

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 2, 2011
Date

Committee on Judiciary.

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

HB11-1043 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 3, strike lines 2 through 14 and substitute:

2 "SECTION 1. 12-43.3-103 (2), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **12-43.3-103. Applicability.** (2) (d) THIS ARTICLE SETS FORTH
5 THE EXCLUSIVE MEANS BY WHICH".

6 Page 4, strike lines 1 through 17.

7 Page 4, after line 22 insert:

8 "SECTION 2. 12-43.3-104 (1), Colorado Revised Statutes, is
9 amended, and the said 12-43.3-104 is further amended BY THE
10 ADDITION OF A NEW SUBSECTION, to read:

11 **12-43.3-104. Definitions.** As used in this article, unless the
12 context otherwise requires:

13 (1) ~~"Good cause", for purposes of refusing or denying a license~~
14 ~~renewal, reinstatement, or initial license issuance, means: "CLONE"~~
15 MEANS A NONFLOWERING MEDICAL MARIJUANA PLANT THAT IS NO TALLER
16 THAN EIGHT INCHES AND NO WIDER THAN EIGHT INCHES AND THAT IS IN A
17 GROWING CONTAINER THAT IS NO LARGER THAN TWO INCHES WIDE AND
18 TWO INCHES TALL THAT IS SEALED ON THE SIDES AND BOTTOM.

19 ~~(a) The licensee or applicant has violated, does not meet, or has~~
20 ~~failed to comply with any of the terms, conditions, or provisions of this~~
21 ~~article, any rules promulgated pursuant to this article, or any supplemental~~
22 ~~local law, rules, or regulations;~~

1 ~~(b) The licensee or applicant has failed to comply with any special~~
2 ~~terms or conditions that were placed on its license pursuant to an order of~~
3 ~~the state or local licensing authority;~~

4 ~~(c) The licensed premises have been operated in a manner that~~
5 ~~adversely affects the public health or welfare or the safety of the~~
6 ~~immediate neighborhood in which the establishment is located.~~

7 (1.5) "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 Renumber succeeding sections accordingly.

23 Page 5, line 5, strike "(1) (b) (I),".

24 Page 5, strike lines 9 through 16.

25 Page 6, strike lines 18 through 27.

26 Page 7, strike line 1.

27 Renumber succeeding sections accordingly.

28 Page 8, line 24, after "AND" insert "JUDICIAL REVIEW".

29 Page 9, line 9, after the semicolon add "EXCEPT THAT THE LICENSING
30 AUTHORITY MAY GRANT A LICENSE TO AN EMPLOYEE IF THE EMPLOYEE
31 HAS A STATE FELONY CONVICTION BASED ON POSSESSION OR USE OF A
32 CONTROLLED SUBSTANCE THAT WOULD NOT BE A FELONY IF THE PERSON
33 WERE CONVICTED OF THE OFFENSE ON THE DATE HE OR SHE APPLIED FOR
34 LICENSURE;"

1 Page 11, line 27, strike "A NEW SUBSECTION," and substitute "THE
2 FOLLOWING NEW SUBSECTIONS,".

3 Page 12, strike lines 6 and 7 and substitute "CLONES TO A PATIENT;
4 EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY SELL MORE THAN SIX
5 CLONES, BUT MAY NOT EXCEED HALF THE RECOMMENDED PLANT COUNT,
6 TO A PATIENT WHO HAS BEEN RECOMMENDED AN EXPANDED PLANT COUNT
7 BY HIS OR HER RECOMMENDING PHYSICIAN. A MEDICAL MARIJUANA
8 CENTER MAY SELL CLONES TO A PRIMARY CAREGIVER, ANOTHER MEDICAL
9 MARIJUANA CENTER, OR A MEDICAL MARIJUANA-INFUSED PRODUCT
10 MANUFACTURER PURSUANT TO RULES PROMULGATED BY THE STATE
11 LICENSING AUTHORITY. The provisions of this".

12 Page 13, strike lines 5 through 7 and substitute "DAYS,".

13 Page 13, line 8, strike "OR RECEIVING CHEMOTHERAPY,".

14 Page 13, after line 9 insert:

15 "(5.5) TRANSACTIONS FOR THE SALE OF MEDICAL MARIJUANA OR
16 A MEDICAL MARIJUANA-INFUSED PRODUCT AT A MEDICAL MARIJUANA
17 CENTER MAY BE COMPLETED BY USING AN AUTOMATED MACHINE THAT IS
18 IN A RESTRICTED ACCESS AREA OF THE CENTER IF THE MACHINE COMPLIES
19 WITH THE RULES PROMULGATED BY THE STATE LICENSING AUTHORITY
20 REGARDING THE TRANSACTION OF SALE OF PRODUCT AT A MEDICAL
21 MARIJUANA CENTER AND THE TRANSACTION COMPLIES WITH SUBSECTION
22 (5) OF THIS SECTION.".

23 Page 13, line 14, strike the third "A" and substitute "AN".

24 Page 13, line 26, after the period add "A LABORATORY THAT HAS AN
25 OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR
26 TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED
27 MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL
28 MARIJUANA-INFUSED PRODUCTS MANUFACTURER.".

29 Page 14, strike lines 2 through 6 and substitute "DONATE:

30 (a) MEDICAL MARIJUANA; OR

31 (b) NO MORE THAN SIX CLONES TO A PATIENT; EXCEPT THAT A
32 MEDICAL MARIJUANA CENTER MAY SELL MORE THAN SIX CLONES, BUT MAY
33 NOT EXCEED HALF THE RECOMMENDED PLANT COUNT, TO A PATIENT WHO

1 HAS BEEN RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER
2 RECOMMENDING PHYSICIAN; OR

3 (c) MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS WHO
4 ARE DESIGNATED AS INDIGENT BY THE STATE HEALTH AGENCY OR WHO
5 ARE IN HOSPICE CARE; EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY
6 SELL MORE THAN SIX CLONES, BUT MAY NOT EXCEED HALF THE
7 RECOMMENDED PLANT COUNT, TO A PATIENT WHO HAS BEEN
8 RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER
9 RECOMMENDING PHYSICIAN."

10 Page 15, line 8, strike "**license - repeal.**" and substitute "**license.**".

11 Page 16, strike line 9.

12 Page 16, line 16, after the period add "A LABORATORY THAT HAS AN
13 OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR
14 TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED
15 MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL
16 MARIJUANA-INFUSED PRODUCTS MANUFACTURER."

17 Page 17, line 18, after the second "ANY" insert "OF".

18 Page 20, line 7, strike "DAYS" and substitute "DAYS."

19 Page 20, strike lines 8 through 10.

20 Page 20, line 11, strike "CARE OR RECEIVING CHEMOTHERAPY."

21 Page 21, line 19, after the period add "THE INFORMATION PROVIDED TO
22 THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY PURSUANT TO
23 SECTION 25-1.5-106 (7) (e), C.R.S."

24 Page 23, line 2, after the period insert "THE INFORMATION PROVIDED TO
25 THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY PURSUANT TO
26 THIS PARAGRAPH (e) SHALL NOT BE PROVIDED TO THE PUBLIC AND SHALL
27 BE CONFIDENTIAL." and strike "PROVIDE" and substitute "VERIFY".

28 Page 23, line 4, strike "REQUEST." and substitute "RECEIVING AN
29 ADDRESS-SPECIFIC REQUEST FOR VERIFICATION."

30 Page 24, line 6, after "EXCEED" insert "ONE HUNDRED EIGHTY-FIVE
31 PERCENT OF".

1 Page 25, line 5, strike "SECTION 39-26-105," and substitute "THIS
2 ARTICLE,".

3 Page 25, line 7, strike "SECTION".

4 Page 25, line 8, strike "39-26-105," and substitute "THIS ARTICLE,".

5 Page 27, line 13, after "C.R.S.," insert "OR AN EMPLOYEE OF THE STATE
6 MEDICAL MARIJUANA LICENSING AUTHORITY, A LOCAL MEDICAL
7 MARIJUANA LICENSING AUTHORITY, OR THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT,".

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