAS BEEN  
2 MADE BY THE STATE LICENSING AUTHORITY OR A COURT OF COMPETENT  
3 JURISDICTION.

4 (3) ALL BONDS REQUIRED PURSUANT TO THIS SECTION SHALL BE  
5 RENEWED AT SUCH TIME AS THE BONDHOLDER'S LICENSE IS RENEWED.  
6 THE RENEWAL MAY BE ACCOMPLISHED THROUGH A CONTINUATION  
7 CERTIFICATE ISSUED BY THE SURETY.

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

21 (2) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A STATE  
22 LICENSE PURSUANT TO THIS SECTION UNTIL THE LOCAL LICENSING  
23 AUTHORITY HAS APPROVED THE APPLICATION FOR A LOCAL LICENSE AND  
24 ISSUED A LOCAL LICENSE AS PROVIDED FOR IN SECTIONS 12-43.3-301 TO  
25 12-43.3-303.

26 (3) NOTHING IN THIS ARTICLE SHALL PREEMPT OR OTHERWISE  
27 IMPAIR THE POWER OF A LOCAL GOVERNMENT TO ENACT ORDINANCES OR

1 RESOLUTIONS CONCERNING MATTERS AUTHORIZED TO LOCAL  
2 GOVERNMENTS.

3 **12-43.3-306. Denial of application.** (1) THE STATE LICENSING  
4 AUTHORITY SHALL DENY A STATE LICENSE IF THE PREMISES ON WHICH THE  
5 APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DO NOT MEET THE  
6 REQUIREMENTS OF THIS ARTICLE OR FOR REASONS SET FORTH IN SECTIONS  
7 12-43.3-104 (1) OR 12-43.3-305.

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

15 **12-43.3-307. Persons prohibited as licensees.** (1) (a) A LICENSE  
16 PROVIDED BY THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY:

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

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

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

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

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

- 1 (VI) A PERSON UNDER TWENTY-ONE YEARS OF AGE;
- 2 (VII) A PERSON LICENSED PURSUANT TO THIS ARTICLE WHO,  
3 DURING A PERIOD OF LICENSURE, FAILS TO:
- 4 (A) PROVIDE A SURETY BOND OR FAILS TO FILE ANY TAX RETURN  
5 WITH A TAXING AGENCY;
- 6 (B) PAY ANY TAXES, INTEREST, OR PENALTIES DUE;
- 7 (C) PAY ANY JUDGMENTS DUE TO A GOVERNMENT AGENCY;
- 8 (D) REPAY GOVERNMENT-INSURED STUDENT LOANS; OR
- 9 (E) PAY CHILD SUPPORT;
- 10 (IX) A PERSON WHO HAS DISCHARGED A SENTENCE IN THE FIVE  
11 YEARS IMMEDIATELY PRECEDING THE APPLICATION DATE FOR A  
12 CONVICTION OF A FELONY OR A MISDEMEANOR PURSUANT TO ANY STATE  
13 OR FEDERAL LAW REGULATING THE POSSESSION, DISTRIBUTION, OR USE OF  
14 MARIJUANA OR OF ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION  
15 18-18-102 (5), C.R.S.;
- 16 (X) A PERSON WHO EMPLOYEES ANOTHER PERSON AT A MEDICAL  
17 MARIJUANA FACILITY WHO HAS NOT PASSED A CRIMINAL HISTORY RECORD  
18 CHECK;
- 19 (XI) A SHERIFF, DEPUTY SHERIFF, POLICE OFFICER, OR  
20 PROSECUTING OFFICER, OR AN OFFICER OR EMPLOYEE OF THE STATE  
21 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY;
- 22 (XII) A PERSON WHOSE AUTHORITY TO BE A CAREGIVER HAS BEEN  
23 REVOKED BY THE STATE HEALTH AGENCY AS DEFINED IN SECTION  
24 25-1.5-106 (2); OR
- 25 (XIII) A PERSON WHO HAS A LICENSE FOR A PROPERTY AS A RETAIL  
26 FOOD ESTABLISHMENT OR A WHOLESALE FOOD REGISTRANT SHALL NOT  
27 OBTAIN A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES, OR INFUSED

1 PRODUCTS MANUFACTURERS LICENSE FOR THE SAME PROPERTY OR  
2 PREMISES.

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

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

22 (c) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OR  
23 RENEWAL OF A STATE MEDICAL MARIJUANA CENTER LICENSE, MEDICAL  
24 MARIJUANA-INFUSED PRODUCT MANUFACTURER LICENSE, OR OPTIONAL  
25 PREMISES CULTIVATION LICENSE, AN APPLICANT SHALL SUBMIT A SET OF  
26 HIS OR HER FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION  
27 CONCERNING THE APPLICANT'S QUALIFICATIONS FOR A STATE LICENSE ON

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

20 **12-43.3-308. Restrictions for applications for new licenses.**

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

24 (a) IF THE APPLICATION FOR A STATE OR LOCAL LICENSE CONCERNS  
25 A PARTICULAR LOCATION THAT IS THE SAME AS OR WITHIN ONE THOUSAND  
26 FEET OF A LOCATION FOR WHICH, WITHIN THE TWO YEARS IMMEDIATELY  
27 PRECEDING THE DATE OF THE APPLICATION, THE STATE OR A LOCAL

1 LICENSING AUTHORITY DENIED AN APPLICATION FOR THE SAME CLASS OF  
2 LICENSE DUE TO A USE OR OTHER LOCAL CONCERN;

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

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

12 (d) (I) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE  
13 SOLD IS LOCATED WITHIN ONE THOUSAND FEET OF A SCHOOL, OR THE  
14 PRINCIPAL CAMPUS OF A COLLEGE, UNIVERSITY, OR SEMINARY. THE  
15 PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE RENEWAL OR  
16 RE-ISSUANCE OF A LICENSE ONCE GRANTED OR APPLY TO LICENSED  
17 PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A  
18 MUNICIPALITY, NOR SHALL THE PROVISIONS OF THIS SECTION APPLY TO AN  
19 EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE, OR APPLY  
20 TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID  
21 PRINCIPAL CAMPUS WAS CONSTRUCTED. THE LOCAL LICENSING  
22 AUTHORITY OF A CITY AND COUNTY, BY RULE OR REGULATION, THE  
23 GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, AND THE  
24 GOVERNING BODY OF A COUNTY, BY RESOLUTION, MAY VARY THE  
25 DISTANCE RESTRICTIONS IMPOSED BY THIS SUBPARAGRAPH (I) FOR A  
26 LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR  
27 CAMPUSES FROM THE APPLICATION OF A DISTANCE RESTRICTION



1 ESTABLISHED BY OR PURSUANT TO THIS SUBPARAGRAPH (I).

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

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

13 **12-43.3-309. Transfer of ownership.** (1) A STATE OR LOCAL  
14 LICENSE GRANTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE  
15 TRANSFERABLE EXCEPT AS PROVIDED IN THIS SECTION, BUT THIS SECTION  
16 SHALL NOT PREVENT A CHANGE OF LOCATION AS PROVIDED IN SECTION  
17 12-43.3-310 (13).

18 (2) FOR A TRANSFER OF OWNERSHIP, A LICENSE HOLDER SHALL  
19 APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES ON FORMS  
20 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY. IN  
21 DETERMINING WHETHER TO PERMIT A TRANSFER OF OWNERSHIP, THE  
22 STATE AND LOCAL LICENSING AUTHORITIES SHALL CONSIDER ONLY THE  
23 REQUIREMENTS OF THIS ARTICLE, ANY RULES PROMULGATED BY THE  
24 STATE LICENSING AUTHORITY, AND ANY OTHER LOCAL RESTRICTIONS. THE  
25 LOCAL LICENSING AUTHORITY MAY HOLD A HEARING ON THE APPLICATION  
26 FOR TRANSFER OF OWNERSHIP. THE LOCAL LICENSING AUTHORITY SHALL  
27 NOT HOLD A HEARING PURSUANT TO THIS SUBSECTION (2) UNTIL THE

1 LOCAL LICENSING AUTHORITY HAS POSTED A NOTICE OF HEARING IN THE  
2 MANNER DESCRIBED IN SECTION 12-43.3-302 (2) ON THE LICENSED  
3 PREMISES FOR A PERIOD OF TEN DAYS AND HAS PROVIDED NOTICE OF THE  
4 HEARING TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE HEARING.  
5 ANY TRANSFER OF OWNERSHIP HEARING BY THE STATE LICENSING  
6 AUTHORITY SHALL BE HELD IN COMPLIANCE WITH THE REQUIREMENTS  
7 SPECIFIED IN SECTION 12-43.3-302.

8 **12-43.3-310. Licensing in general.** (1) THIS ARTICLE  
9 AUTHORIZES A COUNTY, MUNICIPALITY, OR CITY AND COUNTY TO PROHIBIT  
10 THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES  
11 CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS  
12 MANUFACTURERS' LICENSES AND TO ENACT REASONABLE REGULATIONS OR  
13 OTHER RESTRICTIONS APPLICABLE TO MEDICAL MARIJUANA CENTERS,  
14 OPTIONAL PREMISES CULTIVATION LICENSES, AND MEDICAL  
15 MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES BASED ON  
16 LOCAL GOVERNMENT ZONING, HEALTH, SAFETY, AND PUBLIC WELFARE  
17 LAWS FOR THE DISTRIBUTION OF MEDICAL MARIJUANA THAT ARE MORE  
18 RESTRICTIVE THAN THIS ARTICLE.

19 (2) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
20 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS  
21 MANUFACTURER MAY NOT OPERATE UNTIL IT HAS BEEN LICENSED BY THE  
22 LOCAL LICENSING AUTHORITY AND THE STATE LICENSING AUTHORITY  
23 PURSUANT TO THIS ARTICLE. IN CONNECTION WITH A LICENSE, THE  
24 APPLICANT SHALL PROVIDE A COMPLETE AND ACCURATE LIST OF ALL  
25 OWNERS, OFFICERS, AND EMPLOYEES WHO WORK AT, MANAGE, OWN, OR  
26 ARE OTHERWISE ASSOCIATED WITH THE OPERATION AND SHALL PROVIDE  
27 A COMPLETE AND ACCURATE APPLICATION AS REQUIRED BY THE STATE

1 LICENSING AUTHORITY.

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

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

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

27 (6) ALL OPERATORS OF A MEDICAL MARIJUANA CENTER, OPTIONAL

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

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

23 (8) (a) EACH LICENSE ISSUED UNDER THIS ARTICLE IS SEPARATE  
24 AND DISTINCT. IT IS UNLAWFUL FOR A PERSON TO EXERCISE ANY OF THE  
25 PRIVILEGES GRANTED UNDER A LICENSE OTHER THAN THE LICENSE THAT  
26 THE PERSON HOLDS OR FOR A LICENSEE TO ALLOW ANY OTHER PERSON TO  
27 EXERCISE THE PRIVILEGES GRANTED UNDER THE LICENSEE'S LICENSE. A

1 SEPARATE LICENSE SHALL BE REQUIRED FOR EACH SPECIFIC BUSINESS OR  
2 BUSINESS ENTITY AND EACH GEOGRAPHICAL LOCATION.

3 (b) AT ALL TIMES, A LICENSEE SHALL POSSESS AND MAINTAIN  
4 POSSESSION OF THE PREMISES OR OPTIONAL PREMISES FOR WHICH THE  
5 LICENSE IS ISSUED BY OWNERSHIP, LEASE, RENTAL, OR OTHER  
6 ARRANGEMENT FOR POSSESSION OF THE PREMISES.

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

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

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

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

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

17 (b) IN PERMITTING A CHANGE OF LOCATION, THE STATE AND LOCAL  
18 LICENSING AUTHORITIES SHALL CONSIDER ALL REASONABLE RESTRICTIONS  
19 THAT ARE OR MAY BE PLACED UPON THE NEW LOCATION BY THE  
20 GOVERNING BOARD OR LOCAL LICENSING AUTHORITY OF THE  
21 MUNICIPALITY, CITY AND COUNTY, OR COUNTY AND ANY SUCH CHANGE IN  
22 LOCATION SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THIS  
23 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE.

24 **12-43.3-311. License renewal.** (1) NINETY DAYS PRIOR TO THE  
25 EXPIRATION DATE OF AN EXISTING LICENSE, THE STATE LICENSING  
26 AUTHORITY SHALL NOTIFY THE LICENSEE OF THE EXPIRATION DATE BY  
27 FIRST CLASS MAIL AT THE LICENSEE'S ADDRESS OF RECORD WITH THE

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

1 HEARING. THE LOCAL LICENSING AUTHORITY MAY REFUSE TO RENEW ANY  
2 LICENSE FOR GOOD CAUSE, SUBJECT TO JUDICIAL REVIEW.

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

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

22 (c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE  
23 APPLICATION FEE IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE  
24 LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY  
25 REDUCE THE AMOUNT OF THE FEE IF NECESSARY PURSUANT TO SECTION  
26 24-75-402 (3), C.R.S., BY REDUCING THE UNCOMMITTED RESERVES OF THE  
27 FUND TO WHICH ALL OR ANY PORTION OF THE FEE IS CREDITED. AFTER THE



1 UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE  
2 STATE LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY  
3 LAW MAY INCREASE THE AMOUNT OF THE FEE AS PROVIDED IN SECTION  
4 24-75-402 (4), C.R.S.

5 **12-43.3-312. Inactive licenses.** THE STATE OR LOCAL LICENSING  
6 AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW  
7 ANY LICENSE IF IT DETERMINES THAT THE LICENSED PREMISES HAVE BEEN  
8 INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR.

9 **12-43.3-313. Unlawful financial assistance.** (1) THE STATE  
10 LICENSING AUTHORITY, BY RULE AND REGULATION, SHALL REQUIRE A  
11 COMPLETE DISCLOSURE OF ALL PERSONS HAVING A DIRECT OR INDIRECT  
12 FINANCIAL INTEREST, AND THE EXTENT OF SUCH INTEREST, IN EACH  
13 LICENSE ISSUED UNDER THIS ARTICLE.

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

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

27 **PART 4**



1 ARTICLE.

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

6 (I) THAT THE PRODUCT CONTAINS MEDICAL MARIJUANA;

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

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

11 (b) A LICENSED MEDICAL MARIJUANA CENTER MAY PERMIT THE  
12 CONSUMPTION OF EDIBLE MEDICAL MARIJUANA-INFUSED PRODUCTS ON ITS  
13 PREMISES AS LONG AS THE CONSUMPTION TAKES PLACE IN AN AREA  
14 SEPARATE FROM WHERE MEDICAL MARIJUANA IS SOLD ON THE PREMISES.

15 (c) A MEDICAL MARIJUANA LICENSEE MAY CONTRACT WITH  
16 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE FOR  
17 THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS UPON A  
18 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE'S  
19 LICENSED PREMISES.

20 (3) EVERY PERSON SELLING MEDICAL MARIJUANA AS PROVIDED  
21 FOR IN THIS ARTICLE SHALL SELL ONLY MEDICAL MARIJUANA GROWN IN ITS  
22 MEDICAL MARIJUANA OPTIONAL PREMISES LICENSED PURSUANT TO THIS  
23 ARTICLE.

24 (4) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (3) OF  
25 THIS SECTION, A MEDICAL MARIJUANA LICENSEE MAY PURCHASE NOT  
26 MORE THAN THIRTY PERCENT OF ITS TOTAL ON-HAND INVENTORY OF  
27 MEDICAL MARIJUANA FROM ANOTHER LICENSED MEDICAL MARIJUANA

1 CENTER IN COLORADO. A MEDICAL MARIJUANA CENTER MAY SELL NO  
2 MORE THAN THIRTY PERCENT OF ITS TOTAL ON-HAND INVENTORY TO  
3 ANOTHER COLORADO LICENSED MEDICAL MARIJUANA LICENSEE.

4 (5) PRIOR TO CONCLUDING A SALE, THE EMPLOYEE OF THE  
5 MEDICAL MARIJUANA CENTER MAKING THE SALE SHALL VERIFY THAT THE  
6 PURCHASER HAS A VALID REGISTRATION CARD ISSUED PURSUANT TO  
7 SECTION 25-1.5-105, C.R.S., AND A VALID PICTURE IDENTIFICATION CARD  
8 THAT MATCHES THE NAME ON THE REGISTRATION CARD.

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

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

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

26 (2) MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL BE PREPARED  
27 ON A LICENSED PREMISES THAT IS USED EXCLUSIVELY FOR THE

1 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED  
2 PRODUCTS AND USING EQUIPMENT THAT IS USED EXCLUSIVELY FOR THE  
3 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED  
4 PRODUCTS.

5 (3) A MEDICAL MARIJUANA-INFUSED PRODUCTS LICENSEE SHALL  
6 HAVE A WRITTEN AGREEMENT OR CONTRACT WITH A MEDICAL MARIJUANA  
7 CENTER LICENSEE, WHICH CONTRACT SHALL AT A MINIMUM SET FORTH THE  
8 TOTAL AMOUNT OF MEDICAL MARIJUANA OBTAINED FROM A MEDICAL  
9 MARIJUANA CENTER LICENSEE TO BE USED IN THE MANUFACTURING  
10 PROCESS, AND THE TOTAL AMOUNT OF MEDICAL MARIJUANA-INFUSED  
11 PRODUCTS TO BE EXCLUSIVELY MANUFACTURED FROM THE MEDICAL  
12 MARIJUANA OBTAINED FROM THE MEDICAL MARIJUANA CENTER. THE  
13 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE MAY  
14 SELL ITS PRODUCTS TO ANY LICENSED MEDICAL MARIJUANA CENTER.

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

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

23 (6) MEDICAL MARIJUANA-INFUSED PRODUCTS MAY NOT BE  
24 UNSEALED OR CONSUMED ON A PREMISES LICENSED PURSUANT TO THIS  
25 ARTICLE.

26 (7) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW,  
27 SALES OF MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL NOT BE EXEMPT

1 FROM STATE OR LOCAL SALES TAX.

2 PART 5

3 FEES

4 **12-43.3-501. Medical marijuana license cash fund.** ALL  
5 MONEYS COLLECTED BY THE STATE LICENSING AUTHORITY PURSUANT TO  
6 THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO  
7 SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA LICENSE CASH  
8 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS  
9 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO  
10 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
11 DEPARTMENT OF REVENUE FOR THE DIRECT AND INDIRECT COSTS  
12 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS IN THE  
13 FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE  
14 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST  
15 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS  
16 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND  
17 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A  
18 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR  
19 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

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

1 MORE OF THE FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

2 (3) (a) THE STATE LICENSING AUTHORITY SHALL ESTABLISH FEES

3 FOR PROCESSING THE FOLLOWING TYPES OF APPLICATIONS, LICENSES,

4 NOTICES, OR REPORTS REQUIRED TO BE SUBMITTED TO THE STATE

5 LICENSING AUTHORITY:

6 (I) APPLICATIONS FOR LICENSES LISTED IN SECTION 12-43.3-401

7 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

8 (II) APPLICATIONS TO CHANGE LOCATION PURSUANT TO SECTION

9 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

10 (III) APPLICATIONS FOR TRANSFER OF OWNERSHIP PURSUANT TO

11 SECTION 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT

12 SECTION;

13 (IV) LICENSE RENEWAL AND EXPIRED LICENSE RENEWAL

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

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

16 (b) THE AMOUNTS OF SUCH FEES, WHEN ADDED TO THE OTHER FEES

17 TRANSFERRED TO THE FUND PURSUANT TO THIS SECTION SHALL REFLECT

18 THE DIRECT AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY IN

19 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE.

20 (c) THE STATE LICENSING AUTHORITY MAY CHARGE APPLICANTS

21 LICENSED UNDER THIS ARTICLE A FEE FOR THE COST OF EACH FINGERPRINT

22 ANALYSIS AND BACKGROUND INVESTIGATION UNDERTAKEN TO QUALIFY

23 NEW OFFICERS, DIRECTORS, MANAGERS, OR EMPLOYEES.

24 (d) AT LEAST ANNUALLY, THE STATE LICENSING AUTHORITY SHALL

25 REVIEW THE AMOUNTS OF THE FEES AND, IF NECESSARY, ADJUST THE

26 AMOUNTS TO REFLECT THE DIRECT AND INDIRECT COSTS OF THE STATE

27 LICENSING AUTHORITY.

1 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE  
2 STATE LICENSING AUTHORITY SHALL ESTABLISH A BASIC FEE THAT SHALL  
3 BE PAID AT THE TIME OF SERVICE OF ANY SUBPOENA UPON THE STATE  
4 LICENSING AUTHORITY, PLUS A FEE FOR MEALS AND A FEE FOR MILEAGE AT  
5 THE RATE PRESCRIBED FOR STATE OFFICERS AND EMPLOYEES IN SECTION  
6 24-9-104, C.R.S., FOR EACH MILE ACTUALLY AND NECESSARILY TRAVELED  
7 IN GOING TO AND RETURNING FROM THE PLACE NAMED IN THE SUBPOENA.  
8 IF THE PERSON NAMED IN THE SUBPOENA IS REQUIRED TO ATTEND THE  
9 PLACE NAMED IN THE SUBPOENA FOR MORE THAN ONE DAY, THERE SHALL  
10 BE PAID, IN ADVANCE, A SUM TO BE ESTABLISHED BY THE STATE LICENSING  
11 AUTHORITY FOR EACH DAY OF ATTENDANCE TO COVER THE EXPENSES OF  
12 THE PERSON NAMED IN THE SUBPOENA.

13 (4) THE SUBPOENA FEE ESTABLISHED PURSUANT TO SUBSECTION  
14 (3) OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY FEDERAL, STATE  
15 OR LOCAL GOVERNMENTAL AGENCY.

16 **12-43.3-502. Fees - allocation.** (1) EXCEPT AS OTHERWISE  
17 PROVIDED, ALL FEES AND FINES PROVIDED FOR BY THIS ARTICLE SHALL BE  
18 PAID TO THE DEPARTMENT OF REVENUE, WHICH SHALL TRANSMIT THE FEES  
19 TO THE STATE TREASURER. THE STATE TREASURER SHALL CREDIT THE  
20 FEES AND TAXES TO THE MEDICAL MARIJUANA LICENSE CASH FUND  
21 CREATED IN SECTION 12-43.3-501.

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

25 **12-43.3-503. Local license fees.** (1) EACH APPLICATION FOR A  
26 LOCAL LICENSE PROVIDED FOR IN THIS ARTICLE FILED WITH A LOCAL  
27 LICENSING AUTHORITY SHALL BE ACCOMPANIED BY AN APPLICATION FEE



1 IN AN AMOUNT DETERMINED BY THE LOCAL LICENSING AUTHORITY.

2 (2) LICENSE FEES AS DETERMINED BY THE LOCAL LICENSING  
3 AUTHORITY SHALL BE PAID TO THE TREASURER OF THE MUNICIPALITY,  
4 CITY AND COUNTY, OR COUNTY WHERE THE LICENSED PREMISES IS  
5 LOCATED IN ADVANCE OF THE APPROVAL, DENIAL, OR RENEWAL OF THE  
6 LICENSE.

7 PART 6

8 DISCIPLINARY ACTIONS

9 **12-43.3-601. Suspension - revocation - fines.** (1) IN ADDITION  
10 TO ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE OR RULES  
11 PROMULGATED PURSUANT TO THIS ARTICLE, THE STATE LICENSING  
12 AUTHORITY OR A LOCAL LICENSING AUTHORITY HAS THE POWER, ON ITS  
13 OWN MOTION OR ON COMPLAINT, AFTER INVESTIGATION AND OPPORTUNITY  
14 FOR A PUBLIC HEARING AT WHICH THE LICENSEE SHALL BE AFFORDED AN  
15 OPPORTUNITY TO BE HEARD, TO SUSPEND OR REVOKE A LICENSE ISSUED BY  
16 THE RESPECTIVE AUTHORITY FOR A VIOLATION BY THE LICENSEE OR BY  
17 ANY OF THE AGENTS OR EMPLOYEES OF THE LICENSEE OF THE PROVISIONS  
18 OF THIS ARTICLE, OR ANY OF THE RULES PROMULGATED PURSUANT TO THIS  
19 ARTICLE, OR OF ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THE  
20 LICENSE ISSUED BY THE STATE OR LOCAL LICENSING AUTHORITY. THE  
21 STATE LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY HAS THE  
22 POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE  
23 PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND  
24 RECORDS NECESSARY TO THE DETERMINATION OF A HEARING THAT THE  
25 STATE OR LOCAL LICENSING AUTHORITY IS AUTHORIZED TO CONDUCT.

26 (2) THE STATE OR LOCAL LICENSING AUTHORITY SHALL PROVIDE  
27 NOTICE OF SUSPENSION, REVOCATION, FINE, OR OTHER SANCTION, AS WELL

1 AS THE REQUIRED NOTICE OF THE HEARING PURSUANT TO SUBSECTION (1)  
2 OF THIS SECTION, BY MAILING THE SAME IN WRITING TO THE LICENSEE AT  
3 THE ADDRESS CONTAINED IN THE LICENSE. A SUSPENSION SHALL NOT BE  
4 FOR A LONGER PERIOD THAN SIX MONTHS. IF A LICENSE IS SUSPENDED OR  
5 REVOKED, A PART OF THE FEES PAID THEREFORE SHALL NOT BE RETURNED  
6 TO THE LICENSEE. ANY LICENSE OR PERMIT MAY BE SUMMARILY  
7 SUSPENDED BY THE ISSUING LICENSING AUTHORITY WITHOUT NOTICE  
8 PENDING ANY PROSECUTION, INVESTIGATION, OR PUBLIC HEARING  
9 PURSUANT TO THE TERMS OF SECTION 24-4-104 (4), C.R.S. NOTHING IN  
10 THIS SECTION SHALL PREVENT THE SUMMARY SUSPENSION OF A LICENSE  
11 PURSUANT TO SECTION 24-4-104 (4), C.R.S. EACH PATIENT REGISTERED  
12 WITH A MEDICAL MARIJUANA CENTER THAT HAS HAD ITS LICENSE  
13 SUMMARILY SUSPENDED MAY IMMEDIATELY TRANSFER HIS OR HER  
14 PRIMARY CENTER TO ANOTHER LICENSED MEDICAL MARIJUANA CENTER.

15 (3) (a) WHENEVER A DECISION OF THE STATE LICENSING  
16 AUTHORITY OR A LOCAL LICENSING AUTHORITY SUSPENDING A LICENSE  
17 FOR FOURTEEN DAYS OR LESS BECOMES FINAL, THE LICENSEE MAY, BEFORE  
18 THE OPERATIVE DATE OF THE SUSPENSION, PETITION FOR PERMISSION TO  
19 PAY A FINE IN LIEU OF HAVING THE LICENSE SUSPENDED FOR ALL OR PART  
20 OF THE SUSPENSION PERIOD. UPON THE RECEIPT OF THE PETITION, THE  
21 STATE OR LOCAL LICENSING AUTHORITY MAY, IN ITS SOLE DISCRETION,  
22 STAY THE PROPOSED SUSPENSION AND CAUSE ANY INVESTIGATION TO BE  
23 MADE WHICH IT DEEMS DESIRABLE AND MAY, IN ITS SOLE DISCRETION,  
24 GRANT THE PETITION IF THE STATE OR LOCAL LICENSING AUTHORITY IS  
25 SATISFIED THAT:

26 (I) THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED  
27 BY PERMITTING THE LICENSEE TO OPERATE DURING THE PERIOD SET FOR

1 SUSPENSION AND THAT THE PAYMENT OF THE FINE WILL ACHIEVE THE  
2 DESIRED DISCIPLINARY PURPOSES;

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

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

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

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

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

1 (5) IN CONNECTION WITH A PETITION PURSUANT TO SUBSECTION (3)  
2 OF THIS SECTION, THE AUTHORITY OF THE STATE OR LOCAL LICENSING  
3 AUTHORITY IS LIMITED TO THE GRANTING OF SUCH STAYS AS ARE  
4 NECESSARY FOR THE AUTHORITY TO COMPLETE ITS INVESTIGATION AND  
5 MAKE ITS FINDINGS AND, IF THE AUTHORITY MAKES SUCH FINDINGS, TO  
6 THE GRANTING OF AN ORDER PERMANENTLY STAYING THE IMPOSITION OF  
7 THE ENTIRE SUSPENSION OR THAT PORTION OF THE SUSPENSION NOT  
8 OTHERWISE CONDITIONALLY STAYED.

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

14 (7) EACH LOCAL LICENSING AUTHORITY SHALL REPORT ALL  
15 ACTIONS TAKEN TO IMPOSE FINES, SUSPENSIONS, AND REVOCATIONS TO  
16 THE STATE LICENSING AUTHORITY IN A MANNER REQUIRED BY THE STATE  
17 LICENSING AUTHORITY. NO LATER THAN JANUARY 15 OF EACH YEAR, THE  
18 STATE LICENSING AUTHORITY SHALL COMPILE A REPORT OF THE  
19 PRECEDING YEAR'S ACTIONS IN WHICH FINES, SUSPENSIONS, OR  
20 REVOCATIONS WERE IMPOSED BY LOCAL LICENSING AUTHORITIES AND BY  
21 THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY  
22 SHALL FILE ONE COPY OF THE REPORT WITH THE CHIEF CLERK OF THE  
23 HOUSE OF REPRESENTATIVES, ONE COPY WITH THE SECRETARY OF THE  
24 SENATE, AND SIX COPIES IN THE JOINT LEGISLATIVE LIBRARY.

25 PART 7

26 INSPECTION OF BOOKS AND RECORDS

27 **12-43.3-701. Inspection procedures.** (1) EACH LICENSEE SHALL

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

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 (3) EACH LICENSEE SHALL RETAIN ALL BOOKS AND RECORDS  
27 NECESSARY TO SHOW FULLY THE BUSINESS TRANSACTIONS OF THE

1 LICENSEE FOR A PERIOD OF THE CURRENT TAX YEAR AND THE THREE  
2 IMMEDIATELY PRIOR TAX YEARS.

3 PART 8

4 JUDICIAL REVIEW

5 **12-43.3-801. Judicial review.** DECISIONS BY THE STATE  
6 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY SHALL BE  
7 SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

8 PART 9

9 UNLAWFUL ACTS - ENFORCEMENT

10 **12-43.3-901. Unlawful acts - exceptions.** (1) EXCEPT AS  
11 OTHERWISE PROVIDED IN THIS ARTICLE, IT IS UNLAWFUL FOR A PERSON:

12 (a) TO CONSUME MEDICAL MARIJUANA IN A LICENSED MEDICAL  
13 MARIJUANA CENTER, AND IT SHALL BE UNLAWFUL FOR A MEDICAL  
14 MARIJUANA LICENSEE TO ALLOW MEDICAL MARIJUANA TO BE CONSUMED  
15 UPON ITS LICENSED PREMISES; EXCEPT THAT EDIBLE MEDICAL  
16 MARIJUANA-INFUSED PRODUCTS MAY BE CONSUMED ON THE PREMISES  
17 PURSUANT TO SECTION 12-43.3-402 (2) (b); OR

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

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

24 (3) IT IS UNLAWFUL FOR A PERSON LICENSED PURSUANT TO THIS  
25 ARTICLE:

26 (a) TO BE WITHIN A LIMITED-ACCESS AREA UNLESS THE PERSON'S  
27 LICENSE BADGE IS DISPLAYED AS REQUIRED BY THIS ARTICLE, EXCEPT AS

1 PROVIDED IN SECTION 12-43.3-701;

2 (b) TO FAIL TO DESIGNATE AREAS OF INGRESS AND EGRESS FOR

3 LIMITED-ACCESS AREAS AND POST SIGNS IN CONSPICUOUS LOCATIONS AS

4 REQUIRED BY THIS ARTICLE;

5 (c) TO FAIL TO REPORT A TRANSFER REQUIRED BY SECTION

6 12-43.3-310 (11); OR

7 (d) TO FAIL TO REPORT THE NAME OF OR A CHANGE IN MANAGERS

8 AS REQUIRED BY SECTION 12-43.3-310 (12).

9 (4) IT IS UNLAWFUL FOR ANY PERSON LICENSED TO SELL MEDICAL

10 MARIJUANA PURSUANT TO THIS ARTICLE:

11 (a) TO DISPLAY ANY SIGNS THAT ARE INCONSISTENT WITH STATE

12 OR LOCAL LAWS OR REGULATIONS;

13 (b) TO USE ADVERTISING MATERIAL THAT IS MISLEADING,

14 DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO MINORS;

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

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

17 EXCEPT THAT EDIBLE MEDICAL MARIJUANA-INFUSED PRODUCTS MAY BE

18 CONSUMED ON THE PREMISES PURSUANT TO SECTION 12-43.3-402 (2) (b);

19 (d) (I) TO SELL MEDICAL MARIJUANA TO A PERSON NOT LICENSED

20 PURSUANT TO THIS ARTICLE OR TO A PERSON NOT ABLE TO PRODUCE A

21 VALID PATIENT REGISTRY IDENTIFICATION CARD. NOTWITHSTANDING ANY

22 PROVISION IN THIS SUBPARAGRAPH (I) TO THE CONTRARY, A PERSON

23 UNDER TWENTY-ONE YEARS OF AGE SHALL NOT BE EMPLOYED TO SELL OR

24 DISPENSE MEDICAL MARIJUANA AT A MEDICAL MARIJUANA CENTER OR

25 GROW OR CULTIVATE MEDICAL MARIJUANA AT AN OPTIONAL PREMISES

26 CULTIVATION OPERATION.

27 (II) IF A LICENSEE OR A LICENSEE'S EMPLOYEE HAS REASONABLE

1 CAUSE TO BELIEVE THAT A PERSON IS EXHIBITING A FRAUDULENT PATIENT  
2 REGISTRY IDENTIFICATION CARD IN AN ATTEMPT TO OBTAIN MEDICAL  
3 MARIJUANA, THE LICENSEE OR EMPLOYEE SHALL BE AUTHORIZED TO  
4 CONFISCATE THE FRAUDULENT PATIENT REGISTRY IDENTIFICATION CARD,  
5 IF POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE  
6 CONFISCATION, TURN IT OVER TO THE STATE HEALTH DEPARTMENT OR  
7 LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO CONFISCATE THE  
8 FRAUDULENT PATIENT REGISTRY IDENTIFICATION CARD OR TO TURN IT  
9 OVER TO THE STATE HEALTH DEPARTMENT OR A STATE OR LOCAL LAW  
10 ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS AFTER THE  
11 CONFISCATION SHALL NOT CONSTITUTE A CRIMINAL OFFENSE.

12 (e) TO POSSESS MORE THAN SIX MEDICAL MARIJUANA PLANTS AND  
13 TWO OUNCES OF MEDICAL MARIJUANA FOR EACH PATIENT WHO HAS  
14 REGISTERED THE CENTER AS HIS OR HER PRIMARY CENTER PURSUANT TO  
15 SECTION 25-1.5-106 (6) (f), C.R.S.; EXCEPT THAT A MEDICAL MARIJUANA  
16 CENTER MAY HAVE AN AMOUNT THAT EXCEEDS THE SIX-PLANT AND  
17 TWO-OUNCE PRODUCT PER PATIENT LIMIT IF THE CENTER SELLS TO  
18 PATIENTS THAT ARE AUTHORIZED TO HAVE MORE THAN SIX PLANTS AND  
19 TWO OUNCES OF PRODUCT. IN THE CASE OF A PATIENT AUTHORIZED TO  
20 EXCEED THE SIX-PLANT AND TWO-OUNCE LIMIT, THE CENTER SHALL  
21 OBTAIN DOCUMENTATION FROM THE PATIENT'S PHYSICIAN THAT THE  
22 PATIENT NEEDS MORE THAN SIX PLANTS AND TWO OUNCES OF PRODUCT.

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

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



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

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

5 (j) TO HAVE ON THE LICENSED PREMISES ANY MEDICAL MARIJUANA  
6 OR MARIJUANA PARAPHERNALIA THAT SHOWS EVIDENCE OF THE MEDICAL  
7 MARIJUANA HAVING BEEN CONSUMED OR PARTIALLY CONSUMED; OR

8 (k) TO REQUIRE A MEDICAL MARIJUANA CENTER OR MEDICAL  
9 MARIJUANA CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE  
10 TO MAKE DELIVERY TO ANY PREMISES OTHER THAN THE SPECIFIC LICENSED  
11 PREMISES WHERE THE MEDICAL MARIJUANA IS TO BE SOLD.

12 (5) EXCEPT FOR AS PROVIDED IN SECTIONS 12-43.3-402 (4),  
13 12-43.3-403, AND 12-43.3-404, IT IS UNLAWFUL FOR A MEDICAL  
14 MARIJUANA CENTER OR MEDICAL MARIJUANA CENTER WITH AN OPTIONAL  
15 PREMISES CULTIVATION LICENSE TO SELL, DELIVER, OR CAUSE TO BE  
16 DELIVERED TO A LICENSEE ANY MEDICAL MARIJUANA NOT GROWN UPON  
17 ITS LICENSED PREMISES, OR FOR A LICENSEE OR MEDICAL MARIJUANA  
18 CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE TO SELL,  
19 POSSESS, OR PERMIT SALE OF MEDICAL MARIJUANA NOT GROWN UPON ITS  
20 LICENSED PREMISES. A VIOLATION OF THE PROVISIONS OF THIS  
21 SUBSECTION (5) BY A LICENSEE SHALL BE GROUNDS FOR THE IMMEDIATE  
22 REVOCATION OF THE LICENSE GRANTED UNDER THIS ARTICLE.

23 (6) IT SHALL BE UNLAWFUL FOR A PHYSICIAN WHO MAKES PATIENT  
24 REFERRALS TO A LICENSED MEDICAL MARIJUANA CENTER TO RECEIVE  
25 ANYTHING OF VALUE FROM THE MEDICAL MARIJUANA CENTER LICENSEE  
26 OR ITS AGENTS, SERVANTS, OFFICERS, OR OWNERS OR ANYONE  
27 FINANCIALLY INTERESTED IN THE LICENSEE, AND IT SHALL BE UNLAWFUL

1 FOR A LICENSEE LICENSED PURSUANT TO THIS ARTICLE TO OFFER  
2 ANYTHING OF VALUE TO A MEDICAL DOCTOR FOR MAKING PATIENT  
3 REFERRALS TO THE LICENSED MEDICAL MARIJUANA CENTER.

4 (7) A PERSON WHO COMMITS ANY OF THE UNLAWFUL ACTS IN THIS  
5 SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS  
6 PROVIDED IN SECTION 18-1.3-501, C.R.S.

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

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

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

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 (b) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS  
25 NECESSARY TO IMPLEMENT RULES TO PREVENT PERSONS WHO DO NOT  
26 SUFFER FROM LEGITIMATE DEBILITATING MEDICAL CONDITIONS FROM  
27 USING SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION AS A

1 MEANS TO SELL, ACQUIRE, POSSESS, PRODUCE, USE, OR TRANSPORT  
2 MARIJUANA IN VIOLATION OF STATE AND FEDERAL LAWS.

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

10 (†) (3) **Rule-making.** THE STATE HEALTH AGENCY MAY  
11 PROMULGATE RULES REGARDING THE FOLLOWING:

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

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

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

1 AND

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

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

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

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

21 (c) ONLY A MEDICAL MARIJUANA CENTER WITH AN OPTIONAL  
22 PREMISES CULTIVATION LICENSE OR A PRIMARY CAREGIVER FOR HIS OR  
23 HER PATIENTS OR A PATIENT FOR HIMSELF OR HERSELF MAY CULTIVATE OR  
24 PROVIDE MARIJUANA AND ONLY FOR MEDICAL USE.

25 (d) A PRIMARY CAREGIVER SHALL PROVIDE TO A LAW  
26 ENFORCEMENT AGENCY, UPON INQUIRY, THE REGISTRY IDENTIFICATION  
27 CARD NUMBER OF EACH OF HIS OR HER PATIENTS. THE STATE HEALTH

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

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

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

1 (c) A PATIENT WHO HAS DESIGNATED A PRIMARY CAREGIVER FOR  
2 HIMSELF OR HERSELF MAY NOT BE DESIGNATED AS A PRIMARY CAREGIVER  
3 FOR ANOTHER PATIENT.

4 (d) A PRIMARY CAREGIVER MAY NOT CHARGE A PATIENT MORE  
5 THAN THE COST OF CULTIVATING OR PURCHASING THE MEDICAL  
6 MARIJUANA, BUT MAY CHARGE FOR CAREGIVER SERVICES.

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

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

16 (III) AN INDIVIDUAL WHO IS NOT REGISTERED BUT IS WILLING TO  
17 PROVIDE PRIMARY CAREGIVING SERVICES MAY SUBMIT HIS OR HER  
18 CONTACT INFORMATION TO BE PLACED ON THE PRIMARY CAREGIVER  
19 REGISTRY.

20 (IV) A PATIENT-PRIMARY CAREGIVER ARRANGEMENT SECURED  
21 PURSUANT TO THIS PARAGRAPH (e) SHALL BE STRICTLY BETWEEN THE  
22 PATIENT AND THE POTENTIAL PRIMARY CAREGIVER. THE STATE HEALTH  
23 AGENCY, BY PROVIDING THE INFORMATION REQUIRED BY THIS PARAGRAPH  
24 (e), SHALL NOT ENDORSE OR VOUCH FOR A PRIMARY CAREGIVER. TO PASS  
25 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE  
26 PRIMARY CAREGIVER SHALL NOT HAVE BEEN CONVICTED OF A FELONY  
27 PURSUANT TO PART 4 OF ARTICLE 18 OF TITLE 18, C.R.S., WITHIN THE FIVE

1 YEARS PRECEDING THE CRIMINAL HISTORY RECORD CHECK.

2 (V) THE STATE HEALTH AGENCY MAY MAKE AN EXCEPTION, BASED  
3 ON A REQUEST FROM A PATIENT, TO PARAGRAPH (a) OF THIS SUBSECTION  
4 (6) LIMITING PRIMARY CAREGIVERS TO FIVE PATIENTS. IF THE STATE  
5 HEALTH AGENCY MAKES AN EXCEPTION TO THE LIMIT, THE STATE HEALTH  
6 AGENCY SHALL NOTE THE EXCEPTION ON THE PRIMARY CAREGIVER'S  
7 RECORD IN THE REGISTRY.

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

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

1 CARD, A COPY OF THE PATIENT'S OR PRIMARY CAREGIVER'S APPLICATION  
2 ALONG WITH PROOF OF THE DATE OF SUBMISSION SHALL BE IN THE  
3 PATIENT'S OR PRIMARY CAREGIVER'S POSSESSION AT ALL TIMES THAT HE  
4 OR SHE IS IN POSSESSION OF ANY FORM OF MEDICAL MARIJUANA UNTIL THE  
5 STATE HEALTH AGENCY ISSUES OR DENIES THE REGISTRY IDENTIFICATION  
6 CARD. A PERSON WHO VIOLATES SECTION 14 OF ARTICLE XVIII OF THE  
7 STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE  
8 STATE HEALTH AGENCY MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR  
9 VIOLATIONS OF SECTION 18-18-406, C.R.S.

10 (b) THE STATE HEALTH AGENCY MAY DENY A PATIENT'S OR  
11 PRIMARY CAREGIVER'S APPLICATION FOR A REGISTRY IDENTIFICATION  
12 CARD OR REVOKE THE CARD IF THE STATE HEALTH AGENCY, IN  
13 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., DETERMINES THAT THE  
14 PHYSICIAN WHO DIAGNOSED THE PATIENT'S DEBILITATING MEDICAL  
15 CONDITION, THE PATIENT, OR THE PRIMARY CAREGIVER VIOLATED SECTION  
16 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, OR THE  
17 RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS  
18 SECTION; EXCEPT THAT A PATIENT'S APPLICATION OR REGISTRY  
19 IDENTIFICATION CARD MAY ONLY BE DENIED OR REVOKED BASED ON A  
20 PHYSICIAN'S VIOLATION THAT IS RELATED TO THE ISSUANCE OF A MEDICAL  
21 MARIJUANA RECOMMENDATION.

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



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

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

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

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

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

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

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

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

19 (A) IN A CORRECTIONAL FACILITY OR A COMMUNITY CORRECTIONS  
20 FACILITY;

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

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

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 (VII) USE MEDICAL MARIJUANA IF THE PERSON DOES NOT HAVE A  
27 DEBILITATING MEDICAL CONDITION AS DIAGNOSED BY THE PERSON'S

1     PHYSICIAN IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT  
2     RELATIONSHIP AND FOR WHICH THE PHYSICIAN HAS RECOMMENDED THE  
3     USE OF MEDICAL MARIJUANA.

4             (c) A PERSON SHALL NOT ESTABLISH A BUSINESS TO PERMIT  
5     PATIENTS TO CONGREGATE AND SMOKE OR OTHERWISE CONSUME MEDICAL  
6     MARIJUANA.

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

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

1 PROVIDE RECORDS PERTAINING TO THE INDIVIDUAL RAISING THE  
2 EXCEPTION, AND SHALL REDACT ALL OTHER PATIENT, PRIMARY  
3 CAREGIVER, OR PHYSICIAN IDENTIFYING INFORMATION.

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

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

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

1 medical marijuana program shall be transferred to the state treasurer who  
2 shall credit the same to the medical marijuana program cash fund, which  
3 fund is hereby created.

4 ~~(3)~~ (13) **Cash fund.** (a) The medical marijuana program cash  
5 fund shall be subject to annual appropriation by the general assembly to  
6 the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,  
7 operating, and maintaining the medical marijuana program. ~~established~~  
8 ~~by section 14 of article XVIII of the state constitution.~~ All moneys  
9 credited to the medical marijuana program cash fund and all interest  
10 derived from the deposit of such moneys that are not expended during the  
11 fiscal year shall be retained in the fund for future use and shall not be  
12 credited or transferred to the general fund or any other fund.

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

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

20 **25-5-403. Offenses.** (3) THE PROVISIONS OF THIS SECTION SHALL  
21 NOT APPLY TO A MEDICAL MARIJUANA CENTER OR A  
22 MEDICAL-MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSED  
23 PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., THAT MANUFACTURES OR  
24 SELLS A FOOD PRODUCT THAT CONTAINS MEDICAL MARIJUANA SO LONG AS  
25 THE FOOD PRODUCT IS LABELED AS CONTAINING MEDICAL MARIJUANA AND  
26 THE LABEL SPECIFIES THAT THE PRODUCT IS MANUFACTURED WITHOUT  
27 ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY, AND

1 THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE CONSUMPTION  
2 OR USE OF THE PRODUCT.

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

5 **16-2.5-121. Executive director of the department of revenue**  
6 **- senior director of enforcement for the department of revenue.** The  
7 executive director and the senior director of enforcement of the  
8 department of revenue are peace officers while engaged in the  
9 performance of their duties whose authority includes the enforcement of  
10 laws and rules regarding automobile dealers pursuant to section 12-6-105  
11 (1) (d) (II), C.R.S., the lottery pursuant to sections 24-35-205 (3) and  
12 24-35-206 (7), C.R.S., MEDICAL MARIJUANA PURSUANT TO ARTICLE 43.3  
13 OF TITLE 12, C.R.S., limited gaming pursuant to section 12-47.1-204,  
14 C.R.S., liquor pursuant to section 12-47-904 (1), C.R.S., and racing  
15 events pursuant to section 12-60-203 (1), C.R.S., and the enforcement of  
16 all laws of the state of Colorado and who may be certified by the P.O.S.T.  
17 board.

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

21 **16-2.5-124.5. Medical marijuana enforcement investigator.** A  
22 MEDICAL MARIJUANA ENFORCEMENT INVESTIGATOR IS A PEACE OFFICER  
23 WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES AND WHILE  
24 ACTING UNDER PROPER ORDERS OR RULES PURSUANT TO ARTICLE 43.3 OF  
25 TITLE 12, C.R.S., AND SHALL ALSO INCLUDE THE ENFORCEMENT OF ALL  
26 LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE  
27 P.O.S.T. BOARD.

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

3           **24-75-402. Cash funds - limit on uncommitted reserves -**  
4 **reduction in amount of fees - exclusions.** (5) Notwithstanding any  
5 provision of this section to the contrary, the following cash funds are  
6 excluded from the limitations specified in this section:

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

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

11           **39-26-102. Definitions.** As used in this article, unless the context  
12 otherwise requires:

13           (5.8) "MEDICAL MARIJUANA" SHALL HAVE THE SAME MEANING AS  
14 SET FORTH IN SECTION 12-43.3-104 (6), C.R.S.

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

17           **39-26-123. Receipts - disposition - transfers of general fund**  
18 **surplus - sales and use tax holding fund - creation - definitions -**  
19 **repeal.** (1) As used in this section, unless the context otherwise requires:

20           (a.5) "SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF  
21 MEDICAL MARIJUANA" MEANS THE NET REVENUE RAISED FROM THE STATE  
22 SALES AND USE TAXES IMPOSED PURSUANT TO THIS ARTICLE ON THE SALES  
23 OR USE OF MEDICAL MARIJUANA.

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

26           **39-26-123. Receipts - disposition - transfers of general fund**  
27 **surplus - sales and use tax holding fund - creation - definitions -**

1 **repeal.** (6) (a) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER  
2 JULY 1, 2010, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
3 THE FIRST TWO MILLION DOLLARS OF SALES AND USE TAXES  
4 ATTRIBUTABLE TO SALES OR USE OF MEDICAL MARIJUANA OR EQUALLY  
5 APPROPRIATE THE SALES AND USE TAXES ATTRIBUTABLE TO SALES AND  
6 USE OF MEDICAL MARIJUANA IF TWO MILLION DOLLARS IS NOT GENERATED.

7 (b) (I) ONE HALF OF THE MONEYS DESCRIBED IN PARAGRAPH (a) OF  
8 THIS SUBSECTION (6) SHALL BE APPROPRIATED TO THE DEPARTMENT OF  
9 HUMAN SERVICES TO BE USED TO PROVIDE SERVICES FOR ADULTS WITH  
10 CO-OCCURRING MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS WHO  
11 ARE INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM. THE APPROPRIATION  
12 SHALL BE INCLUDED IN THE LINE ITEM OF THE ANNUAL GENERAL  
13 APPROPRIATION BILL FOR INDIGENT MENTALLY ILL CLIENTS UNDER  
14 MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE SERVICES, MENTAL  
15 HEALTH COMMUNITY PROGRAMS, AND THE AMOUNT APPROPRIATED TO THE  
16 DEPARTMENT FOR SUCH USE SHALL BE SPECIFIED IN A FOOTNOTE. ANY  
17 MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION (6) SHALL BE IN  
18 ADDITION TO ANY OTHER APPROPRIATION REQUIRED BY LAW.

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

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

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

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

4 **SECTION 11. Specified effective date.** (1) Except as otherwise  
5 provided in subsection (2) of this section, this act shall take effect July 1,  
6 2011.

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

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

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.