

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

Committee on Judiciary.

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

HB10-1284 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 **ARTICLE 43.3**  
6 **Medical Marijuana**

7 **PART 1**  
8 **COLORADO MEDICAL MARIJUANA CODE**

9 **12-43.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
10 MAY BE CITED AS THE "COLORADO MEDICAL MARIJUANA CODE".

11 **12-43.3-102. Legislative declaration.** (1) THE GENERAL  
12 ASSEMBLY HEREBY DECLARES THAT THIS ARTICLE SHALL BE DEEMED AN  
13 EXERCISE OF THE POLICE POWERS OF THE STATE FOR THE PROTECTION OF  
14 THE ECONOMIC AND SOCIAL WELFARE AND THE HEALTH, PEACE, AND  
15 MORALS OF THE PEOPLE OF THIS STATE.

16 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS  
17 UNLAWFUL UNDER STATE LAW TO CULTIVATE, MANUFACTURE,  
18 DISTRIBUTE, OR SELL MEDICAL MARIJUANA, EXCEPT IN COMPLIANCE WITH  
19 THE TERMS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS IN SECTION 14  
20 OF ARTICLE XVIII OF THE STATE CONSTITUTION AND THIS ARTICLE OR

1 WHEN ACTING AS A PRIMARY CAREGIVER IN COMPLIANCE WITH THE TERMS,  
2 CONDITIONS, LIMITATIONS, AND RESTRICTIONS OF SECTION 25-1.5-106,  
3 C.R.S.

4 **12-43.3-103. Applicability.** (1) (a) AS OF JULY 1, 2011, A  
5 PERSON SHALL NOT OPEN A MEDICAL MARIJUANA CENTER UNTIL THE  
6 CENTER HAS BEEN LICENSED PURSUANT TO THIS ARTICLE.

7 (b) AS OF JULY 1, 2010, A PERSON WHO OPERATES A MEDICAL  
8 MARIJUANA CENTER MAY OPERATE THAT CENTER UNTIL JULY 1, 2011.  
9 AFTER JULY 1, 2011, THE PERSON MAY CONTINUE OPERATING THE  
10 MEDICAL MARIJUANA CENTER ONLY IF THE CENTER IS LICENSED PURSUANT  
11 TO THIS ARTICLE. TO CONTINUE OPERATING THE MEDICAL MARIJUANA  
12 CENTER THAT WAS OPERATING PRIOR TO JULY 1, 2011, THE OWNER OF THE  
13 CENTER MUST COMPLETE A FORM PROVIDED BY THE DEPARTMENT OF  
14 REVENUE AND MUST PAY A FEE, WHICH SHALL BE CREDITED TO THE  
15 MEDICAL MARIJUANA LICENSE CASH FUND ESTABLISHED PURSUANT TO  
16 SECTION 12-43.3-501. THE PURPOSE OF THE FEE SHALL BE TO PAY FOR THE  
17 DIRECT AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY, AND  
18 DEVELOPMENT OF APPLICATION PROCEDURES AND RULES NECESSARY TO  
19 IMPLEMENT THIS ARTICLE. PAYMENT OF THE FEE AND COMPLETION OF THE  
20 FORM SHALL NOT CREATE A LOCAL OR STATE MEDICAL MARIJUANA CENTER  
21 LICENSE. COMMENCING ON JULY 1, 2011, ALL MEDICAL MARIJUANA  
22 CENTERS SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THIS  
23 ARTICLE AND ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE.

24  
25 (2) PRIOR TO JULY 1, 2011, A COUNTY, CITY AND COUNTY, OR  
26 MUNICIPALITY MAY ADOPT AND ENFORCE A RESOLUTION OR ORDINANCE  
27 LICENSING, REGULATING OR PROHIBITING THE CULTIVATION OR SALE OF  
28 MEDICAL MARIJUANA. IN A COUNTY, CITY AND COUNTY, OR  
29 MUNICIPALITY WHERE SUCH AN ORDINANCE OR RESOLUTION HAS BEEN  
30 ADOPTED, A PERSON CULTIVATING OR SELLING MEDICAL MARIJUANA  
31 SHALL NOT BE ENTITLED TO AN AFFIRMATIVE DEFENSE TO A CRIMINAL  
32 PROSECUTION AS PROVIDED FOR IN SECTION 14 OF ARTICLE XVIII OF THE  
33 STATE CONSTITUTION UNLESS THE PERSON IS IN COMPLIANCE WITH THE  
34 APPLICABLE COUNTY OR MUNICIPAL LAW.

35 **12-43.3-104. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
36 CONTEXT OTHERWISE REQUIRES:

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



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

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

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

10 (c) EVIDENCE THAT THE LICENSED PREMISES HAVE BEEN OPERATED  
11 IN A MANNER THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR WELFARE  
12 OR THE SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE  
13 ESTABLISHMENT IS LOCATED OR OF THE PUBLIC, WHICH EVIDENCE SHALL  
14 INCLUDE A CONTINUING PATTERN OF FIGHTS, VIOLENT ACTIVITY, OR  
15 DISORDERLY CONDUCT. FOR PURPOSES OF THIS PARAGRAPH (c),  
16 "DISORDERLY CONDUCT" HAS THE SAME MEANING AS PROVIDED IN  
17 SECTION 18-9-106, C.R.S.

18 (2) "LICENSE" MEANS TO GRANT A LICENSE TO CULTIVATE,  
19 MANUFACTURE, DISTRIBUTE, OR SELL MEDICAL MARIJUANA PURSUANT TO  
20 THE TERMS AND CONDITIONS OF AND ANY RULES PROMULGATED  
21 PURSUANT TO THIS ARTICLE.

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

28 (4) "LOCAL LICENSING AUTHORITY" MEANS AN AUTHORITY  
29 DESIGNATED BY MUNICIPAL OR COUNTY CHARTER, MUNICIPAL ORDINANCE,  
30 OR COUNTY RESOLUTION.

31 (5) "LOCATION" MEANS A PARTICULAR PARCEL OF LAND THAT MAY  
32 BE IDENTIFIED BY AN ADDRESS OR OTHER DESCRIPTIVE MEANS.

33 (6) "MEDICAL MARIJUANA" MEANS MARIJUANA THAT IS GROWN



1 AND SOLD PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND FOR A  
2 PURPOSE AUTHORIZED BY SECTION 14 OF ARTICLE XVIII OF THE STATE  
3 CONSTITUTION.

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

12 (8) "OPTIONAL PREMISES" MEANS THE PREMISES SPECIFIED IN AN  
13 APPLICATION FOR A MEDICAL MARIJUANA CENTER LICENSE WITH RELATED  
14 GROWING FACILITIES IN COLORADO FOR WHICH THE LICENSEE IS  
15 AUTHORIZED TO GROW AND CULTIVATE MARIJUANA FOR A PURPOSE  
16 AUTHORIZED BY SECTION 14 OF ARTICLE XVIII OF THE STATE  
17 CONSTITUTION.

18 (9) "PERSON" MEANS A NATURAL PERSON, PARTNERSHIP,  
19 ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, OR  
20 ORGANIZATION, OR A MANAGER, AGENT, OWNER, DIRECTOR, SERVANT,  
21 OFFICER, OR EMPLOYEE THEREOF.

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

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

27 (12) "STATE LICENSING AUTHORITY" MEANS THE AUTHORITY  
28 CREATED FOR THE PURPOSE OF REGULATING AND CONTROLLING THE  
29 LICENSING OF THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE  
30 OF MEDICAL MARIJUANA IN THIS STATE, PURSUANT TO SECTION  
31 12-43.3-201.

32 **12-43.3-105. Limited access areas.** NOTWITHSTANDING THE  
33 PROVISIONS OF 12-43.3-701, A LIMITED ACCESS AREA SHALL BE A  
34 BUILDING, ROOM, OR OTHER CONTIGUOUS AREA UPON THE LICENSED



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

8 **12-43.3-106. Local Option.** THE OPERATION OF THIS ARTICLE  
9 SHALL BE STATEWIDE UNLESS A MUNICIPALITY, COUNTY, OR CITY, BY A  
10 MAJORITY OF THE REGISTERED ELECTORS OF THE MUNICIPALITY, COUNTY,  
11 OR CITY AND COUNTY VOTING AT A REGULAR ELECTION OR SPECIAL  
12 ELECTION CALLED IN ACCORDANCE WITH THE "COLORADO MUNICIPAL  
13 ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S., OR THE  
14 "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1,  
15 C.R.S., AS APPLICABLE, VOTE TO PROHIBIT RETAIL SALE, DISTRIBUTION,  
16 CULTIVATION, AND DISPENSING OR MEDICAL MARIJUANA.

17 **PART 2**  
18 **STATE LICENSING AUTHORITY**

19 **12-43.3-201. State licensing authority - creation.** (1) FOR THE  
20 PURPOSE OF REGULATING AND CONTROLLING THE LICENSING OF THE  
21 CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL  
22 MARIJUANA IN THIS STATE, THERE IS HEREBY CREATED THE STATE  
23 LICENSING AUTHORITY, WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE  
24 DEPARTMENT OF REVENUE OR THE DEPUTY DIRECTOR OF THE DEPARTMENT  
25 OF REVENUE IF THE EXECUTIVE DIRECTOR SO DESIGNATES.

26 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE  
27 SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE STATE LICENSING  
28 AUTHORITY AND MAY EMPLOY, PURSUANT TO SECTION 13 OF ARTICLE XII  
29 OF THE STATE CONSTITUTION, SUCH OFFICERS AND EMPLOYEES AS MAY BE  
30 DETERMINED TO BE NECESSARY, WHICH OFFICERS AND EMPLOYEES SHALL  
31 BE PART OF THE DEPARTMENT OF REVENUE.

32 **12-43.3-202. Powers and duties of state licensing authority.**

33 (1) THE STATE LICENSING AUTHORITY SHALL:

34 (a) GRANT OR REFUSE STATE LICENSES FOR THE CULTIVATION,  
35 MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA AS



1 PROVIDED BY LAW; SUSPEND, FINE, OR REVOKE SUCH LICENSES UPON A  
2 VIOLATION OF THIS ARTICLE, OR A RULE PROMULGATED PURSUANT TO THIS  
3 ARTICLE; AND IMPOSE ANY PENALTY AUTHORIZED BY THIS ARTICLE OR  
4 ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE;

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

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

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

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

28 (f) PREPARE AND TRANSMIT ANNUALLY, IN THE FORM AND  
29 MANNER PRESCRIBED BY THE HEADS OF THE PRINCIPAL DEPARTMENTS  
30 PURSUANT TO SECTION 24-1-136, C.R.S., A REPORT ACCOUNTING TO THE  
31 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES  
32 ASSIGNED BY LAW OR DIRECTIVE TO THE STATE LICENSING AUTHORITY;  
33 AND

34 (g) IN RECOGNITION OF THE POTENTIAL MEDICINAL VALUE OF  
35 MEDICAL MARIJUANA, MAKE A REQUEST BY JANUARY 1, 2012, TO THE

1 FEDERAL DRUG ENFORCEMENT ADMINISTRATION TO CONSIDER  
2 RESCHEDULING, FOR PHARMACEUTICAL PURPOSES, MEDICAL MARIJUANA  
3 FROM A SCHEDULE I CONTROLLED SUBSTANCE TO A SCHEDULE II  
4 CONTROLLED SUBSTANCE.

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

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

13 (II) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF  
14 THE STATE LICENSING AUTHORITY;

15 (III) INSTRUCTIONS FOR LOCAL LICENSING AUTHORITIES AND LAW  
16 ENFORCEMENT OFFICERS;

17 (IV) REQUIREMENTS FOR INSPECTIONS, INVESTIGATIONS,  
18 SEARCHES, SEIZURES, AND SUCH ADDITIONAL ACTIVITIES AS MAY BECOME  
19 NECESSARY FROM TIME TO TIME;

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

22 (VI) PROHIBITION OF MISREPRESENTATION, UNFAIR PRACTICES,  
23 AND UNFAIR COMPETITION;

24 (VII) CONTROL OF INFORMATIONAL AND PRODUCT DISPLAYS ON  
25 LICENSED PREMISES;

26 (VIII) DEVELOPMENT OF INDIVIDUAL IDENTIFICATION CARDS FOR  
27 OWNERS, OFFICERS, AND EMPLOYEES OF ENTITIES LICENSED PURSUANT TO  
28 THIS ARTICLE, INCLUDING A CRIMINAL HISTORY RECORD CHECK AS MAY BE  
29 REQUIRED BY THE STATE LICENSING AUTHORITY PRIOR TO ISSUING A CARD;

30 (IX) IDENTIFICATION OF STATE LICENSEES AND THEIR OWNERS,  
31 OFFICERS, MANAGERS, AND EMPLOYEES;

1 (X) SECURITY REQUIREMENTS FOR MEDICAL MARIJUANA CENTERS  
2 AND OPTIONAL PREMISES CULTIVATION OPERATIONS, INCLUDING, AT A  
3 MINIMUM, LIGHTING, PHYSICAL SECURITY, VIDEO, ALARM REQUIREMENTS,  
4 AND OTHER MINIMUM PROCEDURES FOR INTERNAL CONTROL AS DEEMED  
5 NECESSARY BY THE STATE LICENSING AUTHORITY TO PROPERLY  
6 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE, INCLUDING  
7 REPORTING REQUIREMENTS FOR CHANGES, ALTERATIONS, OR  
8 MODIFICATIONS TO THE PREMISES;

9 (XI) REGULATION OF THE STORAGE OF, WAREHOUSES FOR, AND  
10 TRANSPORTATION OF MEDICAL MARIJUANA;

11 (XII) SANITARY REQUIREMENTS FOR MEDICAL MARIJUANA  
12 CENTERS, INCLUDING BUT NOT LIMITED TO SANITARY REQUIREMENTS FOR  
13 THE PREPARATION OF MEDICAL MARIJUANA-INFUSED PRODUCTS;

14 (XIII) THE SPECIFICATION OF ACCEPTABLE FORMS OF PICTURE  
15 IDENTIFICATION THAT A MEDICAL MARIJUANA CENTER MAY ACCEPT WHEN  
16 VERIFYING A SALE;

17 (XIV) LABELING STANDARDS;

18 (XV) RECORDS TO BE KEPT BY LICENSEES AND THE REQUIRED  
19 AVAILABILITY OF THE RECORDS;

20 (XVI) STATE LICENSING PROCEDURES, INCLUDING PROCEDURES  
21 FOR RENEWALS, REINSTATEMENTS, INITIAL LICENSES, AND THE PAYMENT  
22 OF LICENSING FEES;

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

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

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

30 (XX) AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO  
31 ISSUE ADMINISTRATIVE CITATIONS AND PROCEDURES FOR ISSUING,



1 APPEALING AND CREATING A CITATION VIOLATION LIST AND SCHEDULE OF  
2 PENALTIES; AND

3 (XXI) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,  
4 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS  
5 ARTICLE.

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

9 (c) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT A  
10 LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL  
11 ACTIVITY IN RELATION TO A MEDICAL MARIJUANA CENTER, OPTIONAL  
12 PREMISES CULTIVATION OPERATION, OR INFUSED PRODUCTS  
13 MANUFACTURER.

14 PART 3  
15 STATE AND LOCAL LICENSING

16 **12-43.3-301. Local licensing authority - applications - licenses.**  
17 (1) A LOCAL LICENSING AUTHORITY MAY ISSUE ONLY THE FOLLOWING  
18 MEDICAL MARIJUANA LICENSES UPON PAYMENT OF THE FEE TO BE  
19 DETERMINED BY THE LOCAL LICENSING AUTHORITY:

20 (a) A MEDICAL MARIJUANA CENTER LICENSE;

21 (b) AN OPTIONAL PREMISES CULTIVATION LICENSE;

22 (c) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
23 LICENSE.

24 (2) (a) A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE A LOCAL  
25 LICENSE WITHIN A MUNICIPALITY, CITY AND COUNTY, OR THE  
26 UNINCORPORATED PORTION OF A COUNTY UNLESS THE GOVERNING BODY  
27 OF THE MUNICIPALITY OR CITY AND COUNTY HAS ADOPTED AN ORDINANCE,  
28 OR THE GOVERNING BODY OF THE COUNTY HAS ADOPTED A RESOLUTION,  
29 CONTAINING SPECIFIC STANDARDS FOR LICENSE ISSUANCE.

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



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

5 (I) RESTRICTIONS ON THE TOTAL NUMBER OF LOCAL LICENSES;

6 (II) DISTANCE RESTRICTIONS BETWEEN PREMISES FOR WHICH  
7 LOCAL LICENSES ARE ISSUED;

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

10 (IV) ANY OTHER REQUIREMENTS NECESSARY TO ENSURE THE  
11 CONTROL OF THE PREMISES AND THE EASE OF ENFORCEMENT.

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

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

29 **12-43.3-302. Public hearing notice - posting and publication.**

30 (1) UPON RECEIPT OF AN APPLICATION FOR A LOCAL LICENSE, EXCEPT AN  
31 APPLICATION FOR RENEWAL OR FOR TRANSFER OF OWNERSHIP, A LOCAL  
32 LICENSING AUTHORITY SHALL SCHEDULE A PUBLIC HEARING UPON THE  
33 APPLICATION TO BE HELD NOT LESS THAN THIRTY DAYS AFTER THE DATE  
34 OF THE APPLICATION AND SHALL POST AND PUBLISH THE PUBLIC NOTICE



1       THEREOF NOT LESS THAN TEN DAYS PRIOR TO THE HEARING. THE LOCAL  
2       LICENSING AUTHORITY SHALL GIVE PUBLIC NOTICE SHALL BE GIVEN BY THE  
3       POSTING OF A SIGN IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH  
4       APPLICATION HAS BEEN MADE AND BY PUBLICATION IN A NEWSPAPER OF  
5       GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PREMISES ARE  
6       LOCATED.

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

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

18              (4) IF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD  
19      OR CULTIVATED IS IN EXISTENCE AT THE TIME OF THE APPLICATION, A SIGN  
20      POSTED AS REQUIRED IN SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL  
21      BE PLACED SO AS TO BE CONSPICUOUS AND PLAINLY VISIBLE TO THE  
22      GENERAL PUBLIC. IF THE BUILDING IS NOT CONSTRUCTED AT THE TIME OF  
23      THE APPLICATION, THE APPLICANT SHALL POST A SIGN AT THE PREMISES  
24      UPON WHICH THE BUILDING IS TO BE CONSTRUCTED IN SUCH A MANNER  
25      THAT THE NOTICE SHALL BE CONSPICUOUS AND PLAINLY VISIBLE TO THE  
26      GENERAL PUBLIC.

27              (5) (a) AT THE PUBLIC HEARING HELD PURSUANT TO SUBSECTION  
28      (1) OF THIS SECTION, ANY PARTY IN INTEREST SHALL BE ALLOWED TO  
29      PRESENT EVIDENCE AND TO CROSS-EXAMINE WITNESSES.

30              (b) AS USED IN THIS SUBSECTION (5), "PARTY IN INTEREST" MEANS  
31      ANY OF THE FOLLOWING:

32              (I) THE APPLICANT;

33              (II) AN ADULT RESIDENT OF THE NEIGHBORHOOD UNDER  
34      CONSIDERATION;



1 (III) THE OWNER OR MANAGER OF A BUSINESS LOCATED IN THE  
2 NEIGHBORHOOD UNDER CONSIDERATION;

3 (IV) THE PRINCIPAL OR REPRESENTATIVE OF A SCHOOL LOCATED  
4 WITHIN ONE THOUSAND FEET OF THE PREMISES FOR WHICH A MEDICAL  
5 MARIJUANA CENTER LICENSE IS UNDER CONSIDERATION;

6 (V) ONE REPRESENTATIVE OF AN ORGANIZED NEIGHBORHOOD  
7 GROUP THAT ENCOMPASSES PART OR ALL OF THE NEIGHBORHOOD UNDER  
8 CONSIDERATION. THE REPRESENTATIVE SHALL RESIDE WITHIN THE  
9 NEIGHBORHOOD GROUP'S GEOGRAPHICAL BOUNDARIES AND SHALL BE A  
10 MEMBER OF THE NEIGHBORHOOD GROUP.

11 (VI) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT AGENCY.

12 (c) THE LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, MAY  
13 LIMIT THE PRESENTATION OF EVIDENCE AND CROSS-EXAMINATION SO AS  
14 TO PREVENT REPETITIVE AND CUMULATIVE EVIDENCE OR EXAMINATION.

15 (d) (I) A LOCAL LICENSING AUTHORITY, OR A LICENSE APPLICANT  
16 WITH LOCAL LICENSING AUTHORITY APPROVAL, MAY REQUEST THAT THE  
17 STATE LICENSING AUTHORITY CONDUCT A CONCURRENT REVIEW OF A NEW  
18 LICENSE APPLICATION PRIOR TO THE LOCAL LICENSING AUTHORITY'S FINAL  
19 APPROVAL OF THE LICENSE APPLICATION. LOCAL LICENSING AUTHORITIES  
20 WHO PERMIT A CONCURRENT REVIEW WILL CONTINUE TO INDEPENDENTLY  
21 REVIEW THE APPLICANT'S LICENSE APPLICATION.

22 (II) WHEN CONDUCTING A CONCURRENT APPLICATION REVIEW, THE  
23 STATE LICENSING AUTHORITY SHALL ADVISE THE LOCAL LICENSING  
24 AUTHORITY OF ANY ITEMS THAT IT FINDS THAT COULD RESULT IN THE  
25 DENIAL OF THE LICENSE APPLICATION. UPON CORRECTION OF THE NOTED  
26 DISCREPANCIES, THE STATE LICENSING AUTHORITY SHALL NOTIFY THE  
27 LOCAL LICENSING AUTHORITY OF ITS CONDITIONAL APPROVAL OF THE  
28 LICENSE APPLICATION SUBJECT TO THE FINAL APPROVAL BY THE LOCAL  
29 LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL THEN  
30 ISSUE THE APPLICANT'S STATE LICENSE UPON RECEIVING EVIDENCE OF  
31 FINAL APPROVAL BY THE LOCAL LICENSING AUTHORITY.

32 (III) ALL APPLICATIONS SUBMITTED FOR CONCURRENT REVIEW  
33 SHALL BE ACCOMPANIED BY ALL APPLICABLE STATE LICENSE AND  
34 APPLICATION FEES. ANY APPLICATIONS THAT ARE LATER DENIED OR



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

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

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

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

23 (3) WITHIN THIRTY DAYS AFTER THE PUBLIC HEARING, A LOCAL  
24 LICENSING AUTHORITY SHALL ISSUE ITS DECISION APPROVING OR DENYING  
25 AN APPLICATION FOR LOCAL LICENSURE. THE DECISION SHALL BE IN  
26 WRITING AND SHALL STATE THE REASONS FOR THE DECISION. THE LOCAL  
27 LICENSING AUTHORITY SHALL SEND A COPY OF THE DECISION BY CERTIFIED  
28 MAIL TO THE APPLICANT AT THE ADDRESS SHOWN IN THE APPLICATION. A  
29 DECISION APPROVING A MEDICAL MARIJUANA CENTER LOCAL LICENSE MAY  
30 INCLUDE A LIMIT ON THE NUMBER OF PATIENTS THE CENTER MAY SERVE.

31 (4) AFTER APPROVAL OF AN APPLICATION, A LOCAL LICENSING  
32 AUTHORITY SHALL NOT ISSUE A LOCAL LICENSE UNTIL THE BUILDING IN  
33 WHICH THE BUSINESS TO BE CONDUCTED IS READY FOR OCCUPANCY WITH  
34 SUCH FURNITURE, FIXTURES, AND EQUIPMENT IN PLACE AS ARE NECESSARY  
35 TO COMPLY WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE, AND THEN  
36 ONLY AFTER THE LOCAL LICENSING AUTHORITY HAS INSPECTED THE  
37 PREMISES TO DETERMINE THAT THE APPLICANT HAS COMPLIED WITH THE



1 ARCHITECT'S DRAWING AND THE PLOT PLAN AND DETAILED SKETCH FOR  
2 THE INTERIOR OF THE BUILDING SUBMITTED WITH THE APPLICATION.

3 (5) AFTER APPROVAL OF AN APPLICATION FOR LOCAL LICENSURE,  
4 THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE STATE LICENSING  
5 AUTHORITY OF SUCH APPROVAL, WHO SHALL INVESTIGATE AND EITHER  
6 APPROVE OR DISAPPROVE THE APPLICATION FOR STATE LICENSURE.

7 **12-43.3-304. Medical marijuana license bond.** (1) BEFORE THE  
8 STATE LICENSING AUTHORITY ISSUES A STATE LICENSE TO AN APPLICANT,  
9 THE APPLICANT SHALL PROCURE AND FILE WITH THE STATE LICENSING  
10 AUTHORITY EVIDENCE OF A GOOD AND SUFFICIENT BOND IN THE AMOUNT  
11 OF FIVE THOUSAND DOLLARS WITH CORPORATE SURETY THEREON DULY  
12 LICENSED TO DO BUSINESS WITH THE STATE, APPROVED AS TO FORM BY  
13 THE ATTORNEY GENERAL OF THE STATE, AND CONDITIONED THAT THE  
14 APPLICANT SHALL REPORT AND PAY ALL SALES TAXES DUE TO THE STATE,  
15 OR FOR WHICH THE STATE IS THE COLLECTOR OR COLLECTING AGENT, IN A  
16 TIMELY MANNER, AS PROVIDED IN LAW.

17 (2) A CORPORATE SURETY SHALL NOT BE REQUIRED TO MAKE  
18 PAYMENTS TO THE STATE CLAIMING UNDER SUCH BOND UNTIL A FINAL  
19 DETERMINATION OF FAILURE TO PAY TAXES DUE TO THE STATE HAS BEEN  
20 MADE BY THE STATE LICENSING AUTHORITY OR A COURT OF COMPETENT  
21 JURISDICTION.

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

26 **12-43.3-305. State licensing authority - application and**  
27 **issuance procedures.** (1) APPLICATIONS FOR A STATE LICENSE UNDER  
28 THE PROVISIONS OF THIS ARTICLE SHALL BE MADE TO THE STATE  
29 LICENSING AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE  
30 STATE LICENSING AUTHORITY AND SHALL SET FORTH SUCH INFORMATION  
31 AS THE STATE LICENSING AUTHORITY MAY REQUIRE TO ENABLE THE STATE  
32 LICENSING AUTHORITY TO DETERMINE WHETHER A STATE LICENSE SHOULD  
33 BE GRANTED. THE INFORMATION SHALL INCLUDE THE NAME AND ADDRESS  
34 OF THE APPLICANT, THE NAMES AND ADDRESSES OF THE OFFICERS,  
35 DIRECTORS, OR MANAGERS, AND ALL OTHER INFORMATION DEEMED  
36 NECESSARY BY THE STATE LICENSING AUTHORITY. EACH APPLICATION



1 SHALL BE VERIFIED BY THE OATH OR AFFIRMATION OF SUCH PERSON OR  
2 PERSONS AS THE STATE LICENSING AUTHORITY MAY PRESCRIBE.

3 (2) THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A STATE  
4 LICENSE PURSUANT TO THIS SECTION UNTIL THE LOCAL LICENSING  
5 AUTHORITY HAS APPROVED THE APPLICATION FOR A LOCAL LICENSE AND  
6 ISSUED A LOCAL LICENSE AS PROVIDED FOR IN SECTIONS 12-43.3-301 TO  
7 12-43.3-303.

8 (3) NOTHING IN THIS ARTICLE SHALL PREEMPT OR OTHERWISE  
9 IMPAIR THE POWER OF A LOCAL GOVERNMENT TO ENACT ORDINANCES OR  
10 RESOLUTIONS CONCERNING MATTERS AUTHORIZED TO LOCAL  
11 GOVERNMENTS.

12 **12-43.3-306. Denial of application.** (1) THE STATE LICENSING  
13 AUTHORITY SHALL DENY A STATE LICENSE IF THE PREMISES ON WHICH THE  
14 APPLICANT PROPOSES TO CONDUCT ITS BUSINESS DO NOT MEET THE  
15 REQUIREMENTS OF THIS ARTICLE OR FOR REASONS SET FORTH IN SECTIONS  
16 12-43.3-104 (1) OR 12-43.3-305.

17 (2) IF THE STATE LICENSING AUTHORITY DENIES A STATE LICENSE  
18 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL BE  
19 ENTITLED TO A HEARING PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S. THE  
20 STATE LICENSING AUTHORITY SHALL PROVIDE WRITTEN NOTICE OF THE  
21 GROUNDS FOR DENIAL OF THE STATE LICENSE TO THE APPLICANT AND TO  
22 THE LOCAL LICENSING AUTHORITY AT LEAST FIFTEEN DAYS PRIOR TO THE  
23 HEARING.

24 **12-43.3-307. Persons prohibited as licensees.** (1) (a) A LICENSE  
25 PROVIDED BY THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY:

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

27 (II) A PERSON WHO IS NOT OF GOOD MORAL CHARACTER;

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

30 (IV) A LICENSED PHYSICIAN MAKING PATIENT  
31 RECOMMENDATIONS;



1 (V) A PERSON EMPLOYING, ASSISTED BY, OR FINANCED IN WHOLE  
2 OR IN PART BY ANY OTHER PERSON WHO IS NOT OF GOOD CHARACTER AND  
3 REPUTATION SATISFACTORY TO THE RESPECTIVE LICENSING AUTHORITY;

4 (VI) A PERSON UNDER TWENTY-ONE YEARS OF AGE;

5 (VII) A PERSON LICENSED PURSUANT TO THIS ARTICLE WHO FAILS  
6 TO:

7 (A) PROVIDE A SURETY BOND OR FAILS TO FILE ANY TAX RETURN  
8 WITH A TAXING AGENCY;

9 (B) PAY ANY TAXES, INTEREST, OR PENALTIES DUE;

10 (C) PAY ANY JUDGMENTS DUE TO A GOVERNMENT AGENCY;

11 (D) REPAY GOVERNMENT-INSURED STUDENT LOANS; OR

12 (E) PAY CHILD SUPPORT;

13 (IX) A PERSON WHO HAS BEEN CONVICTED OF ANY FELONY OR OF  
14 A MISDEMEANOR PURSUANT TO ANY STATE OR FEDERAL LAW REGULATING  
15 THE POSSESSION, DISTRIBUTION, OR USE OF MARIJUANA OR OF ANY  
16 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S.;

17 (X) A PERSON WHO EMPLOYEES ANOTHER PERSON AT A MEDICAL  
18 MARIJUANA FACILITY WHO HAS NOT PASSED A CRIMINAL HISTORY RECORD  
19 CHECK;

20 (XI) A SHERIFF, DEPUTY SHERIFF, POLICE OFFICER, OR  
21 PROSECUTING OFFICER, OR AN OFFICER OR EMPLOYEE OF THE STATE  
22 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY; OR

23 (XII) A PERSON WHOSE AUTHORITY TO BE A CAREGIVER HAS BEEN  
24 REVOKED BY THE STATE HEALTH AGENCY AS DEFINED IN SECTION  
25 25-1.5-106 (2).

26 (2) (a) IN INVESTIGATING THE QUALIFICATIONS OF AN APPLICANT  
27 OR A LICENSEE, THE STATE LICENSING AUTHORITY MAY HAVE ACCESS TO  
28 CRIMINAL HISTORY RECORD INFORMATION FURNISHED BY A CRIMINAL  
29 JUSTICE AGENCY SUBJECT TO ANY RESTRICTIONS IMPOSED BY SUCH

1 AGENCY. IN THE EVENT THE STATE LICENSING AUTHORITY CONSIDERS THE  
2 APPLICANT'S CRIMINAL HISTORY RECORD, THE STATE LICENSING  
3 AUTHORITY SHALL ALSO CONSIDER ANY INFORMATION PROVIDED BY THE  
4 APPLICANT REGARDING SUCH CRIMINAL HISTORY RECORD, INCLUDING BUT  
5 NOT LIMITED TO EVIDENCE OF REHABILITATION, CHARACTER REFERENCES,  
6 AN EDUCATIONAL ACHIEVEMENTS, ESPECIALLY THOSE ITEMS PERTAINING  
7 TO THE PERIOD OF TIME BETWEEN THE APPLICANT'S LAST CRIMINAL  
8 CONVICTION AND THE CONSIDERATION OF THE APPLICATION FOR A STATE  
9 LICENSE.

10 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2),  
11 "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL  
12 COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY  
13 THAT ADMINISTERS CRIMINAL JUSTICE PURSUANT TO A STATUTE OR  
14 EXECUTIVE ORDER AND THAT ALLOCATES A SUBSTANTIAL PART OF ITS  
15 ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

16 (c) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OR  
17 RENEWAL OF A STATE MEDICAL MARIJUANA CENTER LICENSE OR OPTIONAL  
18 PREMISES CULTIVATION LICENSE, AN APPLICANT SHALL SUBMIT A SET OF  
19 HIS OR HER FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION  
20 CONCERNING THE APPLICANT'S QUALIFICATIONS FOR A STATE LICENSE ON  
21 FORMS PREPARED BY THE STATE LICENSING AUTHORITY. THE STATE  
22 LICENSING AUTHORITY SHALL SUBMIT THE FINGERPRINTS TO THE  
23 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO  
25 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE  
26 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE STATE  
28 LICENSING AUTHORITY MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY  
29 RECORD CHECK FOR AN APPLICANT OR A LICENSE HOLDER WHO HAS TWICE  
30 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
31 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS  
32 PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE LICENSING PURPOSES  
33 MAY REQUEST THAT THE FINGERPRINTS ON FILE BE USED. THE STATE  
34 LICENSING AUTHORITY SHALL USE THE INFORMATION RESULTING FROM  
35 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO  
36 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO  
37 HOLD A STATE LICENSE PURSUANT TO THIS ARTICLE. THE STATE  
38 LICENSING AUTHORITY MAY VERIFY ANY OF THE INFORMATION AN  
39 APPLICANT IS REQUIRED TO SUBMIT.



1           **12-43.3-308. Restrictions for applications for new licenses.**  
2 (1) THE STATE OR A LOCAL LICENSING AUTHORITY SHALL NOT RECEIVE OR  
3 ACT UPON AN APPLICATION FOR THE ISSUANCE OF A STATE OR LOCAL  
4 LICENSE PURSUANT TO THIS ARTICLE:

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

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

16           (c) FOR A LOCATION IN AN AREA WHERE THE SALE OF MEDICAL  
17 MARIJUANA AS CONTEMPLATED IS NOT PERMITTED UNDER THE APPLICABLE  
18 ZONING LAWS OF THE 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, OR THE  
21 PRINCIPAL CAMPUS OF A COLLEGE, UNIVERSITY, OR SEMINARY. THE  
22 PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE RENEWAL OR  
23 RE-ISSUANCE OF A LICENSE ONCE GRANTED OR APPLY TO LICENSED  
24 PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A  
25 MUNICIPALITY, NOR SHALL THE PROVISIONS OF THIS SECTION APPLY TO AN  
26 EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE, OR APPLY  
27 TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID  
28 PRINCIPAL CAMPUS WAS CONSTRUCTED. THE LOCAL LICENSING  
29 AUTHORITY OF A CITY AND COUNTY, BY RULE OR REGULATION, THE  
30 GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, AND THE  
31 GOVERNING BODY OF A COUNTY, BY RESOLUTION, MAY ELIMINATE OR  
32 REDUCE THE DISTANCE RESTRICTIONS IMPOSED BY THIS SUBPARAGRAPH  
33 (I) FOR A LICENSE OR MAY ELIMINATE ONE OR MORE TYPES OF SCHOOLS OR  
34 CAMPUSES FROM THE APPLICATION OF A DISTANCE RESTRICTION  
35 ESTABLISHED BY OR PURSUANT TO THIS SUBPARAGRAPH (I).

36           (II) THE DISTANCES REFERRED TO IN THIS PARAGRAPH (d) ARE TO

1 BE COMPUTED BY DIRECT MEASUREMENT FROM THE NEAREST PROPERTY  
2 LINE OF THE LAND USED FOR A SCHOOL OR CAMPUS TO THE NEAREST  
3 PORTION OF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD,  
4 USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.

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

11 **12-43.3-309. Transfer of ownership.** (1) A STATE OR LOCAL  
12 LICENSE GRANTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE  
13 TRANSFERABLE EXCEPT AS PROVIDED IN THIS SECTION, BUT THIS SECTION  
14 SHALL NOT PREVENT A CHANGE OF LOCATION AS PROVIDED IN SECTION  
15 12-43.3-310 (13).

16 (2) FOR A TRANSFER OF OWNERSHIP, A LICENSE HOLDER SHALL  
17 APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES ON FORMS  
18 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY. IN  
19 DETERMINING WHETHER TO PERMIT A TRANSFER OF OWNERSHIP, THE  
20 STATE AND LOCAL LICENSING AUTHORITIES SHALL CONSIDER ONLY THE  
21 REQUIREMENTS OF THIS ARTICLE, ANY RULES PROMULGATED BY THE  
22 STATE LICENSING AUTHORITY, AND ANY OTHER LOCAL RESTRICTIONS. THE  
23 LOCAL LICENSING AUTHORITY MAY HOLD A HEARING ON THE APPLICATION  
24 FOR TRANSFER OF OWNERSHIP. THE LOCAL LICENSING AUTHORITY SHALL  
25 NOT HOLD A HEARING PURSUANT TO THIS SUBSECTION (2) UNTIL THE  
26 LOCAL LICENSING AUTHORITY HAS POSTED A NOTICE OF HEARING IN THE  
27 MANNER DESCRIBED IN SECTION 12-43.3-302 (2) ON THE LICENSED  
28 PREMISES FOR A PERIOD OF TEN DAYS AND HAS PROVIDED NOTICE OF THE  
29 HEARING TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE HEARING.  
30 ANY TRANSFER OF OWNERSHIP HEARING BY THE STATE LICENSING  
31 AUTHORITY SHALL BE HELD IN COMPLIANCE WITH THE REQUIREMENTS  
32 SPECIFIED IN SECTION 12-43.3-302.

33 **12-43.3-310. Licensing in general.** (1) THIS ARTICLE  
34 AUTHORIZES A COUNTY, MUNICIPALITY, OR CITY AND COUNTY TO PROHIBIT  
35 THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES  
36 CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS  
37 MANUFACTURERS' LICENSES OR LIMIT THE NUMBER OF MEDICAL



1 MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION LICENSES, AND  
2 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES  
3 THAT MAY OPERATE IN THE COUNTY, MUNICIPALITY, OR CITY AND COUNTY  
4 AND TO ENACT REASONABLE REGULATIONS OR OTHER RESTRICTIONS  
5 APPLICABLE TO MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES  
6 CULTIVATION LICENSES, AND MEDICAL MARIJUANA-INFUSED PRODUCTS  
7 MANUFACTURERS' LICENSES BASED ON LOCAL GOVERNMENT ZONING,  
8 HEALTH, SAFETY, AND PUBLIC WELFARE LAWS FOR THE DISTRIBUTION OF  
9 MEDICAL MARIJUANA THAT ARE MORE RESTRICTIVE THAN THIS ARTICLE.

10 (2) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
11 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS  
12 MANUFACTURER MAY NOT OPERATE UNTIL IT HAS BEEN LICENSED BY THE  
13 LOCAL LICENSING AUTHORITY AND THE STATE LICENSING AUTHORITY  
14 PURSUANT TO THIS ARTICLE. IN CONNECTION WITH A LICENSE, THE  
15 APPLICANT SHALL PROVIDE A COMPLETE AND ACCURATE LIST OF ALL  
16 OWNERS, OFFICERS, AND EMPLOYEES WHO WORK AT, MANAGE, OWN, OR  
17 ARE OTHERWISE ASSOCIATED WITH THE OPERATION.

18 (3) 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 WITHIN TEN DAYS AFTER AN OWNER, OFFICER, OR EMPLOYEE  
22 CEASES TO WORK AT, MANAGE, OWN, OR OTHERWISE BE ASSOCIATED WITH  
23 THE OPERATION. THE OWNER, OFFICER, OR EMPLOYEE SHALL SURRENDER  
24 HIS OR HER IDENTIFICATION CARD TO THE STATE AUTHORITY ON OR  
25 BEFORE THE DATE OF THE NOTIFICATION.

26 (4) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES  
27 CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS  
28 MANUFACTURER SHALL NOTIFY THE STATE LICENSING AUTHORITY IN  
29 WRITING OF THE NAME, ADDRESS, AND DATE OF BIRTH OF AN OWNER,  
30 OFFICER, MANAGER, OR EMPLOYEE BEFORE THE NEW OWNER, OFFICER, OR  
31 EMPLOYEE BEGINS WORKING AT, MANAGING, OWNING, OR BEING  
32 ASSOCIATED WITH THE OPERATION. THE OWNER, OFFICER, MANAGER, OR  
33 EMPLOYEE SHALL PASS A CRIMINAL HISTORY RECORD CHECK AS REQUIRED  
34 BY THE STATE LICENSING AUTHORITY AND OBTAIN THE REQUIRED  
35 IDENTIFICATION PRIOR TO BEING ASSOCIATED WITH, MANAGING, OWNING,  
36 OR WORKING AT THE OPERATION.

37 (5) A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES



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

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

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

29 (8) (a) EACH LICENSE ISSUED UNDER THIS ARTICLE IS SEPARATE  
30 AND DISTINCT. IT IS UNLAWFUL FOR A PERSON TO EXERCISE ANY OF THE  
31 PRIVILEGES GRANTED UNDER A LICENSE OTHER THAN THE LICENSE THAT  
32 THE PERSON HOLDS OR FOR A LICENSEE TO ALLOW ANY OTHER PERSON TO  
33 EXERCISE THE PRIVILEGES GRANTED UNDER THE LICENSEE'S LICENSE. A  
34 SEPARATE LICENSE SHALL BE REQUIRED FOR EACH SPECIFIC BUSINESS OR  
35 BUSINESS ENTITY AND EACH GEOGRAPHICAL LOCATION.

36 (b) AT ALL TIMES, A LICENSEE SHALL POSSESS AND MAINTAIN  
37 POSSESSION OF THE PREMISES OR OPTIONAL PREMISES FOR WHICH THE



1 LICENSE IS ISSUED BY OWNERSHIP, LEASE, RENTAL, OR OTHER  
2 ARRANGEMENT FOR POSSESSION OF THE PREMISES.

3 (9) (a) THE LICENSES PROVIDED PURSUANT TO THIS ARTICLE SHALL  
4 SPECIFY THE DATE OF ISSUANCE, THE PERIOD OF LICENSURE, THE NAME OF  
5 THE LICENSEE, AND THE PREMISES OR OPTIONAL PREMISES LICENSED. THE  
6 LICENSEE SHALL CONSPICUOUSLY PLACE THE LICENSE AT ALL TIMES ON  
7 THE LICENSED PREMISES OR OPTIONAL PREMISES, AND ALL LAW  
8 ENFORCEMENT AGENCIES SHALL DETERMINE WHETHER EVERY PERSON  
9 SELLING MEDICAL MARIJUANA WITHIN ITS JURISDICTION HAS PROCURED A  
10 LICENSE TO DO SO.

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

16 (10) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS  
17 ARTICLE, THE DAY OF THE ACT, EVENT, OR DEFAULT FROM WHICH THE  
18 DESIGNATED PERIOD OF TIME BEGINS TO RUN SHALL NOT BE INCLUDED.  
19 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS SHALL BE COUNTED AS ANY  
20 OTHER DAY.

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

26 (12) EACH LICENSEE SHALL MANAGE THE LICENSED PREMISES  
27 HIMSELF OR HERSELF OR EMPLOY A SEPARATE AND DISTINCT MANAGER ON  
28 THE PREMISES AND SHALL REPORT THE NAME OF THE MANAGER TO THE  
29 STATE AND LOCAL LICENSING AUTHORITIES. THE LICENSEE SHALL REPORT  
30 ANY CHANGE IN MANAGER TO THE STATE AND LOCAL LICENSING  
31 AUTHORITIES THIRTY DAYS PRIOR TO THE CHANGE.

32 (13) (a) A LICENSEE MAY MOVE HIS OR HER PERMANENT LOCATION  
33 TO ANY OTHER PLACE IN THE SAME MUNICIPALITY OR CITY AND COUNTY  
34 FOR WHICH THE LICENSE WAS ORIGINALLY GRANTED, OR IN THE SAME  
35 COUNTY IF THE LICENSE WAS GRANTED FOR A PLACE OUTSIDE THE



1 CORPORATE LIMITS OF A MUNICIPALITY OR CITY AND COUNTY, BUT IT  
2 SHALL BE UNLAWFUL TO CULTIVATE, MANUFACTURE, DISTRIBUTE OR SELL  
3 MEDICAL MARIJUANA AT ANY SUCH PLACE UNTIL PERMISSION TO DO SO IS  
4 GRANTED BY THE STATE AND LOCAL LICENSING AUTHORITIES PROVIDED  
5 FOR IN THIS ARTICLE.

6 (b) IN PERMITTING A CHANGE OF LOCATION, THE STATE AND LOCAL  
7 LICENSING AUTHORITIES SHALL CONSIDER ALL REASONABLE RESTRICTIONS  
8 THAT ARE OR MAY BE PLACED UPON THE NEW LOCATION BY THE  
9 GOVERNING BOARD OR LOCAL LICENSING AUTHORITY OF THE  
10 MUNICIPALITY, CITY AND COUNTY, OR COUNTY AND ANY SUCH CHANGE IN  
11 LOCATION SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THIS  
12 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE.

13 **12-43.3-311. License renewal.** (1) NINETY DAYS PRIOR TO THE  
14 EXPIRATION DATE OF AN EXISTING LICENSE, THE STATE LICENSING  
15 AUTHORITY SHALL NOTIFY THE LICENSEE OF THE EXPIRATION DATE BY  
16 FIRST CLASS MAIL AT THE LICENSEE'S ADDRESS OF RECORD WITH THE  
17 STATE LICENSING AUTHORITY. A LICENSEE SHALL APPLY FOR THE  
18 RENEWAL OF AN EXISTING LICENSE TO THE LOCAL LICENSING AUTHORITY  
19 NOT LESS THAN FORTY-FIVE DAYS AND TO THE STATE LICENSING  
20 AUTHORITY NOT LESS THAN THIRTY DAYS PRIOR TO THE DATE OF  
21 EXPIRATION. A LOCAL LICENSING AUTHORITY SHALL NOT ACCEPT AN  
22 APPLICATION FOR RENEWAL OF A LICENSE AFTER THE DATE OF EXPIRATION,  
23 EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION. FILING A  
24 RENEWAL APPLICATION WITH THE LOCAL LICENSING AUTHORITY SHALL BE  
25 DEEMED FILING WITH THE STATE, AND ALL RENEWALS FILED WITH THE  
26 LOCAL LICENSING AUTHORITY PRIOR TO EXPIRATION, AND SUBSEQUENTLY  
27 APPROVED, SHALL BE PROCESSED BY THE STATE LICENSING AUTHORITY,  
28 AND THE EXPIRATION DATE SHALL BE EXTENDED UNTIL THE STATE LICENSE  
29 IS PROCESSED. THE STATE OR THE LOCAL LICENSING AUTHORITY, IN ITS  
30 DISCRETION, SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS  
31 SECTION AND BASED UPON REASONABLE GROUNDS, MAY WAIVE THE  
32 FORTY-FIVE-DAY OR THIRTY-DAY TIME REQUIREMENTS SET FORTH IN THIS  
33 SUBSECTION (1). THE LOCAL LICENSING AUTHORITY MAY HOLD A HEARING  
34 ON THE APPLICATION FOR RENEWAL. THE LOCAL LICENSING AUTHORITY  
35 SHALL NOT HOLD A RENEWAL HEARING PROVIDED FOR BY THIS  
36 SUBSECTION (1) UNTIL IT HAS POSTED A NOTICE OF HEARING ON THE  
37 LICENSED PREMISES IN THE MANNER DESCRIBED IN SECTION 12-43.3-302  
38 (2) FOR A PERIOD OF TEN DAYS AND PROVIDED NOTICE TO THE APPLICANT  
39 AT LEAST TEN DAYS PRIOR TO THE HEARING. THE LOCAL LICENSING



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

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

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

22 (c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE  
23 APPLICATION FEE IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE  
24 LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY  
25 REDUCE THE AMOUNT OF THE FEE IF NECESSARY PURSUANT TO SECTION  
26 24-75-402 (3), C.R.S., BY REDUCING THE UNCOMMITTED RESERVES OF THE  
27 FUND TO WHICH ALL OR ANY PORTION OF THE FEE IS CREDITED. AFTER THE  
28 UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE  
29 STATE LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY  
30 LAW MAY INCREASE THE AMOUNT OF THE FEE AS PROVIDED IN SECTION  
31 24-75-402 (4), C.R.S.

32 **12-43.3-312. Inactive licenses.** THE STATE OR LOCAL LICENSING  
33 AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW  
34 ANY LICENSE IF IT DETERMINES THAT THE LICENSED PREMISES HAVE BEEN  
35 INACTIVE, WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR.

36 **12-43.3-313. Unlawful financial assistance.** (1) THE STATE



1 LICENSING AUTHORITY, BY RULE AND REGULATION, SHALL REQUIRE A  
2 COMPLETE DISCLOSURE OF ALL PERSONS HAVING A DIRECT OR INDIRECT  
3 FINANCIAL INTEREST, AND THE EXTENT OF SUCH INTEREST, IN EACH  
4 LICENSE ISSUED UNDER THIS ARTICLE.

5 (2) EXCEPT AS OTHERWISE AUTHORIZED, IT IS UNLAWFUL FOR A  
6 PERSON OR CORPORATION HOLDING A LICENSE PURSUANT TO THIS ARTICLE,  
7 OR A PERSON WHO IS A STOCKHOLDER, DIRECTOR, OR OFFICER OF ANY  
8 CORPORATION HOLDING A LICENSE PURSUANT TO THIS ARTICLE, TO BE A  
9 STOCKHOLDER, DIRECTOR, OR OFFICER OR TO BE INTERESTED, DIRECTLY  
10 OR INDIRECTLY, IN A PERSON OR CORPORATION THAT LENDS MONEY TO A  
11 PERSON OR CORPORATION LICENSED PURSUANT TO THIS ARTICLE; EXCEPT  
12 THAT THIS SUBSECTION (2) SHALL NOT APPLY TO BANKS, SAVINGS AND  
13 LOAN ASSOCIATIONS, OR INDUSTRIAL BANKS SUPERVISED AND REGULATED  
14 BY AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT, OR TO  
15 FHA-APPROVED MORTGAGEES, OR TO STOCKHOLDERS, DIRECTORS, OR  
16 OFFICERS THEREOF. IT IS UNLAWFUL FOR A PERSON OR CORPORATION  
17 LICENSED PURSUANT TO THIS ARTICLE, OR A STOCKHOLDER, DIRECTOR, OR  
18 OFFICER OF SUCH CORPORATION, TO MAKE A LOAN OR BE INTERESTED,  
19 DIRECTLY OR INDIRECTLY, IN A LOAN TO ANY OTHER PERSON LICENSED  
20 PURSUANT TO THE PROVISIONS OF THIS ARTICLE; EXCEPT THAT THIS  
21 SUBSECTION (2) SHALL NOT APPLY TO A FINANCIAL INSTITUTION THAT  
22 COMES INTO POSSESSION OF A LICENSED PREMISES BY VIRTUE OF A  
23 FORECLOSURE OR DEED IN LIEU OF FORECLOSURE IF THE FINANCIAL  
24 INSTITUTION DOES NOT RETAIN THE PREMISES FOR LONGER THAN ONE  
25 YEAR.

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

30 PART 4  
31 LICENSE TYPES

32 **12-43.3-401. Classes of licenses.** (1) FOR THE PURPOSE OF  
33 REGULATING THE CULTIVATION, MANUFACTURE, DISTRIBUTION, AND SALE  
34 OF MEDICAL MARIJUANA, THE STATE LICENSING AUTHORITY IN ITS  
35 DISCRETION, UPON APPLICATION IN THE PRESCRIBED FORM MADE TO IT,  
36 MAY ISSUE AND GRANT TO THE APPLICANT A LICENSE FROM ANY OF THE  
37 FOLLOWING CLASSES, SUBJECT TO THE PROVISIONS AND RESTRICTIONS



1 PROVIDED BY THIS ARTICLE:

2 (a) MEDICAL MARIJUANA CENTER LICENSE;

3 (b) OPTIONAL PREMISES CULTIVATION LICENSE;

4 (c) MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
5 LICENSE; AND

6 (d) OCCUPATIONAL LICENSES AND REGISTRATIONS FOR OWNERS,  
7 MANAGERS, OPERATORS, EMPLOYEES, CONTRACTORS, AND OTHER  
8 SUPPORT STAFF EMPLOYED BY, WORKING IN, OR HAVING ACCESS TO  
9 RESTRICTED AREAS OF THE LICENSED PREMISES, AS DETERMINED BY THE  
10 STATE LICENSING AUTHORITY.

11 (2) ALL PERSONS LICENSED PURSUANT TO THIS ARTICLE SHALL  
12 COLLECT SALES TAX ON ALL SALES MADE PURSUANT TO THE LICENSING  
13 ACTIVITIES.

14 **12-43.3-402. Medical marijuana center license.** (1) A MEDICAL  
15 MARIJUANA CENTER LICENSE SHALL BE ISSUED ONLY TO A PERSON SELLING  
16 MEDICAL MARIJUANA PURSUANT TO THE TERMS AND CONDITIONS OF THIS  
17 ARTICLE.

18 (2) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A  
19 MEDICAL MARIJUANA CENTER LICENSEE MAY ALSO SELL EDIBLE MEDICAL  
20 MARIJUANA-INFUSED PRODUCTS FOR CONSUMPTION OR USE OFF THE  
21 PREMISES THAT ARE PREPACKAGED AND LABELED SO AS TO CLEARLY  
22 INDICATE ALL OF THE FOLLOWING:

23 (I) THAT THE PRODUCT CONTAINS MEDICAL MARIJUANA;

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

26 (III) THAT THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE  
27 CONSUMPTION OF THE PRODUCT.

28 (b) A MEDICAL MARIJUANA LICENSEE MAY CONTRACT WITH  
29 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE FOR  
30 THE MANUFACTURE OF MEDICAL MARIJUANA-INFUSED PRODUCTS UPON A

1 MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE'S  
2 LICENSED PREMISES.

3 (3) EVERY PERSON SELLING MEDICAL MARIJUANA AS PROVIDED  
4 FOR IN THIS ARTICLE SHALL SELL ONLY MEDICAL MARIJUANA GROWN IN ITS  
5 MEDICAL MARIJUANA OPTIONAL PREMISES LICENSED PURSUANT TO THIS  
6 ARTICLE.

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

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

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

26 **12-43.3-404. Medical marijuana-infused products**  
27 **manufacturing license.** (1) A MEDICAL MARIJUANA-INFUSED PRODUCTS  
28 MANUFACTURING LICENSE MAY BE ISSUED TO A PERSON WHO  
29 MANUFACTURES MEDICAL MARIJUANA-INFUSED PRODUCTS, PURSUANT TO  
30 THE TERMS AND CONDITIONS OF THIS ARTICLE.

31 (2) MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL BE PREPARED  
32 ON A LICENSED PREMISES THAT IS USED EXCLUSIVELY FOR THE  
33 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED  
34 PRODUCTS AND USING EQUIPMENT THAT IS USED EXCLUSIVELY FOR THE  
35 MANUFACTURE AND PREPARATION OF MEDICAL MARIJUANA-INFUSED



1 PRODUCTS.

2 (3) A MEDICAL MARIJUANA-INFUSED PRODUCTS LICENSEE SHALL  
3 HAVE A WRITTEN AGREEMENT OR CONTRACT WITH A MEDICAL MARIJUANA  
4 CENTER LICENSEE, WHICH CONTRACT SHALL AT A MINIMUM SET FORTH THE  
5 TOTAL AMOUNT OF MEDICAL MARIJUANA OBTAINED FROM A MEDICAL  
6 MARIJUANA CENTER LICENSEE TO BE USED IN THE MANUFACTURING  
7 PROCESS, AND THE TOTAL AMOUNT OF MEDICAL MARIJUANA-INFUSED  
8 PRODUCTS TO BE EXCLUSIVELY MANUFACTURED FROM THE MEDICAL  
9 MARIJUANA OBTAINED FROM THE MEDICAL MARIJUANA CENTER.

10 (4) ALL LICENSED PREMISES ON WHICH MEDICAL  
11 MARIJUANA-INFUSED PRODUCTS ARE MANUFACTURED SHALL MEET THE  
12 SANITARY STANDARDS FOR MEDICAL MARIJUANA-INFUSED PRODUCT  
13 PREPARATION PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2) (a)  
14 (XII).

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

18 (6) MEDICAL MARIJUANA-INFUSED PRODUCTS MAY NOT BE  
19 UNSEALED OR CONSUMED ON A PREMISES LICENSED PURSUANT TO THIS  
20 ARTICLE.

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

24 PART 5  
25 FEES

26 **12-43.3-501. Medical marijuana license cash fund.** ALL  
27 MONEYS COLLECTED BY THE STATE LICENSING AUTHORITY PURSUANT TO  
28 THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO  
29 SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA LICENSE CASH  
30 FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS  
31 SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO  
32 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE  
33 DEPARTMENT OF REVENUE FOR THE DIRECT AND INDIRECT COSTS  
34 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS IN THE



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

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

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

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

23 (II) APPLICATIONS TO CHANGE LOCATION PURSUANT TO SECTION  
24 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT SECTION;

25 (III) APPLICATIONS FOR TRANSFER OF OWNERSHIP PURSUANT TO  
26 SECTION 12-43.3-310 AND RULES PROMULGATED PURSUANT TO THAT  
27 SECTION; AND

28 (IV) LICENSE RENEWAL AND EXPIRED LICENSE RENEWAL  
29 APPLICATIONS PURSUANT TO SECTION 12-43.3-311.

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



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

5 (d) AT LEAST ANNUALLY, THE STATE LICENSING AUTHORITY SHALL  
6 REVIEW THE AMOUNTS OF THE FEES AND, IF NECESSARY, ADJUST THE  
7 AMOUNTS TO REFLECT THE DIRECT AND INDIRECT COSTS OF THE STATE  
8 LICENSING AUTHORITY.

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

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

24 **12-43.3-502. Fees - allocation.** (1) ALL FEES AND FINES  
25 PROVIDED FOR BY THIS ARTICLE SHALL BE PAID TO THE DEPARTMENT OF  
26 REVENUE, WHICH SHALL TRANSMIT THE FEES TO THE STATE TREASURER.  
27 THE STATE TREASURER SHALL CREDIT THE FEES AND TAXES TO THE  
28 MEDICAL MARIJUANA LICENSE CASH FUND CREATED IN SECTION  
29 12-43.3-501.

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

33 **12-43.3-503. Local license fees.** (1) EACH APPLICATION FOR A  
34 LOCAL LICENSE PROVIDED FOR IN THIS ARTICLE FILED WITH A LOCAL  
35 LICENSING AUTHORITY SHALL BE ACCOMPANIED BY AN APPLICATION FEE



1 IN AN AMOUNT DETERMINED BY THE LOCAL LICENSING AUTHORITY.

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

7 PART 6  
8 DISCIPLINARY ACTIONS

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

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



1 FOR A TEMPORARY PERIOD OF NOT MORE THAN FIFTEEN DAYS.

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

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

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

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

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

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

32 (4) UPON PAYMENT OF THE FINE PURSUANT TO SUBSECTION (3) OF  
33 THIS SECTION, THE STATE OR LOCAL LICENSING AUTHORITY SHALL ENTER  
34 ITS FURTHER ORDER PERMANENTLY STAYING THE IMPOSITION OF THE



1 SUSPENSION. IF THE FINE IS PAID TO A LOCAL LICENSING AUTHORITY, THE  
2 GOVERNING BODY OF THE AUTHORITY SHALL CAUSE THE MONEYS TO BE  
3 PAID INTO THE GENERAL FUND OF THE LOCAL LICENSING AUTHORITY.  
4 FINES PAID TO THE STATE LICENSING AUTHORITY PURSUANT TO  
5 SUBSECTION (3) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE  
6 TREASURER WHO SHALL CREDIT THE SAME TO THE MEDICAL MARIJUANA  
7 LICENSE CASH FUND CREATED IN SECTION 12-43.3-501.

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

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

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

32 PART 7  
33 INSPECTION OF BOOKS AND RECORDS

34 **12-43.3-701. Inspection procedures.** (1) EACH LICENSEE SHALL  
35 KEEP A COMPLETE SET OF BOOKS OF ACCOUNT, INVOICES, COPIES OF  
36 ORDERS, SHIPPING INSTRUCTIONS, BILLS OF LADING, WEIGH BILLS,



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

13 (2) THE LICENSED PREMISES, INCLUDING ANY PLACES OF STORAGE  
14 WHERE MEDICAL MARIJUANA IS GROWN, STORED, CULTIVATED, SOLD, OR  
15 DISPENSED, SHALL BE SUBJECT TO INSPECTION BY THE STATE OR LOCAL  
16 LICENSING AUTHORITIES AND THEIR INVESTIGATORS, OR PEACE OFFICERS,  
17 DURING ALL BUSINESS HOURS AND OTHER TIMES OF APPARENT ACTIVITY,  
18 FOR THE PURPOSE OF INSPECTION OR INVESTIGATION. FOR EXAMINATION  
19 OF ANY INVENTORY OR BOOKS AND RECORDS REQUIRED TO BE KEPT BY  
20 THE LICENSEES, ACCESS SHALL BE REQUIRED DURING BUSINESS HOURS.  
21 WHERE ANY PART OF THE LICENSED PREMISES CONSISTS OF A LOCKED  
22 AREA, UPON DEMAND TO THE LICENSEE, SUCH AREA SHALL BE MADE  
23 AVAILABLE FOR INSPECTION WITHOUT DELAY, AND, UPON REQUEST BY  
24 AUTHORIZED REPRESENTATIVES OF THE STATE OR LOCAL LICENSING  
25 AUTHORITY OR PEACE OFFICERS, THE LICENSEE SHALL OPEN THE AREA FOR  
26 INSPECTION.

27 (3) EACH LICENSEE SHALL RETAIN ALL BOOKS AND RECORDS  
28 NECESSARY TO SHOW FULLY THE BUSINESS TRANSACTIONS OF THE  
29 LICENSEE FOR A PERIOD OF THE CURRENT TAX YEAR AND THE THREE  
30 IMMEDIATELY PRIOR TAX YEARS.

31 PART 8  
32 JUDICIAL REVIEW

33 **12-43.3-801. Judicial review.** DECISIONS BY THE STATE  
34 LICENSING AUTHORITY OR A LOCAL LICENSING AUTHORITY SHALL BE  
35 SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

36 PART 9



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UNLAWFUL ACTS - ENFORCEMENT

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

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

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

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

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

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

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

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

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

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

(a) TO DISPLAY MORE THAN ONE IDENTIFICATION SIGN AT OR NEAR ITS LICENSED PREMISES;



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

25 (B) IF A LICENSEE OR A LICENSEE'S EMPLOYEE BELIEVES THAT A  
26 PERSON IS EXHIBITING A FRAUDULENT PATIENT REGISTRY IDENTIFICATION  
27 CARD IN AN ATTEMPT TO OBTAIN MEDICAL MARIJUANA, THE LICENSEE OR  
28 THE LICENSEE'S EMPLOYEE OR A PEACE OFFICER, ACTING IN GOOD FAITH  
29 AND UPON PROBABLE CAUSE BASED UPON REASONABLE GROUNDS  
30 THEREFOR, MAY DETAIN AND QUESTION THE PERSON IN A REASONABLE  
31 MANNER FOR THE PURPOSE OF ASCERTAINING WHETHER THE PERSON IS  
32 GUILTY OF ANY UNLAWFUL ACT UNDER THIS SECTION OR STATE LAW. THE  
33 QUESTIONING OF A PERSON BY A LICENSEE OR A LICENSEE'S EMPLOYEE OR  
34 A PEACE OFFICER DOES NOT RENDER THE LICENSEE, THE LICENSEE'S  
35 EMPLOYEE, OR THE PEACE OFFICER CIVILLY OR CRIMINALLY LIABLE FOR  
36 SLANDER, FALSE ARREST, FALSE IMPRISONMENT, MALICIOUS PROSECUTION,  
37 OR UNLAWFUL DETENTION.

1 (III) EACH LICENSEE SHALL DISPLAY A PRINTED CARD THAT  
2 CONTAINS NOTICE OF THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS  
3 PARAGRAPH (d).

4 (IV) A LICENSEE OR LICENSEE'S EMPLOYEE ACTING IN GOOD FAITH  
5 IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS  
6 PARAGRAPH (d) SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL  
7 LIABILITY; EXCEPT THAT A LICENSEE OR EMPLOYEE ACTING WILLFULLY OR  
8 WANTONLY SHALL NOT BE IMMUNE FROM LIABILITY PURSUANT TO  
9 SUBPARAGRAPH (II) OF THIS PARAGRAPH (d).

10 (e) TO SELL, SERVE, OR DISTRIBUTE MEDICAL MARIJUANA AT ANY  
11 TIME OTHER THAN BETWEEN THE HOURS OF 8:00 A.M. AND 7:00 P.M.  
12 MONDAY THROUGH SUNDAY;

13 (f) TO POSSESS MORE THAN SIX MEDICAL MARIJUANA PLANTS AND  
14 TWO OUNCES OF MEDICAL MARIJUANA FOR EACH PATIENT WHO HAS  
15 REGISTERED THE CENTER AS HIS OR HER PRIMARY CAREGIVER PURSUANT  
16 TO SECTION 25-1.5-106 (5) (e), C.R.S.; EXCEPT THAT A MEDICAL  
17 MARIJUANA CENTER MAY HAVE AN AMOUNT THAT EXCEEDS THE  
18 SIX-PLANT AND TWO-OUNCE PRODUCT PER PATIENT LIMIT IF THE CENTER  
19 SELLS TO PATIENTS THAT ARE AUTHORIZED TO HAVE MORE THAN SIX  
20 PLANTS AND TWO OUNCES OF PRODUCT. IN THE CASE OF A PATIENT  
21 AUTHORIZED TO EXCEED THE SIX-PLANT AND TWO-OUNCE LIMIT, THE  
22 CENTER SHALL OBTAIN DOCUMENTATION FROM THE PATIENT'S PHYSICIAN  
23 THAT THE PATIENT NEEDS MORE THAN SIX PLANTS AND TWO OUNCES OF  
24 PRODUCT.

25 (g) TO OFFER FOR SALE OR SOLICIT AN ORDER FOR MEDICAL  
26 MARIJUANA IN PERSON EXCEPT WITHIN THE LICENSED PREMISES;

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

30 (i) TO BUY MEDICAL MARIJUANA FROM A PERSON NOT LICENSED TO  
31 SELL AS PROVIDED BY THIS ARTICLE;

32 (j) TO SELL MEDICAL MARIJUANA EXCEPT IN THE PERMANENT  
33 LOCATION SPECIFICALLY DESIGNATED IN THE LICENSE FOR SALE;

1 (k) TO HAVE ON THE LICENSED PREMISES ANY MEDICAL  
2 MARIJUANA OR MARIJUANA PARAPHERNALIA THAT SHOWS EVIDENCE OF  
3 HAVING CONSUMED OR PARTIALLY CONSUMED MEDICAL MARIJUANA; OR

4 (l) TO REQUIRE A MEDICAL MARIJUANA CENTER OR MEDICAL  
5 MARIJUANA CENTER WITH AN OPTIONAL PREMISES CULTIVATION LICENSE  
6 TO MAKE DELIVERY TO ANY PREMISES OTHER THAN THE SPECIFIC LICENSED  
7 PREMISES WHERE THE MEDICAL MARIJUANA IS TO BE SOLD.

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

19 (6) IT SHALL BE UNLAWFUL FOR A PHYSICIAN WHO MAKES PATIENT  
20 REFERRALS TO A LICENSED MEDICAL MARIJUANA CENTER TO RECEIVE  
21 ANYTHING OF VALUE FROM THE MEDICAL MARIJUANA CENTER LICENSEE  
22 OR ITS AGENTS, SERVANTS, OFFICERS, OR OWNERS OR ANYONE  
23 FINANCIALLY INTERESTED IN THE LICENSEE, AND IT SHALL BE UNLAWFUL  
24 FOR A LICENSEE LICENSED PURSUANT TO THIS ARTICLE TO OFFER  
25 ANYTHING OF VALUE TO A MEDICAL DOCTOR FOR MAKING PATIENT  
26 REFERRALS TO THE LICENSED MEDICAL MARIJUANA CENTER.

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

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

32 **25-1.5-106. Medical marijuana program - powers and duties**  
33 **of the state health agency. (1) Legislative declaration.** (a) THE  
34 GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS NECESSARY TO  
35 IMPLEMENT RULES TO ENSURE THAT PATIENTS SUFFERING FROM  
36 LEGITIMATE DEBILITATING MEDICAL CONDITIONS ARE ABLE TO SAFELY

1 GAIN ACCESS TO MEDICAL MARIJUANA AND TO ENSURE THAT THESE  
2 PATIENTS:

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

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

11 (b) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS  
12 NECESSARY TO IMPLEMENT RULES TO PREVENT PERSONS WHO DO NOT  
13 SUFFER FROM LEGITIMATE DEBILITATING MEDICAL CONDITIONS FROM  
14 USING SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION AS A  
15 MEANS TO SELL, ACQUIRE, POSSESS, PRODUCE, USE, OR TRANSPORT  
16 MARIJUANA IN VIOLATION OF STATE AND FEDERAL LAWS.

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

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

26 (I) WHAT CONSTITUTES "SIGNIFICANT RESPONSIBILITY FOR  
27 MANAGING THE WELL-BEING OF A PATIENT"; EXCEPT THAT THE ACT OF  
28 SUPPLYING MEDICAL MARIJUANA OR MARIJUANA PARAPHERNALIA, BY  
29 ITSELF, IS INSUFFICIENT TO CONSTITUTE "SIGNIFICANT RESPONSIBILITY FOR  
30 MANAGING THE WELL-BEING OF A PATIENT";

31 (II) THE DEVELOPMENT OF A FORM FOR A PRIMARY CAREGIVER TO  
32 USE IN APPLYING TO THE REGISTRY, WHICH FORM SHALL REQUIRE, AT A  
33 MINIMUM, THAT THE APPLICANT PROVIDE HIS OR HER FULL NAME, HOME  
34 ADDRESS, DATE OF BIRTH, AND AN ATTESTATION THAT THE APPLICANT HAS  
35 A SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF THE

1 PATIENT FOR WHOM HE OR SHE IS DESIGNATED AS THE PRIMARY  
2 CAREGIVER AND THAT HE OR SHE UNDERSTANDS AND WILL ABIDE BY  
3 SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION,  
4 AND THE RULES PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT  
5 TO THIS SECTION;

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

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

13 (4) **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; EXCEPT THAT, IF A  
24 PRIMARY CAREGIVER OR MEDICAL MARIJUANA CENTER WITH AN OPTIONAL  
25 PREMISES CULTIVATION LICENSE IS PROVIDING MEDICAL MARIJUANA TO A  
26 PATIENT, THE PATIENT MAY NOT CULTIVATE AND PROVIDE HIS OR HER OWN  
27 MEDICAL MARIJUANA.

28 (d) A PRIMARY CAREGIVER SHALL PROVIDE TO A LAW  
29 ENFORCEMENT AGENCY, UPON INQUIRY, THE REGISTRY IDENTIFICATION  
30 CARD NUMBER OF EACH OF HIS OR HER PATIENTS. THE STATE HEALTH  
31 AGENCY SHALL MAINTAIN A REGISTRY OF THIS INFORMATION AND MAKE  
32 IT AVAILABLE TWENTY-FOUR HOURS PER DAY AND SEVEN DAYS A WEEK TO  
33 LAW ENFORCEMENT FOR VERIFICATION PURPOSES. UPON INQUIRY BY A  
34 LAW ENFORCEMENT OFFICER AS TO AN INDIVIDUAL'S STATUS AS A PATIENT  
35 OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY SHALL CHECK THE  
36 REGISTRY. IF THE INDIVIDUAL IS NOT REGISTERED AS A PATIENT OR

1 PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY PROVIDE THAT  
2 RESPONSE TO LAW ENFORCEMENT. IF THE PERSON IS A REGISTERED  
3 PATIENT OR PRIMARY CAREGIVER, THE STATE HEALTH AGENCY MAY NOT  
4 RELEASE INFORMATION UNLESS CONSISTENT WITH SECTION 14 OF ARTICLE  
5 XVIII OF THE STATE CONSTITUTION. THE STATE HEALTH AGENCY MAY  
6 PROMULGATE RULES TO PROVIDE FOR THE EFFICIENT ADMINISTRATION OF  
7 THIS PARAGRAPH (d).

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

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

21 (c) A PATIENT WHO HAS DESIGNATED A PRIMARY CAREGIVER FOR  
22 HIMSELF OR HERSELF MAY NOT BE DESIGNATED AS A PRIMARY CAREGIVER  
23 FOR ANOTHER PATIENT.

24 (d) (I) A PRIMARY CAREGIVER MAY PURCHASE MEDICAL  
25 MARIJUANA FROM A MEDICAL MARIJUANA CARE CENTER LICENSED  
26 PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., FOR A PATIENT IF THE  
27 PRIMARY CAREGIVER PRESENTS HIS OR HER REGISTRATION CARD AND THE  
28 REGISTRATION CARD OF THE PATIENT TO THE MEDICAL MARIJUANA  
29 CENTER.

30 (II) A PRIMARY CAREGIVER MAY NOT CHARGE A PATIENT MORE  
31 THAN THE COST OF CULTIVATING OR PURCHASING THE MEDICAL  
32 MARIJUANA, BUT MAY CHARGE FOR CAREGIVER SERVICES.

33 (e) (I) THE STATE HEALTH AGENCY SHALL MAINTAIN A SECURE  
34 AND CONFIDENTIAL REGISTRY OF AVAILABLE PRIMARY CAREGIVERS FOR  
35 THOSE PATIENTS WHO ARE UNABLE TO SECURE THE SERVICES OF A  
36 PRIMARY CAREGIVER.



1 (II) AN EXISTING PRIMARY CAREGIVER MAY INDICATE AT THE TIME  
2 OF REGISTRATION WHETHER HE OR SHE WOULD BE WILLING TO HANDLE  
3 ADDITIONAL PATIENTS AND WAIVE CONFIDENTIALITY TO ALLOW RELEASE  
4 OF HIS OR HER CONTACT INFORMATION TO PHYSICIANS OR REGISTERED  
5 PATIENTS ONLY.

6 (III) AN INDIVIDUAL WHO IS NOT REGISTERED BUT IS WILLING TO  
7 PROVIDE PRIMARY CAREGIVING SERVICES MAY SUBMIT HIS OR HER  
8 CONTACT INFORMATION TO BE PLACED ON THE PRIMARY CAREGIVER  
9 REGISTRY.

10 (IV) A PATIENT-PRIMARY CAREGIVER ARRANGEMENT SECURED  
11 PURSUANT TO THIS PARAGRAPH (d) SHALL BE STRICTLY BETWEEN THE  
12 PATIENT AND THE POTENTIAL PRIMARY CAREGIVER. THE STATE HEALTH  
13 AGENCY, BY PROVIDING THE INFORMATION REQUIRED BY THIS PARAGRAPH  
14 (e), SHALL NOT ENDORSE OR VOUCH FOR A PRIMARY CAREGIVER. TO PASS  
15 THE CRIMINAL HISTORY RECORD CHECK, THE PRIMARY CAREGIVER SHALL  
16 NOT HAVE BEEN CONVICTED OF A FELONY OR A MISDEMEANOR PURSUANT  
17 TO PART 4 OF ARTICLE 18 OF TITLE 18, C.R.S., WITHIN THE FIVE YEARS  
18 PRECEDING THE CRIMINAL HISTORY RECORD CHECK.

19 (V) THE STATE HEALTH AGENCY MAY MAKE AN EXCEPTION, BASED  
20 ON A REQUEST FROM A PATIENT, TO PARAGRAPH (a) OF THIS SUBSECTION  
21 (5) LIMITING PRIMARY CAREGIVERS TO FIVE PATIENTS. IF THE STATE  
22 HEALTH AGENCY MAKES AN EXCEPTION TO THE LIMIT, THE STATE HEALTH  
23 AGENCY SHALL NOTE THE EXCEPTION ON THE PRIMARY CAREGIVER'S  
24 RECORD IN THE REGISTRY.

25 (f) AT THE TIME A PATIENT APPLIES FOR INCLUSION ON THE  
26 CONFIDENTIAL REGISTRY, THE PATIENT SHALL INDICATE WHETHER THE  
27 PATIENT INTENDS TO CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA OR  
28 INTENDS TO OBTAIN IT FROM EITHER A PRIMARY CAREGIVER OR A  
29 LICENSED MEDICAL MARIJUANA CENTER. IF THE PATIENT ELECTS TO USE  
30 A LICENSED MEDICAL MARIJUANA CENTER, THE PATIENT SHALL REGISTER  
31 THE PRIMARY CENTER HE OR SHE INTENDS TO USE.

32 (6) **Registry identification card required - denial - revocation**  
33 **- renewal.** (a) TO BE CONSIDERED IN COMPLIANCE WITH THE PROVISIONS  
34 OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS  
35 SECTION, AND THE RULES OF THE STATE HEALTH AGENCY, A PATIENT OR  
36 PRIMARY CAREGIVER SHALL HAVE HIS OR HER REGISTRY IDENTIFICATION  
37 CARD IN HIS OR HER POSSESSION AT ALL TIMES THAT HE OR SHE IS IN

1 POSSESSION OF ANY FORM OF MEDICAL MARIJUANA AND PRODUCE THE  
2 SAME UPON REQUEST OF A LAW ENFORCEMENT OFFICER TO DEMONSTRATE  
3 THAT THE PATIENT OR PRIMARY CAREGIVER IS NOT IN VIOLATION OF THE  
4 LAW; EXCEPT THAT, IF MORE THAN THIRTY-FIVE DAYS HAVE PASSED SINCE  
5 THE DATE THE PATIENT OR PRIMARY CAREGIVER FILED HIS OR HER  
6 MEDICAL MARIJUANA PROGRAM APPLICATION AND THE STATE HEALTH  
7 AGENCY HAS NOT YET ISSUED OR DENIED A REGISTRY IDENTIFICATION  
8 CARD, A COPY OF THE PATIENT'S OR PRIMARY CAREGIVER'S APPLICATION  
9 ALONG WITH PROOF OF THE DATE OF SUBMISSION SHALL BE IN THE  
10 PATIENT'S OR PRIMARY CAREGIVER'S POSSESSION AT ALL TIMES THAT HE  
11 OR SHE IS IN POSSESSION OF ANY FORM OF MEDICAL MARIJUANA UNTIL THE  
12 STATE HEALTH AGENCY ISSUES OR DENIES THE REGISTRY IDENTIFICATION  
13 CARD. A PERSON WHO VIOLATES SECTION 14 OF ARTICLE XVIII OF THE  
14 STATE CONSTITUTION, THIS SECTION, OR THE RULES PROMULGATED BY THE  
15 STATE HEALTH AGENCY MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR  
16 VIOLATIONS OF SECTION 18-18-406, C.R.S.

17 (b) THE STATE HEALTH AGENCY MAY DENY A PATIENT'S OR  
18 PRIMARY CAREGIVER'S APPLICATION FOR A REGISTRY IDENTIFICATION  
19 CARD OR REVOKE THE CARD IF THE EXECUTIVE DIRECTOR, IN ACCORDANCE  
20 WITH ARTICLE 4 OF TITLE 24, C.R.S., DETERMINES THAT THE PHYSICIAN  
21 WHO DIAGNOSED THE PATIENT'S DEBILITATING MEDICAL CONDITION, THE  
22 PATIENT, OR THE PRIMARY CAREGIVER VIOLATED SECTION 14 OF ARTICLE  
23 XVIII OF THE STATE CONSTITUTION, THIS SECTION, OR THE RULES  
24 PROMULGATED BY THE STATE HEALTH AGENCY PURSUANT TO THIS  
25 SECTION.

26 (c) A PATIENT OR PRIMARY CAREGIVER REGISTRY IDENTIFICATION  
27 CARD SHALL BE VALID FOR ONE YEAR AND SHALL CONTAIN A UNIQUE  
28 IDENTIFICATION NUMBER. IT SHALL BE THE RESPONSIBILITY OF THE  
29 PATIENT OR PRIMARY CAREGIVER TO APPLY TO RENEW HIS OR HER  
30 REGISTRY IDENTIFICATION CARD PRIOR TO THE DATE ON WHICH THE CARD  
31 EXPIRES. THE STATE HEALTH AGENCY SHALL DEVELOP A FORM FOR A  
32 PATIENT OR PRIMARY CAREGIVER TO USE IN RENEWING HIS OR HER  
33 REGISTRY IDENTIFICATION CARD.

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



- 1 (b) A PATIENT OR PRIMARY CAREGIVER SHALL NOT:
- 2 (I) ENGAGE IN THE MEDICAL USE OF MARIJUANA IN A WAY THAT  
3 ENDANGERS THE HEALTH AND WELL-BEING OF A PERSON;
- 4 (II) ENGAGE IN THE MEDICAL USE OF MARIJUANA IN PLAIN VIEW OF  
5 OR IN A PLACE OPEN TO THE GENERAL PUBLIC;
- 6 (III) UNDERTAKE ANY TASK WHILE UNDER THE INFLUENCE OF  
7 MEDICAL MARIJUANA, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE  
8 OR PROFESSIONAL MALPRACTICE;
- 9 (IV) POSSESS MEDICAL MARIJUANA OR OTHERWISE ENGAGE IN THE  
10 USE OF MEDICAL MARIJUANA:
- 11 (A) IN A SCHOOL BUS; OR
- 12 (B) ON THE GROUNDS OF OR WITHIN ONE THOUSAND FEET OF THE  
13 PERIMETER OF A PUBLIC OR PRIVATE PRESCHOOL OR A PUBLIC OR PRIVATE  
14 ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL;
- 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 ON  
19 PROBATION OR PAROLE, UNLESS OTHERWISE PROVIDED BY COURT ORDER;  
20 OR
- 21 (C) IN A VEHICLE, AIRCRAFT, OR MOTORBOAT;
- 22 (VI) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL  
23 OF ANY VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE UNDER THE  
24 INFLUENCE OF MEDICAL MARIJUANA; OR
- 25 (VII) USE MEDICAL MARIJUANA IF THE PERSON DOES NOT HAVE A  
26 DEBILITATING MEDICAL CONDITION AS DIAGNOSED BY THE PERSON'S  
27 PHYSICIAN IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT  
28 RELATIONSHIP AND FOR WHICH THE PHYSICIAN HAS RECOMMENDED THE  
29 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 (8) **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 (9) **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. IF A PATIENT, PRIMARY CAREGIVER, OR PHYSICIAN RAISES AN  
16 EXCEPTION TO THE STATE CRIMINAL LAWS AS PROVIDED IN SECTION 14 (2)  
17 (b) OR (c) OF ARTICLE XVIII OF THE STATE CONSTITUTION, THE PATIENT,  
18 PRIMARY CAREGIVER OR PHYSICIAN WAIVES THE CONFIDENTIALITY OF HIS  
19 OR HER RECORDS MAINTAINED BY THE STATE HEALTH AGENCY FOR THE  
20 MEDICAL MARIJUANA PROGRAM. UPON REQUEST OF A LAW ENFORCEMENT  
21 AGENCY FOR SUCH RECORDS, THE STATE HEALTH AGENCY SHALL ONLY  
22 PROVIDE RECORDS PERTAINING TO THE INDIVIDUAL RAISING THE  
23 EXCEPTION, AND SHALL REDACT ALL OTHER PATIENT, PRIMARY  
24 CAREGIVER, OR PHYSICIAN IDENTIFYING INFORMATION.

25 (10) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
26 SUBSECTION, THE STATE HEALTH AGENCY SHALL ESTABLISH A BASIC FEE  
27 THAT SHALL BE PAID AT THE TIME OF SERVICE OF ANY SUBPOENA UPON  
28 THE STATE HEALTH AGENCY, PLUS A FEE FOR MEALS AND A FEE FOR  
29 MILEAGE AT THE RATE PRESCRIBED FOR STATE OFFICERS AND EMPLOYEES  
30 IN SECTION 24-9-104, C.R.S., FOR EACH MILE ACTUALLY AND  
31 NECESSARILY TRAVELED IN GOING TO AND RETURNING FROM THE PLACE  
32 NAMED IN THE SUBPOENA. IF THE PERSON NAMED IN THE SUBPOENA IS  
33 REQUIRED TO ATTEND THE PLACE NAMED IN THE SUBPOENA FOR MORE  
34 THAN ONE DAY, THERE SHALL BE PAID, IN ADVANCE, A SUM TO BE  
35 ESTABLISHED BY THE STATE HEALTH AGENCY FOR EACH DAY OF  
36 ATTENDANCE TO COVER THE EXPENSES OF THE PERSON NAMED IN THE  
37 SUBPOENA.

38 (b) THE SUBPOENA FEE ESTABLISHED PURSUANT TO PARAGRAPH



1 (a) OF THIS SUBSECTION SHALL NOT BE APPLICABLE TO ANY FEDERAL,  
2 STATE, OR LOCAL GOVERNMENTAL AGENCY.

3 ~~(2)~~ (11) **Fees.** The ~~department~~ STATE HEALTH AGENCY may  
4 collect fees from patients who, pursuant to section 14 of article XVIII of  
5 the state constitution, apply to the medical marijuana program ~~established~~  
6 ~~by such section~~ for a ~~marijuana~~ registry identification CARD for the  
7 purpose of offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and  
8 indirect costs of administering the program. The amount of ~~such~~ THE fees  
9 shall be set by rule of the ~~state board of health~~ STATE HEALTH AGENCY.  
10 All fees collected by the ~~department~~ STATE HEALTH AGENCY through the  
11 medical marijuana program shall be transferred to the state treasurer who  
12 shall credit the same to the medical marijuana program cash fund, which  
13 fund is hereby created.

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

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

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

30 **25-5-403. Offenses.** (3) THE PROVISIONS OF THIS SECTION SHALL  
31 NOT APPLY TO A MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO  
32 ARTICLE 43.3 OF TITLE 12, C.R.S., THAT MANUFACTURES OR SELLS A FOOD  
33 PRODUCT THAT CONTAINS MEDICAL MARIJUANA SO LONG AS THE FOOD  
34 PRODUCT IS LABELED AS CONTAINING MEDICAL MARIJUANA AND THE  
35 LABEL SPECIFIES THE AMOUNT OF MEDICAL MARIJUANA CONTAINED IN THE  
36 FOOD PRODUCT.



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

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

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

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

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

28           **24-75-402. Cash funds - limit on uncommitted reserves -**  
29 **reduction in amount of fees - exclusions.** (5) Notwithstanding any  
30 provision of this section to the contrary, the following cash funds are  
31 excluded from the limitations specified in this section:

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

34           **SECTION 7. Specified effective date.** (1) Except as otherwise



1 provided in subsection (2) of this section, this act shall take effect July 1,  
2 2011.

3 (2) (a) Sections 12-43.3-103 and 12-43.3-104 and part 2 of article  
4 43.3 of title 12, enacted in section 1 of this act shall take effect July 1,  
5 2010.

6 (b) Sections 2, 7, and 8 of this act shall take effect July 1, 2010.

7 **SECTION 8. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety."

