

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-1079.01 Duane Gall x4335

HOUSE BILL 14-1396

HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

King,

House Committees
State, Veterans, & Military Affairs

Senate Committees
Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE AUTHORITY OF PERSONS ACTING**
102 **ON BEHALF OF THE DEPARTMENT OF PUBLIC HEALTH AND**
103 **ENVIRONMENT TO ADMINISTER THE MEDICAL MARIJUANA**
104 **REGISTRY.**

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>.)

The bill clarifies that the term "authorized employees of the state health agency", as used in article XVIII, section 14 of the Colorado

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.

SENATE
3rd Reading Unamended
May 6, 2014

SENATE
Amended 2nd Reading
May 5, 2014

HOUSE
3rd Reading Unamended
April 30, 2014

HOUSE
2nd Reading Unamended
April 29, 2014

constitution, which created the medical marijuana registry, includes independent contractors or other agencies acting on behalf of the department of public health and environment under a contract or intergovernmental agreement. The bill also specifies that these contractors are not, as a result of this authorization, entitled to state employee benefits.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-106, **amend**
3 (2) (a); and **add** (2) (a.5) and (8) (g) as follows:

4 **25-1.5-106. Medical marijuana program - powers and duties**
5 **of state health agency - rules - medical review board - medical**
6 **marijuana program cash fund - created - repeal.** (2) **Definitions.** In
7 addition to the definitions set forth in section 14 (1) of article XVIII of
8 the state constitution, as used in this section, unless the context otherwise
9 requires:

10 (a) ~~"Bona fide physician-patient relationship", for purposes of the~~
11 ~~medical marijuana program, means:~~ "AUTHORIZED EMPLOYEES OF THE
12 STATE HEALTH AGENCY" INCLUDES INDEPENDENT CONTRACTORS OR
13 OTHER AGENCIES WITH WHOM THE STATE HEALTH AGENCY CONTRACTS OR
14 IS WORKING UNDER AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE
15 SERVICES RELATED TO THE ADMINISTRATION OF THE MEDICAL MARIJUANA
16 PROGRAM REGISTRY. THESE INDEPENDENT CONTRACTORS ARE NOT STATE
17 EMPLOYEES FOR THE PURPOSES OF STATE EMPLOYEE BENEFITS, INCLUDING
18 PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BENEFITS.

19 ~~(f) A physician and a patient have a treatment or counseling~~
20 ~~relationship, in the course of which the physician has completed a full~~
21 ~~assessment of the patient's medical history and current medical condition;~~
22 ~~including an appropriate personal physical examination;~~

1 ~~(H) The physician has consulted with the patient with respect to~~
2 ~~the patient's debilitating medical condition before the patient applies for~~
3 ~~a registry identification card; and~~

4 ~~(HH) The physician is available to or offers to provide follow-up~~
5 ~~care and treatment to the patient, including but not limited to patient~~
6 ~~examinations, to determine the efficacy of the use of medical marijuana~~
7 ~~as a treatment of the patient's debilitating medical condition.~~

8 (a.5) "BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP", FOR
9 PURPOSES OF THE MEDICAL MARIJUANA PROGRAM, MEANS:

10 (I) A PHYSICIAN AND A PATIENT HAVE A TREATMENT OR
11 COUNSELING RELATIONSHIP, IN THE COURSE OF WHICH THE PHYSICIAN HAS
12 COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND
13 CURRENT MEDICAL CONDITION, INCLUDING AN APPROPRIATE PERSONAL
14 PHYSICAL EXAMINATION;

15 (II) THE PHYSICIAN HAS CONSULTED WITH THE PATIENT WITH
16 RESPECT TO THE PATIENT'S DEBILITATING MEDICAL CONDITION BEFORE
17 THE PATIENT APPLIES FOR A REGISTRY IDENTIFICATION CARD; AND

18 (III) THE PHYSICIAN IS AVAILABLE TO OR OFFERS TO PROVIDE
19 FOLLOW-UP CARE AND TREATMENT TO THE PATIENT, INCLUDING PATIENT
20 EXAMINATIONS, TO DETERMINE THE EFFICACY OF THE USE OF MEDICAL
21 MARIJUANA AS A TREATMENT OF THE PATIENT'S DEBILITATING MEDICAL
22 CONDITION.

23 **(8) Patient - primary caregiver relationship.**

24 (g) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PRIMARY
25 CAREGIVER SHALL NOT GROW, SELL, OR PROCESS MARIJUANA FOR ANY
26 PERSON UNLESS:

27 (I) THE PERSON IS A PATIENT HOLDING A CURRENT AND VALID

1 REGISTRY IDENTIFICATION CARD; AND

2 (II) THE PRIMARY CAREGIVER IS CURRENTLY IDENTIFIED ON THE
3 MEDICAL MARIJUANA REGISTRY AS THAT PATIENT'S PRIMARY CAREGIVER.

4 **SECTION 2. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.