

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

PREAMENDED

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

LLS NO. 12-0848.01 Michael Dohr x4347

SENATE BILL 12-154

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor and Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR RESPONSIBLE MEDICAL MARIJUANA**
102 **VENDORS.**

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>.)

A person who wants to operate a responsible medical marijuana vendor server and seller training program (program) must submit an application to the medical marijuana state licensing authority (authority). The authority shall approve a program if the program contains, at a minimum, the following components:

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.

- ! Program standards that specify, at a minimum, who must attend, the time frame for new staff to attend, recertification requirements, record-keeping, testing and assessment protocols, and effectiveness evaluations; and
- ! A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes:
 - ! Information on licenses required, age requirements, patient registry cards issued by the department of public health and environment, maintenance of records, privacy issues, and unlawful acts;
 - ! Administrative and criminal liability and license and court sanctions;
 - ! Statutory and regulatory requirements for employees and owners;
 - ! Acceptable forms of identification, including patient registry cards and associated documents and procedures; and
 - ! Local and state licensing and enforcement, which may include, but need not be limited to, key statutes and rules affecting patients, owners, managers, and employees.

The state medical marijuana licensing authority may grant a licensed medical marijuana business (business) a "responsible vendor" designation (designation). A business receives the designation if all employees who sell or handle medical marijuana, all managers, and all resident on-site owners successfully complete a program that the authority has approved. A designation is valid for 2 years from the date of issuance. If a licensing authority brings an administrative action against a business that has received the designation, the licensing authority shall consider the designation as mitigation.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article
 3 43.3 of title 12 as follows:

4 PART 11

5 RESPONSIBLE VENDOR STANDARDS

6 **12-43.3-1101. Responsible vendor training program -**
 7 **application - standards - program.** (1) A PERSON WHO INTENDS TO
 8 OFFER A RESPONSIBLE MEDICAL MARIJUANA VENDOR SERVER AND SELLER

1 TRAINING PROGRAM SHALL SUBMIT AN APPLICATION TO THE STATE
2 LICENSING AUTHORITY FOR APPROVAL, WHICH PROGRAM, IF APPROVED, IS
3 REFERRED TO IN THIS PART 11 AS AN "APPROVED TRAINING PROGRAM".
4 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL REVIEW
5 EACH SUBMITTED PROGRAM AND SHALL PROVIDE THE STATE LICENSING
6 AUTHORITY WITH THE DEPARTMENT'S ANALYSIS OF WHETHER THE
7 PORTIONS OF THE PROGRAM RELATED TO THE DEPARTMENT'S OVERSIGHT
8 MEET THE MINIMUM CRITERIA DESCRIBED IN THIS SECTION. EXCEPT AS
9 PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE STATE LICENSING
10 AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH
11 AND ENVIRONMENT, SHALL APPROVE THE SUBMITTED PROGRAM IF THE
12 SUBMITTED PROGRAM MEETS THE MINIMUM CRITERIA DESCRIBED IN
13 SUBSECTION (2) OF THIS SECTION. THE STATE LICENSING AUTHORITY
14 SHALL NOT ACT ON ANY APPLICATIONS MADE UNDER THIS SECTION UNTIL
15 JULY 1, 2012. AN APPROVED TRAINING PROGRAM DESIGNATION SHALL BE
16 VALID FOR TWO YEARS FROM THE DATE IT IS ISSUED.

17 (2) AN APPROVED TRAINING PROGRAM SHALL CONTAIN, AT A
18 MINIMUM, THE FOLLOWING STANDARDS AND SHALL BE TAUGHT IN A
19 CLASSROOM SETTING IN A MINIMUM OF A TWO-HOUR PERIOD:

20 (a) PROGRAM STANDARDS THAT SPECIFY, AT A MINIMUM, WHO
21 MUST ATTEND, THE TIME FRAME FOR NEW STAFF TO ATTEND,
22 RECERTIFICATION REQUIREMENTS, RECORD-KEEPING, TESTING AND
23 ASSESSMENT PROTOCOLS, AND EFFECTIVENESS EVALUATIONS; AND

24 (b) A CORE CURRICULUM OF PERTINENT STATUTORY AND
25 REGULATORY PROVISIONS, WHICH CURRICULUM INCLUDES, BUT NEED NOT
26 BE LIMITED TO:

27 (I) INFORMATION ON REQUIRED LICENSES, AGE REQUIREMENTS,

1 PATIENT REGISTRY CARDS ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH
2 AND ENVIRONMENT, MAINTENANCE OF RECORDS, PRIVACY ISSUES, AND
3 UNLAWFUL ACTS;

4 (II) ADMINISTRATIVE AND CRIMINAL LIABILITY AND LICENSE AND
5 COURT SANCTIONS;

6 (III) STATUTORY AND REGULATORY REQUIREMENTS FOR
7 EMPLOYEES AND OWNERS;

8 (IV) ACCEPTABLE FORMS OF IDENTIFICATION, INCLUDING PATIENT
9 REGISTRY CARDS AND ASSOCIATED DOCUMENTS AND PROCEDURES; AND

10 (V) LOCAL AND STATE LICENSING AND ENFORCEMENT, WHICH MAY
11 INCLUDE, BUT NEED NOT BE LIMITED TO, KEY STATUTES AND RULES
12 AFFECTING PATIENTS, OWNERS, MANAGERS, AND EMPLOYEES.

13 (3) A PROVIDER OF AN APPROVED TRAINING PROGRAM SHALL
14 MAINTAIN ITS TRAINING RECORDS AT ITS PRINCIPAL PLACE OF BUSINESS
15 DURING THE APPLICABLE YEAR AND FOR THE PRECEDING THREE YEARS,
16 AND THE PROVIDER SHALL MAKE THE RECORDS AVAILABLE FOR
17 INSPECTION BY THE LICENSING AUTHORITY DURING NORMAL BUSINESS
18 HOURS.

19 (4) THE STATE LICENSING AUTHORITY SHALL NOT APPROVE A
20 TRAINING PROGRAM OFFERED BY:

21 (a) A PERSON WITH A FINANCIAL INTEREST IN A BUSINESS LICENSED
22 OR APPLYING FOR LICENSE PURSUANT TO ARTICLE 43.3 OF TITLE 12;

23 (b) A PERSON WHO IN THE PREVIOUS TWO YEARS WAS AN
24 EMPLOYEE OF A BUSINESS LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE
25 12;

26 (c) A PERSON WHO IN THE PREVIOUS TWO YEARS WAS AN EMPLOYEE
27 OF AN ASSOCIATION OF BUSINESSES LICENSED PURSUANT TO ARTICLE 43.3

1 OF TITLE 12 OR AN EMPLOYEE OF AN ORGANIZATION FOR EMPLOYEES OF
2 BUSINESSES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12;

3 (d) A PERSON WHO WAS EMPLOYED TO APPROVE PROGRAMS UNDER
4 THIS SECTION; OR

5 (e) A PERSON WHO IS NOT A RESIDENT OF THE STATE OF COLORADO.

6 **12-43.3-1102. Responsible vendor designation.** (1) (a) A
7 MEDICAL MARIJUANA BUSINESS LICENSED PURSUANT TO THIS ARTICLE
8 MAY RECEIVE A RESPONSIBLE VENDOR DESIGNATION FROM THE STATE
9 LICENSING AUTHORITY AFTER SUCCESSFULLY COMPLETING AN APPROVED
10 TRAINING PROGRAM. A RESPONSIBLE VENDOR DESIGNATION IS VALID FOR
11 TWO YEARS FROM THE DATE OF ISSUANCE.

12 (b) SUCCESSFUL COMPLETION OF AN APPROVED TRAINING
13 PROGRAM IS ACHIEVED WHEN THE PROGRAM HAS BEEN ATTENDED BY AND,
14 AS DETERMINED BY THE PROGRAM PROVIDER, SATISFACTORILY
15 COMPLETED BY ALL EMPLOYEES SELLING AND HANDLING MEDICAL
16 MARIJUANA, ALL MANAGERS, AND ALL RESIDENT ON-SITE OWNERS, IF ANY.

17 (c) IN ORDER TO MAINTAIN THE RESPONSIBLE VENDOR
18 DESIGNATION, THE LICENSED MEDICAL MARIJUANA BUSINESS MUST HAVE
19 EACH NEW EMPLOYEE WHO SELLS OR HANDLES MEDICAL MARIJUANA,
20 EACH MANAGER, AND EACH RESIDENT ON-SITE OWNER ATTEND AND
21 SATISFACTORILY COMPLETE AN APPROVED TRAINING PROGRAM WITHIN
22 NINETY DAYS AFTER BEING EMPLOYED OR BECOMING AN OWNER. THE
23 LICENSED MEDICAL MARIJUANA BUSINESS SHALL PROVIDE TO THE STATE
24 LICENSING AUTHORITY DOCUMENTATION OF SUCCESSFUL COMPLETION OF
25 THE APPROVED TRAINING PROGRAM BY NEW EMPLOYEES, MANAGERS, OR
26 OWNERS WITHIN FIFTEEN DAYS AFTER THE NEW EMPLOYEE, MANAGER, OR
27 OWNER COMPLETES THE COURSE.

1 (2) A LICENSED MEDICAL MARIJUANA BUSINESS THAT RECEIVES A
2 RESPONSIBLE VENDOR DESIGNATION FROM THE STATE LICENSING
3 AUTHORITY SHALL MAINTAIN INFORMATION ON ALL PERSONS LICENSED
4 PURSUANT TO THIS ARTICLE WHO ARE IN ITS EMPLOYMENT AND WHO HAVE
5 BEEN TRAINED IN AN APPROVED TRAINING PROGRAM. THE INFORMATION
6 INCLUDES THE DATE, PLACE, TIME, AND DURATION OF TRAINING AND A LIST
7 OF ALL LICENSED PERSONS ATTENDING EACH SPECIFIC TRAINING CLASS,
8 WHICH CLASS INCLUDES A TRAINING EXAMINATION OR ASSESSMENT THAT
9 DEMONSTRATES PROFICIENCY.

10 (3) IF A LOCAL OR STATE LICENSING AUTHORITY INITIATES AN
11 ADMINISTRATIVE ACTION AGAINST A LICENSEE WHO HAS COMPLIED WITH
12 THE REQUIREMENTS OF THIS SECTION AND HAS BEEN DESIGNATED A
13 RESPONSIBLE VENDOR, THE LICENSING AUTHORITY SHALL CONSIDER THE
14 DESIGNATION AS A MITIGATING FACTOR WHEN IMPOSING SANCTIONS OR
15 PENALTIES ON THE LICENSEE.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2012 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.