

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

HOUSE SPONSORSHIP

Massey and Summers, McCann, Rice

SENATE SPONSORSHIP

Romer and Spence,

House Committees

Judiciary
Appropriations

Senate Committees

Local Government and Energy
Appropriations

A BILL FOR AN ACT

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

Bill Summary

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

Section 1. The bill creates the medical marijuana licensing authority (state licensing authority) in the department of revenue. The state licensing authority grants, refuses, or renews a medical marijuana center license after the licensee has received local approval. The state licensing authority also administers aspects of medical marijuana

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

HOUSE
3rd Reading Unamended
April 22, 2010

HOUSE
Amended 2nd Reading
April 20, 2010

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

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

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

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

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

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

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

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

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

Sections 4, 5, and 6 make conforming amendments.

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

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

4 **ARTICLE 43.3**

1 **Medical Marijuana**

2 **PART 1**

3 **COLORADO MEDICAL MARIJUANA CODE**

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

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

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

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

22 (b) ON JULY 1, 2010, A PERSON WHO IS ALREADY OPERATING A
23 LOCALLY LICENSED BUSINESS FOR THE PURPOSE OF CULTIVATION,
24 MANUFACTURE, OR SALE OF MEDICAL MARIJUANA OR MEDICAL
25 MARIJUANA-INFUSED PRODUCTS OR HAS APPLIED FOR A LICENSE THAT IS
26 SUBSEQUENTLY GRANTED MAY OPERATE OR CONTINUE TO OPERATE THAT
27 BUSINESS UNTIL JULY 1, 2011, IN ACCORDANCE WITH ANY APPLICABLE

1 STATE OR LOCAL LAWS. HOWEVER, APPLICATIONS FOR NEW LOCAL
2 LICENSES SHALL NOT BE ACCEPTED AFTER JUNE 30, 2010. AFTER JULY 1,
3 2011, THE PERSON MAY CONTINUE OPERATING THE BUSINESS ONLY IF THE
4 IT IS LICENSED PURSUANT TO THIS ARTICLE. TO CONTINUE OPERATING A
5 BUSINESS THAT WAS OPERATING PRIOR TO JULY 1, 2010, THE OWNER ___
6 SHALL, ON OR BEFORE SEPTEMBER 1, 2010, COMPLETE A FORM PROVIDED
7 BY THE DEPARTMENT OF REVENUE AND SHALL PAY A FEE, WHICH SHALL BE
8 CREDITED TO THE MEDICAL MARIJUANA LICENSE CASH FUND ESTABLISHED
9 PURSUANT TO SECTION 12-43.3-501. THE PURPOSE OF THE FEE SHALL BE
10 TO PAY FOR THE DIRECT AND INDIRECT COSTS OF THE STATE LICENSING
11 AUTHORITY, AND DEVELOPMENT OF APPLICATION PROCEDURES AND RULES
12 NECESSARY TO IMPLEMENT THIS ARTICLE. PAYMENT OF THE FEE AND
13 COMPLETION OF THE FORM SHALL NOT CREATE A LOCAL OR STATE ___
14 LICENSE OR A PRESENT OR FUTURE ENTITLEMENT TO RECEIVE A LICENSE.
15 COMMENCING ON JULY 1, 2011, ALL BUSINESSES FOR THE PURPOSE OF
16 CULTIVATION, MANUFACTURE, OR SALE OF MEDICAL MARIJUANA OR
17 MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL BE SUBJECT TO THE
18 TERMS AND CONDITIONS OF THIS ARTICLE AND ANY RULES PROMULGATED
19 PURSUANT TO THIS ARTICLE.

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

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

5 **12-43.3-104. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

22 (2) "LICENSE" MEANS TO GRANT A LICENSE OR REGISTRATION
23 PURSUANT TO THIS ARTICLE.

24 (3) "LICENSED PREMISES" MEANS THE PREMISES SPECIFIED IN AN
25 APPLICATION FOR A LICENSE UNDER THIS ARTICLE, WHICH ARE OWNED OR
26 IN POSSESSION OF THE LICENSEE AND WITHIN WHICH THE LICENSEE IS
27 AUTHORIZED TO CULTIVATE, MANUFACTURE, DISTRIBUTE, OR SELL

1 MEDICAL MARIJUANA IN ACCORDANCE WITH THE PROVISIONS OF THIS
2 ARTICLE.

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

5 (5) "LOCAL LICENSING AUTHORITY" MEANS AN AUTHORITY
6 DESIGNATED BY MUNICIPAL OR COUNTY CHARTER, MUNICIPAL ORDINANCE,
7 OR COUNTY RESOLUTION.

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

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

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

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

27 (10) "MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER"

1 MEANS A PERSON LICENSED PURSUANT TO THIS ARTICLE TO OPERATE A
2 BUSINESS AS DESCRIBED IN SECTION 12-43.3-404.

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

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

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

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

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

21 (16) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY
22 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE
23 LICENSING OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE
24 OF MEDICAL MARIJUANA IN THIS STATE, PURSUANT TO SECTION
25 12-43.3-201.

26 **12-43.3-105. Limited access areas.** NOTWITHSTANDING THE
27 PROVISIONS OF 12-43.3-701, A LIMITED ACCESS AREA SHALL BE A

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

9 **12-43.3-106. Local option.** THE OPERATION OF THIS ARTICLE
10 SHALL BE STATEWIDE UNLESS A MUNICIPALITY, COUNTY, CITY, OR CITY
11 AND COUNTY, BY EITHER A MAJORITY OF THE REGISTERED ELECTORS OF
12 THE MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY VOTING AT A
13 REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH
14 THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF
15 TITLE 31, C.R.S., OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES
16 1 TO 13 OF TITLE 1, C.R.S., AS APPLICABLE, OR A MAJORITY OF THE
17 MEMBERS OF THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY,
18 CITY, OR CITY AND COUNTY, VOTE TO PROHIBIT THE OPERATION OF
19 MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION
20 OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS
21 MANUFACTURERS' LICENSES.

22 PART 2

23 STATE LICENSING AUTHORITY

24 **12-43.3-201. State licensing authority - creation.** (1) FOR THE
25 PURPOSE OF REGULATING AND CONTROLLING THE LICENSING OF THE
26 CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL
27 MARIJUANA IN THIS STATE, THERE IS HEREBY CREATED THE STATE

1 LICENSING AUTHORITY, WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE
2 DEPARTMENT OF REVENUE OR THE DEPUTY DIRECTOR OF THE DEPARTMENT
3 OF REVENUE IF THE EXECUTIVE DIRECTOR SO DESIGNATES.

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

10 **12-43.3-202. Powers and duties of state licensing authority.**

11 (1) THE STATE LICENSING AUTHORITY SHALL:

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

22 (b) PROMULGATE SUCH RULES AND SUCH SPECIAL RULINGS AND
23 FINDINGS AS NECESSARY FOR THE PROPER REGULATION AND CONTROL OF
24 THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL
25 MARIJUANA AND FOR THE ENFORCEMENT OF THIS ARTICLE. A COUNTY,
26 MUNICIPALITY, OR CITY AND COUNTY THAT HAS ADOPTED A TEMPORARY
27 MORATORIUM REGARDING THE SUBJECT MATTER OF THIS ARTICLE SHALL

1 BE SPECIFICALLY AUTHORIZED TO EXTEND THE MORATORIUM UNTIL THE
2 EFFECTIVE DATE OF THE RULES ADOPTED BY THE DEPARTMENT OF
3 REVENUE IN ACCORDANCE WITH THIS ARTICLE.

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

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

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

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

1 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES
2 ASSIGNED BY LAW OR DIRECTIVE TO THE STATE LICENSING AUTHORITY;
3 AND

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

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

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

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

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

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

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

27 (VI) PROHIBITION OF MISREPRESENTATION AND UNFAIR

- 1 PRACTICES;
- 2 (VII) CONTROL OF INFORMATIONAL AND PRODUCT DISPLAYS ON
3 LICENSED PREMISES;
- 4 (VIII) DEVELOPMENT OF INDIVIDUAL IDENTIFICATION CARDS FOR
5 OWNERS, OFFICERS, MANAGERS, CONTRACTORS, EMPLOYEES, AND OTHER
6 SUPPORT STAFF OF ENTITIES LICENSED PURSUANT TO THIS ARTICLE,
7 INCLUDING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS
8 MAY BE REQUIRED BY THE STATE LICENSING AUTHORITY PRIOR TO ISSUING
9 A CARD;
- 10 (IX) IDENTIFICATION OF STATE LICENSEES AND THEIR OWNERS,
11 OFFICERS, MANAGERS, AND EMPLOYEES;
- 12 (X) SECURITY REQUIREMENTS FOR ANY PREMISES LICENSED
13 PURSUANT TO THIS ARTICLE, INCLUDING, AT A _____ MINIMUM, LIGHTING,
14 PHYSICAL SECURITY, VIDEO, ALARM REQUIREMENTS, AND OTHER MINIMUM
15 PROCEDURES FOR INTERNAL CONTROL AS DEEMED NECESSARY BY THE
16 STATE LICENSING AUTHORITY TO PROPERLY ADMINISTER AND ENFORCE
17 THE PROVISIONS OF THIS ARTICLE, INCLUDING REPORTING REQUIREMENTS
18 FOR CHANGES, ALTERATIONS, OR 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) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO
12 ISSUE ADMINISTRATIVE CITATIONS AND PROCEDURES FOR ISSUING,
13 APPEALING AND CREATING A CITATION VIOLATION LIST AND SCHEDULE OF
14 PENALTIES; AND

15 (XX) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,
16 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
17 ARTICLE.

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

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

1 OR EMPLOYEE OF A LICENSEE DURING AN INVESTIGATION OF UNLAWFUL
2 ACTIVITY RELATED TO MEDICAL MARIJUANA.

3 PART 3

4 STATE AND LOCAL LICENSING

5 **12-43.3-301. Local licensing authority - applications - licenses.**

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

- 10 (a) A MEDICAL MARIJUANA CENTER LICENSE;
- 11 (b) AN OPTIONAL PREMISES CULTIVATION LICENSE;
- 12 (c) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
13 LICENSE.

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

23 (b) IN ADDITION TO ALL OTHER STANDARDS APPLICABLE TO THE
24 ISSUANCE OF LICENSES UNDER THIS ARTICLE, THE LOCAL GOVERNING BODY
25 MAY ADOPT ADDITIONAL STANDARDS FOR THE ISSUANCE OF MEDICAL
26 MARIJUANA CENTER, OPTIONAL PREMISES CULTIVATION, OR MEDICAL
27 MARIJUANA-INFUSED PRODUCTS MANUFACTURER LICENSES CONSISTENT

1 WITH THE INTENT OF THIS ARTICLE THAT MAY INCLUDE, BUT NEED NOT BE
2 LIMITED TO:

3 (I) DISTANCE RESTRICTIONS BETWEEN PREMISES FOR WHICH LOCAL
4 LICENSES ARE ISSUED;

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

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

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

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

27 **12-43.3-302. Public hearing notice - posting and publication.**

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

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

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

25 (4) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD
26 IS IN EXISTENCE AT THE TIME OF THE APPLICATION, A SIGN POSTED AS
27 REQUIRED IN SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE PLACED

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

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

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

24 (c) ALL APPLICATIONS SUBMITTED FOR CONCURRENT REVIEW
25 SHALL BE ACCOMPANIED BY ALL APPLICABLE STATE LICENSE AND
26 APPLICATION FEES. ANY APPLICATIONS THAT ARE LATER DENIED OR
27 WITHDRAWN MAY ALLOW FOR A REFUND OF LICENSE FEES ONLY. ALL

1 APPLICATION FEES PROVIDED BY AN APPLICANT SHALL BE RETAINED BY
2 THE RESPECTIVE LICENSING AUTHORITY.

3 **12-43.3-303. Results of investigation - decision of authorities.**

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

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

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

1 THE APPLICANT AT THE ADDRESS SHOWN IN THE APPLICATION.

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

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

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

25 (2) A CORPORATE SURETY SHALL NOT BE REQUIRED TO MAKE
26 PAYMENTS TO THE STATE CLAIMING UNDER SUCH BOND UNTIL A FINAL
27 DETERMINATION OF FAILURE TO PAY TAXES DUE TO THE STATE HAS BEEN

1 MADE BY THE STATE LICENSING AUTHORITY OR A COURT OF COMPETENT
2 JURISDICTION.

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

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

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

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

1 GOVERNMENTS.

2 **12-43.3-306. Denial of application.** (1) THE STATE LICENSING
3 AUTHORITY SHALL DENY A STATE LICENSE IF THE PREMISES ON WHICH THE
4 APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DO NOT MEET THE
5 REQUIREMENTS OF THIS ARTICLE OR FOR REASONS SET FORTH IN SECTION
6 12-43.3-104 (1) OR 12-43.3-305.

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

14 **12-43.3-307. Persons prohibited as licensees.** (1) (a) A LICENSE
15 PROVIDED BY THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY:

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

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

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

1 AS DEFINED IN SECTION 25-1.5-106 (2) HAS BEEN REVOKED BY THE STATE
2 HEALTH AGENCY;

3 (XII) A PERSON FOR A LICENSE FOR A LOCATION THAT IS
4 CURRENTLY LICENSED AS A RETAIL FOOD ESTABLISHMENT OR WHOLESALE
5 FOOD REGISTRANT; OR

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

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

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

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

26 **12-43.3-308. Restrictions for applications for new licenses.**

27 (1) THE STATE OR A LOCAL LICENSING AUTHORITY SHALL NOT RECEIVE OR

1 ACT UPON AN APPLICATION FOR THE ISSUANCE OF A STATE OR LOCAL
2 LICENSE PURSUANT TO THIS ARTICLE:

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

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

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

19 (d) (I) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE
20 SOLD IS LOCATED WITHIN ONE THOUSAND FEET OF A SCHOOL, AN ALCOHOL
21 OR DRUG TREATMENT FACILITY, OR THE PRINCIPAL CAMPUS OF A COLLEGE,
22 UNIVERSITY, OR SEMINARY, OR A RESIDENTIAL CHILD CARE FACILITY. THE
23 PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE RENEWAL OR
24 RE-ISSUANCE OF A LICENSE ONCE GRANTED OR APPLY TO LICENSED
25 PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A
26 MUNICIPALITY, NOR SHALL THE PROVISIONS OF THIS SECTION APPLY TO AN
27 EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE, OR APPLY

1 TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID
2 PRINCIPAL CAMPUS WAS CONSTRUCTED. THE LOCAL LICENSING
3 AUTHORITY OF A CITY AND COUNTY, BY RULE OR REGULATION, THE
4 GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, AND THE
5 GOVERNING BODY OF A COUNTY, BY RESOLUTION, MAY VARY THE
6 DISTANCE RESTRICTIONS IMPOSED BY THIS SUBPARAGRAPH (I) FOR A
7 LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR
8 CAMPUSES FROM THE APPLICATION OF A DISTANCE RESTRICTION
9 ESTABLISHED BY OR PURSUANT TO THIS SUBPARAGRAPH (I).

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

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

21 **12-43.3-309. Transfer of ownership.** (1) A STATE OR LOCAL
22 LICENSE GRANTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE
23 TRANSFERABLE EXCEPT AS PROVIDED IN THIS SECTION, BUT THIS SECTION
24 SHALL NOT PREVENT A CHANGE OF LOCATION AS PROVIDED IN SECTION
25 12-43.3-310 (13).

26 (2) FOR A TRANSFER OF OWNERSHIP, A LICENSE HOLDER SHALL
27 APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES ON FORMS

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

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

27 (2) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES

1 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS
2 MANUFACTURER MAY NOT OPERATE UNTIL IT HAS BEEN LICENSED BY THE
3 LOCAL LICENSING AUTHORITY AND THE STATE LICENSING AUTHORITY
4 PURSUANT TO THIS ARTICLE. IN CONNECTION WITH A LICENSE, THE
5 APPLICANT SHALL PROVIDE A COMPLETE AND ACCURATE LIST OF ALL
6 OWNERS, OFFICERS, AND EMPLOYEES WHO WORK AT, MANAGE, OWN, OR
7 ARE OTHERWISE ASSOCIATED WITH THE OPERATION AND SHALL PROVIDE
8 A COMPLETE AND ACCURATE APPLICATION AS REQUIRED BY THE STATE
9 LICENSING AUTHORITY.

10 (3) 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 WITHIN TEN DAYS AFTER AN OWNER, OFFICER, OR EMPLOYEE
14 CEASES TO WORK AT, MANAGE, OWN, OR OTHERWISE BE ASSOCIATED WITH
15 THE OPERATION. THE OWNER, OFFICER, OR EMPLOYEE SHALL SURRENDER
16 HIS OR HER IDENTIFICATION CARD TO THE STATE LICENSING AUTHORITY ON
17 OR BEFORE THE DATE OF THE NOTIFICATION.

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

1 MANAGING, OWNING, OR WORKING AT THE OPERATION.

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

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

18 (7) BEFORE GRANTING A LOCAL OR STATE LICENSE, THE
19 RESPECTIVE LICENSING AUTHORITY MAY CONSIDER, EXCEPT WHERE THIS
20 ARTICLE SPECIFICALLY PROVIDES OTHERWISE, THE REQUIREMENTS OF THIS
21 ARTICLE AND ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE, AND
22 ALL OTHER REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED
23 UPON THE LICENSEE BY THE LICENSING AUTHORITY. WITH RESPECT TO A
24 SECOND OR ADDITIONAL LICENSE FOR THE SAME LICENSEE OR THE SAME
25 OWNER OF ANOTHER LICENSED BUSINESS PURSUANT TO THIS ARTICLE,
26 EACH LICENSING AUTHORITY SHALL CONSIDER THE EFFECT ON
27 COMPETITION OF GRANTING OR DENYING THE ADDITIONAL LICENSES TO

1 SUCH LICENSEE AND SHALL NOT APPROVE AN APPLICATION FOR A SECOND
2 OR ADDITIONAL LICENSE THAT WOULD HAVE THE EFFECT OF RESTRAINING
3 COMPETITION.

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

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

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

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

25 (10) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS
26 ARTICLE, THE DAY OF THE ACT, EVENT, OR DEFAULT FROM WHICH THE
27 DESIGNATED PERIOD OF TIME BEGINS TO RUN SHALL NOT BE INCLUDED.

1 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS SHALL BE COUNTED AS ANY
2 OTHER DAY.

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

9 (12) EACH LICENSEE SHALL MANAGE THE LICENSED PREMISES
10 HIMSELF OR HERSELF OR EMPLOY A SEPARATE AND DISTINCT MANAGER ON
11 THE PREMISES AND SHALL REPORT THE NAME OF THE MANAGER TO THE
12 STATE AND LOCAL LICENSING AUTHORITIES. THE LICENSEE SHALL REPORT
13 ANY CHANGE IN MANAGER TO THE STATE AND LOCAL LICENSING
14 AUTHORITIES THIRTY DAYS PRIOR TO THE CHANGE PURSUANT TO SECTION
15 12-43.3-309.

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

25 (b) IN PERMITTING A CHANGE OF LOCATION, THE STATE AND LOCAL
26 LICENSING AUTHORITIES SHALL CONSIDER ALL REASONABLE RESTRICTIONS
27 THAT ARE OR MAY BE PLACED UPON THE NEW LOCATION BY THE

1 GOVERNING BOARD OR LOCAL LICENSING AUTHORITY OF THE
2 MUNICIPALITY, CITY AND COUNTY, OR COUNTY AND ANY SUCH CHANGE IN
3 LOCATION SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THIS
4 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE.

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

1 ON THE APPLICATION FOR RENEWAL ONLY IF THE LICENSEE HAS HAD
2 COMPLAINTS FILED AGAINST IT, HAS A HISTORY OF VIOLATIONS, OR THERE
3 ARE ALLEGATIONS AGAINST THE LICENSEE THAT WOULD CONSTITUTE
4 GOOD CAUSE. THE LOCAL LICENSING AUTHORITY SHALL NOT HOLD A
5 RENEWAL HEARING PROVIDED FOR BY THIS SUBSECTION (1) FOR A MEDICAL
6 MARIJUANA CENTER UNTIL IT HAS POSTED A NOTICE OF HEARING ON THE
7 LICENSED MEDICAL MARIJUANA CENTER PREMISES IN THE MANNER
8 DESCRIBED IN SECTION 12-43.3-302 (2) FOR A PERIOD OF TEN DAYS AND
9 PROVIDED NOTICE TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE
10 HEARING. THE LOCAL LICENSING AUTHORITY MAY REFUSE TO RENEW ANY
11 LICENSE FOR GOOD CAUSE, SUBJECT TO JUDICIAL REVIEW.

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

24 (b) THE STATE AND LOCAL LICENSING AUTHORITIES MAY NOT
25 ACCEPT A LATE RENEWAL APPLICATION MORE THAN NINETY DAYS AFTER
26 THE EXPIRATION OF A LICENSEE'S PERMANENT ANNUAL LICENSE. A
27 LICENSEE WHOSE PERMANENT ANNUAL LICENSE HAS BEEN EXPIRED FOR

1 MORE THAN NINETY DAYS SHALL NOT CULTIVATE, MANUFACTURE,
2 DISTRIBUTE, OR SELL ANY MEDICAL MARIJUANA UNTIL ALL REQUIRED
3 LICENSES HAVE BEEN OBTAINED.

4 (c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE
5 APPLICATION FEE IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE
6 LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY
7 REDUCE THE AMOUNT OF THE FEE IF NECESSARY PURSUANT TO SECTION
8 24-75-402 (3), C.R.S., BY REDUCING THE UNCOMMITTED RESERVES OF THE
9 FUND TO WHICH ALL OR ANY PORTION OF THE FEE IS CREDITED. AFTER THE
10 UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE
11 STATE LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY
12 LAW MAY INCREASE THE AMOUNT OF THE FEE AS PROVIDED IN SECTION
13 24-75-402 (4), C.R.S.

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

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

23 (2) A PERSON SHALL NOT HAVE AN UNREPORTED FINANCIAL
24 INTEREST IN A LICENSE PURSUANT TO THIS ARTICLE UNLESS THAT PERSON
25 HAS UNDERGONE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
26 CHECK AS PROVIDED FOR BY THE STATE LICENSING AUTHORITY IN ITS
27 RULES; EXCEPT THAT THIS SUBSECTION (2) SHALL NOT APPLY TO BANKS,

1 SAVINGS AND LOAN ASSOCIATIONS, OR INDUSTRIAL BANKS SUPERVISED
2 AND REGULATED BY AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT,
3 OR TO FHA-APPROVED MORTGAGEES, OR TO STOCKHOLDERS, DIRECTORS,
4 OR OFFICERS THEREOF.

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

9 PART 4

10 LICENSE TYPES

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

- 18 (a) MEDICAL MARIJUANA CENTER LICENSE;
- 19 (b) OPTIONAL PREMISES CULTIVATION LICENSE;
- 20 (c) MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
21 LICENSE; AND
- 22 (d) OCCUPATIONAL LICENSES AND REGISTRATIONS FOR OWNERS,
23 MANAGERS, OPERATORS, EMPLOYEES, CONTRACTORS, AND OTHER
24 SUPPORT STAFF EMPLOYED BY, WORKING IN, OR HAVING ACCESS TO
25 RESTRICTED AREAS OF THE LICENSED PREMISES, AS DETERMINED BY THE
26 STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY MAY
27 TAKE ANY ACTION WITH RESPECT TO A REGISTRATION PURSUANT TO THIS

1 ARTICLE AS IT MAY WITH RESPECT TO A LICENSE PURSUANT TO THIS
2 ARTICLE, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT
3 TO THIS ARTICLE.

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

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

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

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

18 (I) THAT THE PRODUCT CONTAINS MEDICAL MARIJUANA;

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

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

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

1 (3) EVERY PERSON SELLING MEDICAL MARIJUANA AS PROVIDED
2 FOR IN THIS ARTICLE SHALL SELL ONLY MEDICAL MARIJUANA GROWN IN ITS
3 MEDICAL MARIJUANA OPTIONAL PREMISES LICENSED PURSUANT TO THIS
4 ARTICLE. THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT APPLY TO
5 MEDICAL MARIJUANA-INFUSED PRODUCTS.

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

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

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

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

1 **12-43.3-403. Optional premises cultivation license.** AN
2 OPTIONAL PREMISES CULTIVATION LICENSE MAY BE ISSUED ONLY TO A
3 PERSON LICENSED PURSUANT TO SECTION 12-43.3-402 (1) WHO GROWS
4 AND CULTIVATES MEDICAL MARIJUANA AT AN ADDITIONAL COLORADO
5 LICENSED PREMISES CONTIGUOUS OR NOT CONTIGUOUS WITH THE
6 LICENSED PREMISES OF THE PERSON'S MEDICAL MARIJUANA CENTER
7 LICENSE.

8 **12-43.3-404. Medical marijuana-infused products**
9 **manufacturing license.** (1) A MEDICAL MARIJUANA-INFUSED PRODUCTS
10 MANUFACTURING LICENSE MAY BE ISSUED TO A PERSON WHO
11 MANUFACTURES MEDICAL MARIJUANA-INFUSED PRODUCTS, PURSUANT TO
12 THE TERMS AND CONDITIONS OF THIS ARTICLE.

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

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

1 MARIJUANA FROM TWO DIFFERENT MEDICAL MARIJUANA CENTERS IN THE
2 PRODUCTION OF ONE MEDICAL MARIJUANA-INFUSED PRODUCT. THE
3 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE MAY
4 SELL ITS PRODUCTS TO ANY LICENSED MEDICAL MARIJUANA CENTER.

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

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

13 (6) MEDICAL MARIJUANA-INFUSED PRODUCTS MAY NOT BE
14 UNSEALED OR CONSUMED ON A PREMISES LICENSED PURSUANT TO THIS
15 ARTICLE.

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

19 PART 5

20 FEES

21 **12-43.3-501. Medical marijuana license cash fund.** (1) ALL
22 MONEYS COLLECTED BY THE STATE LICENSING AUTHORITY PURSUANT TO
23 THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
24 SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA LICENSE CASH
25 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS
26 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO
27 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE

1 DEPARTMENT OF REVENUE FOR THE DIRECT AND INDIRECT COSTS
2 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS IN THE
3 FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE
4 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
5 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
6 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
7 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
8 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
9 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

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

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

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

25 (II) APPLICATIONS TO CHANGE LOCATION PURSUANT TO SECTION
26 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

27 (III) APPLICATIONS FOR TRANSFER OF OWNERSHIP PURSUANT TO

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

3 (IV) LICENSE RENEWAL AND EXPIRED LICENSE RENEWAL
4 APPLICATIONS PURSUANT TO SECTION 12-43.3-311; AND

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

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

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

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

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

1 AUTHORITY FOR EACH DAY OF ATTENDANCE TO COVER THE EXPENSES OF
2 THE PERSON NAMED IN THE SUBPOENA.

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

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

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

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

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

24 **PART 6**

25 **DISCIPLINARY ACTIONS**

26 **12-43.3-601. Suspension - revocation - fines.** (1) IN ADDITION
27 TO ANY OTHER SANCTIONS PRESCRIBED BY THIS ARTICLE OR RULES

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

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

1 PURSUANT TO SECTION 24-4-104 (4), C.R.S. EACH PATIENT REGISTERED
2 WITH A MEDICAL MARIJUANA CENTER THAT HAS HAD ITS LICENSE
3 SUMMARILY SUSPENDED MAY IMMEDIATELY TRANSFER HIS OR HER
4 PRIMARY CENTER TO ANOTHER LICENSED MEDICAL MARIJUANA CENTER.

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

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

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

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

1 THE LICENSE OR PERMIT.

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

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

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

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

26 (6) IF THE STATE OR LOCAL LICENSING AUTHORITY DOES NOT MAKE
27 THE FINDINGS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS

1 SECTION AND DOES NOT ORDER THE SUSPENSION PERMANENTLY STAYED,
2 THE SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE FINALLY
3 SET BY THE STATE OR LOCAL LICENSING AUTHORITY.

4 (7) EACH LOCAL LICENSING AUTHORITY SHALL REPORT ALL
5 ACTIONS TAKEN TO IMPOSE FINES, SUSPENSIONS, AND REVOCATIONS TO
6 THE STATE LICENSING AUTHORITY IN A MANNER REQUIRED BY THE STATE
7 LICENSING AUTHORITY. NO LATER THAN JANUARY 15 OF EACH YEAR, THE
8 STATE LICENSING AUTHORITY SHALL COMPILE A REPORT OF THE
9 PRECEDING YEAR'S ACTIONS IN WHICH FINES, SUSPENSIONS, OR
10 REVOCATIONS WERE IMPOSED BY LOCAL LICENSING AUTHORITIES AND BY
11 THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY
12 SHALL FILE ONE COPY OF THE REPORT WITH THE CHIEF CLERK OF THE
13 HOUSE OF REPRESENTATIVES, ONE COPY WITH THE SECRETARY OF THE
14 SENATE, AND SIX COPIES IN THE JOINT LEGISLATIVE LIBRARY.

15 PART 7

16 INSPECTION OF BOOKS AND RECORDS

17 **12-43.3-701. Inspection procedures.** (1) EACH LICENSEE SHALL
18 KEEP A COMPLETE SET OF ALL RECORDS NECESSARY TO SHOW FULLY THE
19 BUSINESS TRANSACTIONS OF THE LICENSEE, ALL OF WHICH SHALL BE OPEN
20 AT ALL TIMES DURING BUSINESS HOURS FOR THE INSPECTION AND
21 EXAMINATION OF THE STATE LICENSING AUTHORITY OR ITS DULY
22 AUTHORIZED REPRESENTATIVES. THE STATE LICENSING AUTHORITY MAY
23 REQUIRE ANY LICENSEE TO FURNISH SUCH INFORMATION AS IT CONSIDERS
24 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS ARTICLE AND MAY
25 REQUIRE AN AUDIT TO BE MADE OF THE BOOKS OF ACCOUNT AND RECORDS
26 ON SUCH OCCASIONS AS IT MAY CONSIDER NECESSARY BY AN AUDITOR TO
27 BE SELECTED BY THE STATE LICENSING AUTHORITY WHO SHALL LIKEWISE

1 HAVE ACCESS TO ALL BOOKS AND RECORDS OF THE LICENSEE, AND THE
2 EXPENSE THEREOF SHALL BE PAID BY THE LICENSEE.

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

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

20 PART 8

21 JUDICIAL REVIEW

22 **12-43.3-801. Judicial review.** DECISIONS BY THE STATE
23 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY SHALL BE
24 SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

25 PART 9

26 UNLAWFUL ACTS - ENFORCEMENT

27 **12-43.3-901. Unlawful acts - exceptions.** (1) EXCEPT AS

1 OTHERWISE PROVIDED IN THIS ARTICLE, IT IS UNLAWFUL FOR A PERSON:

2 (a) TO CONSUME MEDICAL MARIJUANA IN A LICENSED MEDICAL
3 MARIJUANA CENTER, AND IT SHALL BE UNLAWFUL FOR A MEDICAL
4 MARIJUANA LICENSEE TO ALLOW MEDICAL MARIJUANA TO BE CONSUMED
5 UPON ITS LICENSED PREMISES; OR

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

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

12 (3) IT IS UNLAWFUL FOR A PERSON LICENSED PURSUANT TO THIS
13 ARTICLE:

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

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

20 (c) TO FAIL TO REPORT A TRANSFER REQUIRED BY SECTION
21 12-43.3-310 (11); OR

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

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

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

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

3 (c) TO PROVIDE PUBLIC PREMISES, OR ANY PORTION THEREOF, FOR
4 THE PURPOSE OF CONSUMPTION OF MEDICAL MARIJUANA IN ANY FORM;

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

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

25 (e) TO POSSESS MORE THAN SIX MEDICAL MARIJUANA PLANTS AND
26 TWO OUNCES OF MEDICAL MARIJUANA FOR EACH PATIENT WHO HAS
27 REGISTERED THE CENTER AS HIS OR HER PRIMARY CENTER PURSUANT TO

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

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

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

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

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

18 (j) TO HAVE ON THE LICENSED PREMISES ANY MEDICAL MARIJUANA
19 OR MARIJUANA PARAPHERNALIA THAT SHOWS EVIDENCE OF THE MEDICAL
20 MARIJUANA HAVING BEEN CONSUMED OR PARTIALLY CONSUMED;

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

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

1 (5) EXCEPT AS PROVIDED IN SECTIONS 12-43.3-402 (4),
2 12-43.3-403, AND 12-43.3-404, IT IS UNLAWFUL FOR A MEDICAL
3 MARIJUANA CENTER OR MEDICAL MARIJUANA CENTER WITH AN OPTIONAL
4 PREMISES CULTIVATION LICENSE TO SELL, DELIVER, OR CAUSE TO BE
5 DELIVERED TO A LICENSEE ANY MEDICAL MARIJUANA NOT GROWN UPON
6 ITS LICENSED PREMISES, OR FOR A LICENSEE OR MEDICAL MARIJUANA
7 CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE TO SELL,
8 POSSESS, OR PERMIT SALE OF MEDICAL MARIJUANA NOT GROWN UPON ITS
9 LICENSED PREMISES. A VIOLATION OF THE PROVISIONS OF THIS
10 SUBSECTION (5) BY A LICENSEE SHALL BE GROUNDS FOR THE IMMEDIATE
11 REVOCATION OF THE LICENSE GRANTED UNDER THIS ARTICLE.

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

20 (7) A PERSON WHO COMMITS ANY ACTS THAT ARE UNLAWFUL
21 PURSUANT TO THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND
22 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.; EXCEPT
23 FOR VIOLATIONS THAT WOULD ALSO CONSTITUTE A VIOLATION OF TITLE
24 18, C.R.S., WHICH VIOLATION SHALL BE CHARGED AND PROSECUTED
25 PURSUANT TO TITLE 18, C.R.S. ___

26 PART 10

27 SUNRISE REVIEW

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

3 (2) PRIOR TO THE REPEAL OF THIS ARTICLE, THE DEPARTMENT OF
4 REGULATORY AGENCIES SHALL CONDUCT A SUNRISE REVIEW AS
5 DESCRIBED IN SECTION 24-34-104.1 (8), C.R.S.

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

8 **25-1.5-106. Medical marijuana program - powers and duties**
9 **of the state health agency.** (1) **Legislative declaration.** (a) THE

10 GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS NECESSARY TO
11 IMPLEMENT RULES TO ENSURE THAT PATIENTS SUFFERING FROM
12 LEGITIMATE DEBILITATING MEDICAL CONDITIONS ARE ABLE TO SAFELY
13 GAIN ACCESS TO MEDICAL MARIJUANA AND TO ENSURE THAT THESE
14 PATIENTS:

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

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

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

1 MARIJUANA IN VIOLATION OF STATE AND FEDERAL LAWS.

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

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

14 (a) (I) The establishment and maintenance of a confidential
15 registry of patients who have applied for and are entitled to receive a
16 registry identification card;

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

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

23 (d) (IV) The issuance and form of confidential registry
24 identification cards;

25 (e) (V) Communications with law enforcement officials about
26 confidential registry identification cards that have been suspended where
27 a patient is no longer diagnosed as having a debilitating medical

1 condition; and

2 (f) (VI) The manner in which the department may consider adding
3 debilitating medical conditions to the list of debilitating medical
4 conditions contained in section 14 of article XVIII of the state
5 constitution.

6 (b) THE STATE HEALTH AGENCY MAY PROMULGATE RULES
7 REGARDING THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) A PATIENT WHO HAS DESIGNATED A PRIMARY CAREGIVER FOR
27 HIMSELF OR HERSELF MAY NOT BE DESIGNATED AS A PRIMARY CAREGIVER

1 FOR ANOTHER PATIENT.

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

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

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

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

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

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

1 RECORD IN THE REGISTRY.

2 (f) AT THE TIME A PATIENT APPLIES FOR INCLUSION ON THE
3 CONFIDENTIAL REGISTRY, THE PATIENT SHALL INDICATE WHETHER THE
4 PATIENT INTENDS TO CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA,
5 BOTH CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA AND OBTAIN IT
6 FROM EITHER A PRIMARY CAREGIVER OR LICENSED MEDICAL MARIJUANA
7 CENTER, OR INTENDS TO OBTAIN IT FROM EITHER A PRIMARY CAREGIVER
8 OR A LICENSED MEDICAL MARIJUANA CENTER. IF THE PATIENT ELECTS TO
9 USE A LICENSED MEDICAL MARIJUANA CENTER, THE PATIENT SHALL
10 REGISTER THE PRIMARY CENTER HE OR SHE INTENDS TO USE.

11 **(7) Registry identification card required - denial - revocation**

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

1 STATE HEALTH AGENCY ISSUES OR DENIES THE REGISTRY IDENTIFICATION
2 CARD. A PERSON WHO VIOLATES SECTION 14 OF ARTICLE XVIII OF THE
3 STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE
4 STATE HEALTH AGENCY MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR
5 VIOLATIONS OF SECTION 18-18-406, C.R.S.

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

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

27 (8) **Use of medical marijuana.** (a) THE USE OF MEDICAL

1 MARIJUANA IS ALLOWED UNDER STATE LAW TO THE EXTENT THAT IT IS
2 CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14 OF
3 ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE
4 RULES OF THE STATE HEALTH AGENCY.

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

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

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

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

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

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

16 (A) IN A CORRECTIONAL FACILITY OR A COMMUNITY CORRECTIONS
17 FACILITY;

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

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

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

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

1 (c) A PERSON SHALL NOT ESTABLISH A BUSINESS TO PERMIT
2 PATIENTS TO CONGREGATE AND SMOKE OR OTHERWISE CONSUME MEDICAL
3 MARIJUANA.

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

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

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

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

17 ~~(2)~~ (12) **Fees.** The ~~department~~ STATE HEALTH AGENCY may
18 collect fees from patients who, pursuant to section 14 of article XVIII of
19 the state constitution, apply to the medical marijuana program established
20 by such section for a marijuana registry identification CARD for the
21 purpose of offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and
22 indirect costs of administering the program. The amount of such THE fees
23 shall be set by rule of the ~~state board of health~~ STATE HEALTH AGENCY.
24 All fees collected by the ~~department~~ STATE HEALTH AGENCY through the
25 medical marijuana program shall be transferred to the state treasurer who
26 shall credit the same to the medical marijuana program cash fund, which
27 fund is hereby created.

1 ~~(3)~~ (13) **Cash fund.** (a) The medical marijuana program cash
2 fund shall be subject to annual appropriation by the general assembly to
3 the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,
4 operating, and maintaining the medical marijuana program. ~~established~~
5 ~~by section 14 of article XVIII of the state constitution.~~ All moneys
6 credited to the medical marijuana program cash fund and all interest
7 derived from the deposit of such moneys that are not expended during the
8 fiscal year shall be retained in the fund for future use and shall not be
9 credited or transferred to the general fund or any other fund.

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

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

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

27 **SECTION 4.** 16-2.5-121, Colorado Revised Statutes, is amended

1 to read:

2 **16-2.5-121. Executive director of the department of revenue**
3 **- senior director of enforcement for the department of revenue.** The
4 executive director and the senior director of enforcement of the
5 department of revenue are peace officers while engaged in the
6 performance of their duties whose authority includes the enforcement of
7 laws and rules regarding automobile dealers pursuant to section 12-6-105
8 (1) (d) (II), C.R.S., the lottery pursuant to sections 24-35-205 (3) and
9 24-35-206 (7), C.R.S., MEDICAL MARIJUANA PURSUANT TO ARTICLE 43.3
10 OF TITLE 12, C.R.S., limited gaming pursuant to section 12-47.1-204,
11 C.R.S., liquor pursuant to section 12-47-904 (1), C.R.S., and racing
12 events pursuant to section 12-60-203 (1), C.R.S., and the enforcement of
13 all laws of the state of Colorado and who may be certified by the P.O.S.T.
14 board.

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

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

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

27 **24-75-402. Cash funds - limit on uncommitted reserves -**

1 **reduction in amount of fees - exclusions.** (5) Notwithstanding any
2 provision of this section to the contrary, the following cash funds are
3 excluded from the limitations specified in this section:

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

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

8 **39-26-102. Definitions.** As used in this article, unless the context
9 otherwise requires:

10 (5.8) "MEDICAL MARIJUANA" SHALL HAVE THE SAME MEANING AS
11 SET FORTH IN SECTION 12-43.3-104 (7), C.R.S.

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

14 **39-26-123. Receipts - disposition - transfers of general fund**
15 **surplus - sales and use tax holding fund - creation - definitions -**
16 **repeal.** (1) As used in this section, unless the context otherwise requires:

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

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

23 **39-26-123. Receipts - disposition - transfers of general fund**
24 **surplus - sales and use tax holding fund - creation - definitions -**
25 **repeal.** (6) (a) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER
26 JULY 1, 2010, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
27 THE FIRST TWO MILLION DOLLARS OF SALES AND USE TAXES

1 ATTRIBUTABLE TO SALES OR USE OF MEDICAL MARIJUANA OR EQUALLY
2 APPROPRIATE THE SALES AND USE TAXES ATTRIBUTABLE TO SALES AND
3 USE OF MEDICAL MARIJUANA IF TWO MILLION DOLLARS IS NOT GENERATED.

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

24 (II) ONE HALF OF THE MONEYS DESCRIBED IN PARAGRAPH (a) OF
25 THIS SUBSECTION (6) SHALL BE APPROPRIATED TO THE DEPARTMENT OF
26 HEALTH CARE POLICY AND FINANCING FOR SCREENING, BRIEF
27 INTERVENTION, AND REFERRAL TO TREATMENT FOR INDIVIDUALS AT RISK

1 OF SUBSTANCE ABUSE PURSUANT TO SECTION 25.5-5-202 (1) (u), C.R.S.

2 **SECTION 10.** 39-26-123, Colorado Revised Statutes, is amended

3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **39-26-123. Receipts - disposition - transfers of general fund**
5 **surplus - sales and use tax holding fund - creation - definitions -**

6 **repeal.** (6) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER

7 JULY 1, 2010, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE

8 THE FIRST TWO MILLION DOLLARS OF SALES TAXES ATTRIBUTABLE TO

9 SALES TAXES PAID BY PERSONS OR ENTITIES LICENSED BY ARTICLE 43.3 OF

10 TITLE 12, C.R.S., OR EQUALLY APPROPRIATE THE SALES TAXES

11 ATTRIBUTABLE TO SALES TAXES PAID BY PERSONS OR ENTITIES LICENSED

12 BY ARTICLE 43.3 OF TITLE 12, C.R.S., IF LESS THAN TWO MILLION DOLLARS

13 IS GENERATED. THE MONEYS DESCRIBED IN THIS SUBSECTION (6) SHALL

14 BE APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES TO BE USED

15 TO PROVIDE INTEGRATED BEHAVIORAL HEALTH SERVICES FOR JUVENILES

16 AND ADULTS WITH SUBSTANCE USE DISORDERS OR WITH SUBSTANCE USE

17 DISORDERS AND MENTAL HEALTH TREATMENT NEEDS WHO ARE INVOLVED

18 WITH, OR AT RISK OF INVOLVEMENT WITH, THE CRIMINAL JUSTICE SYSTEM.

19 THE DEPARTMENT SHALL ENSURE THAT APPROPRIATIONS IN THIS LINE ITEM

20 ARE DISTRIBUTED THROUGH THE DEPARTMENT'S DESIGNATED MANAGED

21 SERVICE ORGANIZATIONS AND COMMUNITY MENTAL HEALTH CENTERS.

22 THE APPROPRIATIONS SHALL BE BASED ON, INCLUDING BUT NOT LIMITED

23 TO SUBSTANCE USE AND MENTAL HEALTH PREVALENCE DATA THAT IS

24 DEVELOPED WORKING COLLABORATIVELY WITH THE MANAGED SERVICES

25 ORGANIZATIONS AND COMMUNITY HEALTH CENTERS.

26 **SECTION 11.** 25-14-203 (16), Colorado Revised Statutes, is

27 amended to read:

1 **25-14-203. Definitions.** As used in this part 2, unless the context
2 otherwise requires:

3 (16) "Smoking" means the burning of a lighted cigarette, cigar,
4 pipe, or any other matter or substance that contains tobacco OR MEDICAL
5 MARIJUANA AS DEFINED BY SECTION 12-43.3-104 (7), C.R.S.

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

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

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

15 **SECTION 13. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 general fund not otherwise appropriated, to the department of human
18 services, for allocation to mental health and alcohol and drug abuse
19 services, for the fiscal year beginning July 1, 2010, the sum of three
20 hundred thirty-four thousand two hundred twenty-seven dollars
21 (\$334,227), or so much thereof as may be necessary, for the
22 implementation of this act.

23 (2) In addition to any other appropriation, there is hereby
24 appropriated, out of any moneys in the medical marijuana license cash
25 fund cash fund created in section 12-43.3-501 (1), Colorado Revised
26 Statutes, not otherwise appropriated, to the department of revenue, for
27 allocation to the enforcement business group, for the fiscal year beginning

1 July 1, 2010, the sum of two million seven hundred nineteen thousand
2 four hundred twenty-two dollars (\$2,719,422) and 23.2 FTE, or so much
3 thereof as may be necessary, for the implementation of this act.

4 (3) In addition to any other appropriation, there is hereby
5 appropriated to the department of law, for the fiscal year beginning July
6 1, 2010, the sum of one hundred thirteen thousand seventy dollars
7 (\$113,070) and 1.0 FTE, or so much thereof as may be necessary, for the
8 provision of legal services to the department of revenue related to the
9 implementation of this act. Said sum shall be from reappropriated funds
10 received from the department of revenue out of the appropriation made
11 in subsection (2) of this section.

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

21 (5) In addition to any other appropriation, there is hereby
22 appropriated, out of any moneys in the medical marijuana program cash
23 fund created in section 25-1.5-106 (12), Colorado Revised Statutes, not
24 otherwise appropriated, to the department of public health and
25 environment, for allocation to the center for health and environmental
26 education, for the fiscal year beginning July 1, 2010, the sum of two
27 hundred seventy-one thousand four hundred sixty-seven dollars

1 (\$271,467) cash funds and 1.2 FTE, or so much thereof as may be
2 necessary, for the implementation of this act.

3 (6) In addition to any other appropriation, there is hereby
4 appropriated to the department of public safety, Colorado bureau of
5 investigation, for the fiscal year beginning July 1, 2010, the sum of two
6 hundred eleven thousand seven hundred twenty dollars (\$211,720) and
7 0.9 FTE, or so much thereof as may be necessary, for the provision of
8 background checks to the department of public health and environment
9 related to the implementation of this act. Said sum shall be from
10 reappropriated funds received from the department of public health and
11 environment out of the appropriation made in subsection (5) of this
12 section.

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

21 (2) In addition to any other appropriation, there is hereby
22 appropriated, out of any moneys in the medical marijuana license cash
23 fund cash fund created in section 12-43.3-501 (1), Colorado Revised
24 Statutes, not otherwise appropriated, to the department of revenue, for
25 allocation to the enforcement business group, for the fiscal year beginning
26 July 1, 2010, the sum of two million seven hundred nineteen thousand
27 four hundred twenty-two dollars (\$2,719,422) and 23.2 FTE, or so much

1 thereof as may be necessary, for the implementation of this act.

2 (3) In addition to any other appropriation, there is hereby
3 appropriated to the department of law, for the fiscal year beginning July
4 1, 2010, the sum of one hundred thirteen thousand seventy dollars
5 (\$113,070) and 1.0 FTE, or so much thereof as may be necessary, for the
6 provision of legal services to the department of revenue related to the
7 implementation of this act. Said sum shall be from reappropriated funds
8 received from the department of revenue out of the appropriation made
9 in subsection (2) of this section.

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

19 (5) In addition to any other appropriation, there is hereby
20 appropriated, out of any moneys in the medical marijuana program cash
21 fund created in section 25-1.5-106 (12), Colorado Revised Statutes, not
22 otherwise appropriated, to the department of public health and
23 environment, for allocation to the center for health and environmental
24 education, for the fiscal year beginning July 1, 2010, the sum of two
25 hundred seventy-one thousand four hundred sixty-seven dollars
26 (\$271,467) cash funds and 1.2 FTE, or so much thereof as may be
27 necessary, for the implementation of this act.

1 (6) In addition to any other appropriation, there is hereby
2 appropriated to the department of public safety, Colorado bureau of
3 investigation, for the fiscal year beginning July 1, 2010, the sum of two
4 hundred eleven thousand seven hundred twenty dollars (\$211,720) and
5 0.9 FTE, or so much thereof as may be necessary, for the provision of
6 background checks to the department of public health and environment
7 related to the implementation of this act. Said sum shall be from
8 reappropriated funds received from the department of public health and
9 environment out of the appropriation made in subsection (5) of this
10 section.

11 **SECTION 15. Specified effective date.** (1) Except as otherwise
12 provided in subsection (2) of this section, this act shall take effect July 1,
13 2011.

14 (2) (a) Sections 12-43.3-103, 12-43.3-104, and 12-43.3-106 and
15 parts 2 and 5 of article 43.3 of title 12, Colorado Revised Statutes, set
16 forth in section 1 of this act shall take effect July 1, 2010.

17 (b) This section and sections 2, 4, 5, 6, 7, 8, 11, and 16 of this act
18 shall take effect July 1, 2010.

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

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

24 **SECTION 16. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.