

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REDRAFT

12.8.09

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 10-0353.02 Michael Dohr

SENATE BILL

SENATE SPONSORSHIP

Romer,

HOUSE SPONSORSHIP

(None),

SHORT TITLE: "Regulation Of Medical Marijuana"

A BILL FOR AN ACT

101 CONCERNING REGULATION OF MEDICAL MARIJUANA.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Section 1. The bill creates the medical marijuana licensing authority (state licensing authority) in the department of revenue. The state licensing authority grants, refuses, and renews a medical marijuana clinic license or medical marijuana grower license after the licensee has received a local license. The state licensing authority also administers all aspects of medical marijuana licensure, including rulemaking. Many of the functions and duties of the state licensing authority are similar to those held by the state licensing authority for alcoholic beverages. There will be 3 types of licenses: One license for medical marijuana clinics

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

serving 300 or fewer patients; one license for medical marijuana clinics serving more than 300 patients, but fewer than 1,500; and a medical marijuana grower license. A licensed medical marijuana grower must transact all sales using an electronic payment method.

Section 2. The bill makes illegally selling or distributing 2 ounces or more of marijuana that comes from a medical marijuana source a class 4 felony.

Section 3. The department of public health and environment will promulgate new rules related to standards for issuing registry identification cards, _____ procedures for primary caregiver applicants, documentation for physicians who prescribe medical marijuana, sanctions for physicians who violate the act, and other services that a primary caregiver may provide and the minimum required levels for those services.

A patient may change his or her primary caregiver no more than 4 times during a given year.

A group of 3 patients and primary caregivers may form a cooperative for the purpose of cultivating and exchanging medical marijuana.

A chiropractor or registered nurse who is a registered primary caregiver may treat up to 20% of his or her patients with medical marijuana without having a medical marijuana clinic license. A physical therapist or optometrist who is a registered primary caregiver may treat up to 20 patients with medical marijuana without having a medical marijuana clinic license.

An individual who is permitted to use medical marijuana must have in his or her possession a registry identification card when possessing a usable form of marijuana.

A physician who certifies that a patient can use medical marijuana may not receive remuneration from a primary caregiver, medical marijuana clinic, or medical marijuana grower related to medical marijuana.

Local governments may enact zoning requirements related to medical marijuana.

The bill creates a medical marijuana review board (board) that will consider requests by nonveteran patients under 21 years of age who want to be registered medical marijuana patients. For a patient who is under 21 years of age to become a registered medical marijuana patient, a majority of the board must determine that the patient has a debilitating medical condition and could benefit from the use of medical marijuana.

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

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY

1 THE ADDITION OF A NEW ARTICLE to read:

2 **ARTICLE 43.3**

3 **Medical Marijuana**

4 PART 1

5 MEDICAL MARIJUANA LICENSING AUTHORITY

6 **12-43.3-101. State licensing authority - creation.** (1) FOR THE
7 PURPOSE OF REGULATING AND CONTROLLING THE LICENSING OF THE
8 MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA IN THIS
9 STATE, THERE IS HEREBY CREATED THE MEDICAL MARIJUANA LICENSING
10 AUTHORITY, WHICH SHALL BE THE EXECUTIVE DIRECTOR OF THE
11 DEPARTMENT OF REVENUE, REFERRED TO IN THIS ARTICLE AS THE
12 "DEPARTMENT", OR THE DEPUTY DIRECTOR OF THE DEPARTMENT _____ IF
13 THE EXECUTIVE DIRECTOR SO DESIGNATES.

14 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT _____ SHALL
15 BE THE CHIEF ADMINISTRATIVE OFFICER OF THE MEDICAL MARIJUANA
16 LICENSING AUTHORITY AND MAY EMPLOY, PURSUANT TO SECTION 13 OF
17 ARTICLE XII OF THE STATE CONSTITUTION, SUCH CLERKS AND INSPECTORS
18 AS THE EXECUTIVE DIRECTOR MAY _____ DETERMINE TO BE NECESSARY.

19 **12-43.3-102. Duties of state licensing authority - rules.**

20 (1) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL:

21 (a) AFTER A MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE
22 HAS OBTAINED A LOCAL MEDICAL MARIJUANA CLINIC OR GROWER LICENSE,
23 GRANT, _____ REFUSE, _____ OR RENEW A MEDICAL MARIJUANA CLINIC OR
24 GROWER LICENSE FOR THE MANUFACTURE, DISTRIBUTION, AND SALE OF
25 MEDICAL MARIJUANA AS PROVIDED BY LAW AND SUSPEND OR REVOKE THE
26 LICENSE UPON A VIOLATION OF THIS ARTICLE _____ OR ANY RULE ADOPTED
27 PURSUANT TO THIS ARTICLE;

1 (b) MAKE _____ GENERAL RULES AND _____ SPECIAL RULINGS AND
2 FINDINGS AS NECESSARY FOR THE PROPER REGULATION AND CONTROL OF
3 THE MANUFACTURE, DISTRIBUTION, AND SALE OF MEDICAL MARIJUANA
4 AND FOR THE ENFORCEMENT OF THIS ARTICLE;

5 (c) HEAR AND DETERMINE AT PUBLIC HEARING ALL COMPLAINTS
6 AGAINST A MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE AND
7 ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE THE PRESENCE OF
8 PERSONS AND PRODUCTION OF PAPERS, BOOKS, AND RECORDS NECESSARY
9 TO THE DETERMINATION OF ANY HEARING SO HELD;

10 (d) KEEP COMPLETE RECORDS OF ALL ACTS AND TRANSACTIONS OF
11 THE MEDICAL MARIJUANA LICENSING AUTHORITY, WHICH RECORDS,
12 EXCEPT CONFIDENTIAL REPORTS OBTAINED FROM THE MEDICAL
13 MARIJUANA CLINIC OR GROWER LICENSEE SHOWING THE SALES VOLUME OR
14 QUANTITY OF MEDICAL MARIJUANA SOLD, SHALL BE OPEN FOR INSPECTION
15 BY THE PUBLIC; AND

16 (e) PREPARE AND TRANSMIT ANNUALLY, IN THE FORM AND
17 MANNER PRESCRIBED BY THE HEADS OF THE PRINCIPAL DEPARTMENTS
18 PURSUANT TO SECTION 24-1-136, C.R.S., A REPORT ACCOUNTING TO THE
19 GOVERNOR FOR THE EFFICIENT DISCHARGE OF ALL RESPONSIBILITIES
20 ASSIGNED BY LAW OR DIRECTIVE TO THE MEDICAL MARIJUANA LICENSING
21 AUTHORITY.

22 (2) (a) _____ RULES PROMULGATED PURSUANT TO THIS ARTICLE MAY
23 COVER, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING SUBJECTS
24 RELATED TO MEDICAL MARIJUANA:

25 (1) COMPLIANCE WITH, _____ ENFORCEMENT OF, OR VIOLATION OF
26 ANY PROVISION OF THIS ARTICLE OR ANY RULE ISSUED PURSUANT TO THIS
27 ARTICLE;

1 (II) SPECIFICATIONS OF DUTIES OF OFFICERS AND EMPLOYEES OF
2 THE MEDICAL MARIJUANA LICENSING AUTHORITY;

3 (III) INSTRUCTIONS FOR LOCAL LICENSING AUTHORITIES AND LAW
4 ENFORCEMENT OFFICERS;

5 (IV) ALL FORMS NECESSARY OR CONVENIENT FOR THE
6 ADMINISTRATION OF THIS ARTICLE;

7 (V) INSPECTIONS, INVESTIGATIONS, SEARCHES, SEIZURES, AND ==
8 ===== ACTIVITIES AS MAY BECOME NECESSARY FROM TIME TO TIME,
9 INCLUDING A RANGE OF PENALTIES FOR USE BY LICENSING AUTHORITIES,
10 WHICH INVESTIGATIONS SHALL INCLUDE AGGRAVATING AND MITIGATING
11 FACTORS TO BE CONSIDERED, WHEN PERSONS WITHOUT A VALID MEDICAL
12 MARIJUANA CARD ARE USED TO INVESTIGATE SALES OF MEDICAL
13 MARIJUANA BY LICENSEES TO UNAUTHORIZED PERSONS;

14 (VI) LIMITATION OF THE NUMBER OF LICENSEES AS TO ANY AREA
15 OR VICINITY;

16 (VII) MISREPRESENTATION, UNFAIR PRACTICES, AND UNFAIR
17 COMPETITION;

18 (VIII) CONTROL OF SIGNS AND OTHER DISPLAYS ON LICENSED
19 PREMISES;

20 (IX) USE OF SCREENS;

21 (X) IDENTIFICATION OF LICENSEES AND THEIR EMPLOYEES;

22 (XI) REGULATION OF STORAGE, WAREHOUSES, AND
23 TRANSPORTATION;

24 (XII) HEALTH AND SANITARY REQUIREMENTS;

25 (XIII) STANDARDS OF CLEANLINESS, ORDERLINESS, AND DECENCY
26 == AND SAMPLING AND ANALYSIS OF PRODUCTS;

27 (XIV) STANDARDS OF PURITY AND LABELING;

1 (XV) RECORDS TO BE KEPT BY LICENSEES AND THE AVAILABILITY
2 THEREOF;

3 (XVI) PRACTICES DESIGNED TO UNDULY INCREASE THE
4 CONSUMPTION OF MEDICAL MARIJUANA;

5 (XVII) SUCH OTHER MATTERS AS ARE NECESSARY FOR THE FAIR,
6 IMPARTIAL, STRINGENT, AND COMPREHENSIVE ADMINISTRATION OF THIS
7 ARTICLE.

8 (b) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS
9 DELEGATING TO THE MEDICAL MARIJUANA LICENSING AUTHORITY THE
10 POWER TO FIX PRICES. THE MEDICAL MARIJUANA AUTHORITY SHALL NOT
11 PROMULGATE A RULE THAT WOULD ABRIDGE THE RIGHT OF A MEDICAL
12 MARIJUANA CLINIC OR GROWER LICENSEE TO FAIRLY, HONESTLY, AND
13 LAWFULLY ADVERTISE THE PLACE OF BUSINESS OF OR THE COMMODITIES
14 SOLD BY THE LICENSEE. ALL _____ RULES SHALL BE REASONABLE AND
15 JUST.

16 (3) IN ANY HEARING HELD BY THE MEDICAL MARIJUANA LICENSING
17 AUTHORITY PURSUANT TO THIS ARTICLE, A PERSON MAY NOT REFUSE,
18 UPON REQUEST OF THE MEDICAL MARIJUANA LICENSING AUTHORITY, TO
19 TESTIFY OR PROVIDE OTHER INFORMATION ON THE GROUND OF
20 SELF-INCRIMINATION; BUT THE TESTIMONY OR OTHER INFORMATION
21 PRODUCED IN THE HEARING AND ANY INFORMATION DIRECTLY OR
22 INDIRECTLY DERIVED FROM THE TESTIMONY OR OTHER INFORMATION MAY
23 NOT BE USED AGAINST THE PERSON IN ANY CRIMINAL PROSECUTION BASED
24 ON A VIOLATION OF THIS ARTICLE EXCEPT A PROSECUTION FOR PERJURY IN
25 THE FIRST DEGREE COMMITTED IN SO TESTIFYING. CONTINUED REFUSAL
26 TO TESTIFY OR PROVIDE OTHER INFORMATION SHALL CONSTITUTE
27 GROUNDS FOR SUSPENSION OR REVOCATION OF A MEDICAL MARIJUANA

1 CLINIC OR GROWER LICENSE GRANTED PURSUANT TO THIS ARTICLE.

2

PART 2

3

STATE AND LOCAL LICENSING

4

12-43.3-201. Licensing in general. (1) A LOCAL LICENSING

5

AUTHORITY SHALL NOT ISSUE A MEDICAL MARIJUANA CLINIC OR GROWER

6

LICENSE PURSUANT TO THIS ARTICLE UNTIL THE MEDICAL MARIJUANA

7

LICENSING AUTHORITY HAS RECEIVED THAT SHARE OF THE LICENSE FEE

8

THAT IS DUE TO IT. ALL LICENSES GRANTED PURSUANT TO THIS ARTICLE

9

SHALL BE VALID FOR A PERIOD OF ONE YEAR FROM THE DATE OF _____

10

ISSUANCE UNLESS REVOKED OR SUSPENDED PURSUANT TO SECTION

11

12-43.3-206 OR 12-43.3-401.

12

(2) (a) BEFORE GRANTING A MEDICAL MARIJUANA CLINIC OR

13

GROWER LICENSE, THE MEDICAL MARIJUANA OR LOCAL LICENSING

14

AUTHORITY SHALL CONSIDER, EXCEPT WHERE THIS ARTICLE SPECIFICALLY

15

PROVIDES OTHERWISE, THE REASONABLE REQUIREMENTS OF THE

16

NEIGHBORHOOD, THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED

17

BY PETITIONS, REMONSTRANCES, OR OTHERWISE, AND ALL OTHER

18

REASONABLE RESTRICTIONS THAT THE LOCAL LICENSING AUTHORITY HAS

19

PLACED OR MAY PLACE UPON THE NEIGHBORHOOD _____.

20

(b) A LOCAL LICENSING AUTHORITY, OR, FOR A MEDICAL

21

MARIJUANA CLINIC OR GROWER LICENSE TO BE USED ON STATE-OWNED

22

PROPERTY, THE MEDICAL MARIJUANA LICENSING AUTHORITY, MAY DENY

23

THE ISSUANCE OF A NEW LICENSE IF THE AUTHORITY DETERMINES THAT

24

THE ISSUANCE OF THE LICENSE WOULD RESULT IN OR ADD TO AN UNDUE

25

CONCENTRATION OF THE SAME CLASS OF LICENSE AND, AS A RESULT,

26

REQUIRE THE USE OF ADDITIONAL LAW ENFORCEMENT RESOURCES.

27

(3) (a) EACH MEDICAL MARIJUANA CLINIC OR GROWER LICENSE

1 ISSUED UNDER THIS ARTICLE IS SEPARATE AND DISTINCT. IT IS UNLAWFUL
2 FOR A PERSON TO EXERCISE ANY OF THE PRIVILEGES GRANTED UNDER A
3 MEDICAL MARIJUANA CLINIC OR GROWER LICENSE OTHER THAN THE
4 PRIVILEGES GRANTED BY THE SPECIFIC LICENSE THE PERSON HOLDS OR FOR
5 ANY MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE TO ALLOW ANY
6 OTHER PERSON TO EXERCISE THE PRIVILEGES GRANTED UNDER THE
7 LICENSEE'S LICENSE.

8 (b) AT ALL TIMES, A MEDICAL MARIJUANA CLINIC OR GROWER
9 LICENSEE SHALL POSSESS AND MAINTAIN POSSESSION OF THE PREMISES
10 FOR WHICH THE MEDICAL MARIJUANA CLINIC OR GROWER LICENSE IS
11 ISSUED BY OWNERSHIP, LEASE, RENTAL, OR OTHER ARRANGEMENT FOR
12 POSSESSION OF THE PREMISES.

13 (4) _____ A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE
14 PROVIDED PURSUANT TO THIS ARTICLE SHALL SPECIFY THE DATE OF
15 ISSUANCE, THE PERIOD THAT IS COVERED, THE NAME OF THE MEDICAL
16 MARIJUANA CLINIC OR GROWER LICENSEE, AND THE ADDRESS OF THE
17 PREMISES LICENSED. THE LICENSE SHALL BE CONSPICUOUSLY PLACED AT
18 ALL TIMES ON THE LICENSED PREMISES, _____ AND ALL LAW
19 ENFORCEMENT OFFICERS SHALL ENSURE THAT EACH PERSON SELLING OR
20 GROWING MEDICAL MARIJUANA WITHIN THE LAW ENFORCEMENT OFFICER'S
21 JURISDICTION HAS PROCURED A LICENSE TO DO SO.

22 _____
23 (5) IN COMPUTING ANY PERIOD _____ PRESCRIBED BY THIS ARTICLE,
24 THE DAY OF THE ACT, EVENT, OR DEFAULT FROM WHICH THE DESIGNATED
25 PERIOD _____ BEGINS TO RUN SHALL NOT BE INCLUDED. SATURDAYS,
26 SUNDAYS, AND LEGAL HOLIDAYS SHALL BE COUNTED AS ANY OTHER DAY.

27 (6) A MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE SHALL

1 REPORT EACH TRANSFER OR CHANGE OF FINANCIAL INTEREST IN THE
2 MEDICAL MARIJUANA CLINIC OR GROWER LICENSE TO THE MEDICAL
3 MARIJUANA LICENSING AUTHORITY AND _____ TO THE LOCAL LICENSING
4 AUTHORITY WITHIN THIRTY DAYS AFTER THE TRANSFER OR CHANGE. A
5 REPORT SHALL BE REQUIRED FOR TRANSFERS OF CAPITAL STOCK OF A
6 PUBLIC CORPORATION; EXCEPT THAT A REPORT SHALL NOT BE REQUIRED
7 FOR TRANSFERS OF _____ STOCK TOTALING LESS THAN TEN PERCENT IN ANY
8 ONE YEAR, BUT ANY TRANSFER OF A CONTROLLING INTEREST SHALL BE
9 REPORTED REGARDLESS OF SIZE. IT IS UNLAWFUL FOR THE LICENSEE TO
10 FAIL TO REPORT A TRANSFER REQUIRED BY THIS SUBSECTION (6). _____
11 FAILURE TO REPORT A TRANSFER SHALL BE GROUNDS FOR SUSPENSION OR
12 REVOCATION OF THE LICENSE. <{*How does this fit with §12-43.3-203?*}>

13 (7) (a) A MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE MAY
14 MOVE HIS OR HER PERMANENT LOCATION TO ANY OTHER PLACE IN THE
15 SAME CITY, TOWN, OR CITY AND COUNTY FOR WHICH THE MEDICAL
16 MARIJUANA CLINIC OR GROWER LICENSE WAS ORIGINALLY GRANTED, OR
17 IN THE SAME COUNTY IF THE LICENSE WAS GRANTED FOR A PLACE OUTSIDE
18 THE CORPORATE LIMITS OF ANY CITY, TOWN, OR CITY AND COUNTY, BUT
19 IT SHALL BE UNLAWFUL TO SELL OR GROW MEDICAL MARIJUANA AT ANY
20 _____ PLACE UNTIL PERMISSION TO DO SO IS GRANTED BY ALL THE
21 LICENSING AUTHORITIES PROVIDED FOR IN THIS ARTICLE.

22 (b) IN PERMITTING A CHANGE OF LOCATION, THE MEDICAL
23 MARIJUANA OR LOCAL LICENSING AUTHORITY SHALL CONSIDER THE
24 REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD TO WHICH THE
25 APPLICANT SEEKS TO CHANGE HIS OR HER LOCATION, THE DESIRES OF THE
26 ADULT INHABITANTS AS EVIDENCED BY PETITIONS, REMONSTRANCES, OR
27 OTHERWISE, AND ALL REASONABLE RESTRICTIONS THAT ARE OR MAY BE

1 PLACED UPON THE NEW DISTRICT BY THE COUNCIL, BOARD OF TRUSTEES,
2 OR LOCAL LICENSING AUTHORITY OF THE CITY, TOWN, OR CITY AND
3 COUNTY OR BY THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY.

4 **12-43.3-202. License renewal.** (1) NINETY DAYS PRIOR TO THE
5 EXPIRATION DATE OF AN EXISTING MEDICAL MARIJUANA CLINIC OR
6 GROWER LICENSE, THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
7 NOTIFY THE MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE OF THE
8 EXPIRATION DATE BY FIRST-CLASS MAIL AT THE LICENSEE'S LAST-KNOWN
9 BUSINESS ADDRESS. APPLICATION FOR THE RENEWAL OF AN EXISTING
10 LICENSE SHALL BE MADE TO THE LOCAL LICENSING AUTHORITY NOT LESS
11 THAN FORTY-FIVE DAYS PRIOR TO THE DATE OF EXPIRATION AND TO THE
12 MEDICAL MARIJUANA LICENSING AUTHORITY NOT LESS THAN THIRTY DAYS
13 PRIOR TO THE DATE OF EXPIRATION. AN APPLICATION FOR RENEWAL OF A
14 LICENSE SHALL NOT BE ACCEPTED BY THE LOCAL LICENSING AUTHORITY
15 AFTER THE DATE OF EXPIRATION, EXCEPT AS PROVIDED IN SUBSECTION (2)
16 OF THIS SECTION, BUT FILING WITH THE LOCAL LICENSING AUTHORITY
17 SHALL BE DEEMED FILING WITH THE STATE, < **HOW DOES STATE KNOW?** >
18 AND ALL RENEWALS FILED WITH THE LOCAL LICENSING AUTHORITIES PRIOR
19 TO EXPIRATION, AND SUBSEQUENTLY APPROVED, SHALL BE PROCESSED BY
20 THE MEDICAL MARIJUANA LICENSING AUTHORITY, AND THE EXPIRATION
21 DATE SHALL BE EXTENDED UNTIL THE MEDICAL MARIJUANA LICENSING
22 AUTHORITY LICENSE IS PROCESSED. THE MEDICAL MARIJUANA OR _____
23 LOCAL LICENSING AUTHORITY, FOR GOOD CAUSE, MAY WAIVE THE
24 FORTY-FIVE-DAY OR THIRTY-DAY APPLICATION REQUIREMENT SET FORTH
25 IN THIS SUBSECTION (1). THE LOCAL LICENSING AUTHORITY MAY CAUSE
26 A HEARING ON THE APPLICATION FOR RENEWAL TO BE HELD. THE LOCAL
27 LICENSING AUTHORITY SHALL NOT HOLD THE RENEWAL HEARING UNTIL IT

1 HAS CONSPICUOUSLY POSTED A NOTICE OF HEARING _____ ON THE
2 LICENSED PREMISES FOR A PERIOD OF TEN DAYS AND PROVIDED NOTICE OF
3 THE HEARING _____ TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE
4 HEARING. THE LOCAL LICENSING AUTHORITY MAY REFUSE TO RENEW A
5 LICENSE FOR GOOD CAUSE, SUBJECT TO JUDICIAL REVIEW. ANY RENEWAL
6 HEARING BY THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL BE
7 HELD PURSUANT TO SECTION 12-43.3-205 (2).

8 (2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
9 THIS SECTION, A MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE
10 WHOSE MEDICAL MARIJUANA CLINIC OR GROWER LICENSE HAS BEEN
11 EXPIRED FOR _____ NINETY DAYS OR LESS MAY FILE A LATE RENEWAL
12 APPLICATION UPON THE PAYMENT OF A NONREFUNDABLE LATE
13 APPLICATION FEE OF FIVE HUNDRED DOLLARS EACH TO BOTH THE MEDICAL
14 MARIJUANA AND LOCAL LICENSING AUTHORITIES. A LICENSEE WHO FILES
15 A LATE RENEWAL APPLICATION AND PAYS THE REQUISITE FEES MAY
16 CONTINUE TO OPERATE UNTIL BOTH THE MEDICAL MARIJUANA AND LOCAL
17 LICENSING AUTHORITIES HAVE TAKEN FINAL ACTION TO APPROVE OR DENY
18 THE LICENSEE'S LATE RENEWAL APPLICATION.

19 (b) THE MEDICAL MARIJUANA OR LOCAL LICENSING AUTHORITY
20 SHALL NOT ACCEPT A LATE RENEWAL APPLICATION MORE THAN NINETY
21 DAYS AFTER THE EXPIRATION OF A MEDICAL MARIJUANA CLINIC OR
22 GROWER LICENSEE'S _____ ANNUAL MEDICAL MARIJUANA CLINIC OR
23 GROWER LICENSE. A LICENSEE WHOSE _____ ANNUAL LICENSE HAS BEEN
24 EXPIRED FOR MORE THAN NINETY DAYS SHALL APPLY FOR A NEW LICENSE
25 PURSUANT TO SECTION 12-43.3-209 AND SHALL NOT SELL, POSSESS FOR
26 SALE, OR GROW ANY MEDICAL MARIJUANA UNTIL ALL REQUIRED LICENSES
27 HAVE BEEN OBTAINED.

1 _____
2 **12-43.3-203. Transfer of ownership and temporary permits.**

3 (1) (a) A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE GRANTED
4 UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE TRANSFERABLE
5 EXCEPT AS PROVIDED IN THIS SUBSECTION (1), BUT THIS SHALL NOT
6 PREVENT A CHANGE OF LOCATION AS PROVIDED FOR IN SECTION
7 12-43.3-201 (7).

8 (b) WHEN A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE HAS
9 BEEN ISSUED TO A HUSBAND AND WIFE, OR TO GENERAL OR LIMITED
10 PARTNERS, THE DEATH OF A SPOUSE OR PARTNER SHALL NOT REQUIRE THE
11 SURVIVING SPOUSE OR PARTNER TO OBTAIN A NEW LICENSE. ALL RIGHTS
12 AND PRIVILEGES GRANTED UNDER THE ORIGINAL LICENSE SHALL CONTINUE
13 IN FULL FORCE AND EFFECT AS TO THE SURVIVORS FOR THE BALANCE OF
14 THE LICENSE PERIOD.

15 (c) FOR ANY OTHER TRANSFER OF OWNERSHIP, A MEDICAL
16 MARIJUANA CLINIC OR GROWER LICENSEE SHALL APPLY TO THE MEDICAL
17 MARIJUANA AND LOCAL LICENSING AUTHORITIES ON FORMS PREPARED AND
18 FURNISHED BY THE MEDICAL MARIJUANA LICENSING AUTHORITY. IN
19 DETERMINING WHETHER TO PERMIT A TRANSFER OF OWNERSHIP, THE
20 MEDICAL MARIJUANA AND LOCAL LICENSING AUTHORITIES SHALL
21 CONSIDER ONLY THE REQUIREMENTS OF SECTION 12-43.3-207. THE LOCAL
22 LICENSING AUTHORITY MAY CAUSE A HEARING ON THE APPLICATION FOR
23 TRANSFER OF OWNERSHIP TO BE HELD. THE LOCAL LICENSING AUTHORITY
24 SHALL NOT HOLD A HEARING PROVIDED FOR BY THIS PARAGRAPH (c) _____
25 UNTIL IT HAS CONSPICUOUSLY POSED A NOTICE OF HEARING _____ ON THE
26 LICENSED PREMISES FOR A PERIOD OF TEN DAYS AND PROVIDED NOTICE OF
27 THE HEARING _____ TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE

1 HEARING. ANY TRANSFER OF OWNERSHIP HEARING BY THE MEDICAL
2 MARIJUANA LICENSING AUTHORITY SHALL BE HELD PURSUANT TO SECTION
3 12-43.3-205 (2).

4 (2) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE TO THE
5 CONTRARY, A LOCAL LICENSING AUTHORITY SHALL HAVE DISCRETIONARY
6 AUTHORITY TO ISSUE A TEMPORARY PERMIT TO A TRANSFEREE OF A
7 MEDICAL MARIJUANA CLINIC OR GROWER LICENSE ISSUED BY THE LOCAL
8 LICENSING AUTHORITY PURSUANT TO THIS ARTICLE. A TEMPORARY
9 PERMIT SHALL AUTHORIZE A TRANSFEREE TO CONTINUE SELLING OR
10 GROWING MEDICAL MARIJUANA AS PERMITTED UNDER THE PERMANENT
11 LICENSE DURING THE PERIOD IN WHICH AN APPLICATION TO TRANSFER THE
12 OWNERSHIP OF THE LICENSE IS PENDING.

13 (3) A TEMPORARY PERMIT SHALL AUTHORIZE A TRANSFEREE TO
14 CONDUCT BUSINESS AND SELL OR GROW MEDICAL MARIJUANA IN
15 ACCORDANCE WITH THE MEDICAL MARIJUANA CLINIC OR GROWER LICENSE
16 OF THE TRANSFEROR SUBJECT TO COMPLIANCE WITH ALL OF THE
17 FOLLOWING CONDITIONS:

18 (a) THE PREMISES WHERE MEDICAL MARIJUANA IS SOLD OR GROWN
19 SHALL HAVE BEEN PREVIOUSLY LICENSED BY THE MEDICAL MARIJUANA
20 AND LOCAL LICENSING AUTHORITIES, AND THE MEDICAL MARIJUANA
21 CLINIC OR GROWER LICENSE SHALL HAVE BEEN VALID AT THE TIME THE
22 APPLICANT FILED THE APPLICATION FOR TRANSFER OF OWNERSHIP _____
23 WITH THE LOCAL LICENSING AUTHORITY THAT HAS JURISDICTION TO
24 APPROVE AN APPLICATION FOR A TEMPORARY PERMIT.

25 (b) THE APPLICANT HAS FILED WITH THE LOCAL LICENSING
26 AUTHORITY ON FORMS PROVIDED BY THE MEDICAL MARIJUANA LICENSING
27 AUTHORITY AN APPLICATION FOR THE TRANSFER OF THE MEDICAL

1 MARIJUANA CLINIC OR GROWER LICENSE. THE APPLICATION SHALL
2 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

3 (I) THE NAME AND ADDRESS OF THE APPLICANT; IF THE APPLICANT
4 IS A PARTNERSHIP, THE NAMES AND ADDRESSES OF ALL THE PARTNERS;
5 AND, IF THE APPLICANT IS A CORPORATION, AN ASSOCIATION, OR ANOTHER
6 ORGANIZATION, THE NAMES AND ADDRESSES OF THE PRESIDENT,
7 VICE-PRESIDENT, SECRETARY, AND MANAGING OFFICER;

8 (II) THE APPLICANT'S FINANCIAL INTEREST IN THE PROPOSED
9 TRANSFER;

10 (III) THE PREMISES FOR WHICH THE TEMPORARY PERMIT IS
11 SOUGHT;

12 (IV) OTHER INFORMATION AS THE LOCAL LICENSING AUTHORITY
13 MAY REQUIRE; AND

14 (V) A STATEMENT THAT ALL ACCOUNTS FOR MEDICAL MARIJUANA
15 SOLD TO THE APPLICANT ARE PAID.

16 (c) THE APPLICANT SHALL FILE THE APPLICATION FOR A
17 TEMPORARY PERMIT _____ NO LATER THAN THIRTY DAYS AFTER THE FILING
18 OF THE APPLICATION FOR TRANSFER OF OWNERSHIP AND SHALL INCLUDE
19 WITH THE APPLICATION PAYMENT OF A TEMPORARY PERMIT FEE NOT TO
20 EXCEED ONE HUNDRED DOLLARS.

21 (d) WHEN APPLYING WITH THE LOCAL LICENSING AUTHORITY FOR
22 A TEMPORARY PERMIT, THE APPLICANT SHALL PROVIDE TO THE MEDICAL
23 MARIJUANA LICENSING AUTHORITY, BY FACSIMILE OR OTHERWISE, A COPY
24 OF THE STATEMENT MADE PURSUANT TO SUBPARAGRAPH (V) OF
25 PARAGRAPH (b) OF THIS SUBSECTION (3) _____. THE STATEMENT IS A
26 PUBLIC RECORD AND SHALL BE OPEN TO INSPECTION BY THE PUBLIC.

27 (4) A _____ LOCAL LICENSING AUTHORITY SHALL ISSUE A

1 TEMPORARY PERMIT, IF GRANTED, WITHING FIVE WORKING DAYS AFTER
2 RECEIVING THE APPLICATION. A TEMPORARY PERMIT ISSUED PURSUANT
3 TO THIS SECTION SHALL BE VALID UNTIL SUCH TIME AS THE APPLICATION
4 TO TRANSFER OWNERSHIP OF THE MEDICAL MARIJUANA CLINIC OR GROWER
5 LICENSE TO THE APPLICANT IS GRANTED OR DENIED OR FOR ONE HUNDRED
6 TWENTY DAYS, WHICHEVER OCCURS FIRST; EXCEPT THAT, IF THE
7 APPLICATION TO TRANSFER THE LICENSE HAS NOT BEEN GRANTED OR
8 DENIED WITHIN THE ONE-HUNDRED-TWENTY-DAY PERIOD AND THE
9 TRANSFEREE DEMONSTRATES GOOD CAUSE, THE LOCAL LICENSING
10 AUTHORITY MAY, _____ IN ITS DISCRETION, EXTEND THE VALIDITY OF THE
11 PERMIT FOR AN ADDITIONAL PERIOD NOT TO EXCEED SIXTY DAYS.

12 (5) A LOCAL LICENSING AUTHORITY SHALL ISSUE A TEMPORARY
13 PERMIT _____ IN THE EVENT OF A TRANSFER OF POSSESSION OF THE
14 LICENSED PREMISES BY OPERATION OF LAW, A PETITION IN BANKRUPTCY
15 PURSUANT TO FEDERAL BANKRUPTCY LAW, THE APPOINTMENT OF A
16 RECEIVER, A FORECLOSURE ACTION BY A SECURED PARTY, OR A COURT
17 ORDER DISPOSSESSING THE PRIOR MEDICAL MARIJUANA CLINIC OR GROWER
18 LICENSEE OF ALL RIGHTS OF POSSESSION PURSUANT TO ARTICLE 40 OF
19 TITLE 13, C.R.S.

20 (6) A TEMPORARY PERMIT MAY BE CANCELED, REVOKED, OR
21 SUMMARILY SUSPENDED IF THE LOCAL LICENSING AUTHORITY DETERMINES
22 THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE TRANSFEREE HAS
23 VIOLATED ANY PROVISION OF THIS ARTICLE OR HAS VIOLATED ANY RULE
24 ADOPTED BY THE _____ MEDICAL MARIJUANA OR LOCAL LICENSING
25 AUTHORITY OR HAS FAILED TO TRUTHFULLY DISCLOSE THOSE MATTERS
26 REQUIRED PURSUANT TO THE APPLICATION FORMS REQUIRED BY THE
27 MEDICAL MARIJUANA LICENSING AUTHORITY.

1 **12-43.3-204. Medical marijuana licensing authority -**
2 **application and issuance procedures - definitions.** (1) APPLICATIONS
3 FOR MEDICAL MARIJUANA CLINIC OR GROWER LICENSES UNDER THE
4 PROVISIONS OF THIS ARTICLE SHALL BE MADE TO THE MEDICAL MARIJUANA
5 LICENSING AUTHORITY ON FORMS PREPARED AND FURNISHED BY THE
6 MEDICAL MARIJUANA LICENSING AUTHORITY AND SHALL SET FORTH SUCH
7 INFORMATION AS THE MEDICAL MARIJUANA LICENSING AUTHORITY MAY
8 REQUIRE TO ENABLE THE AUTHORITY TO DETERMINE WHETHER A LICENSE
9 SHOULD BE GRANTED. THE INFORMATION SHALL INCLUDE THE NAME AND
10 ADDRESS OF THE APPLICANT, AND IF A PARTNERSHIP, ALSO THE NAMES
11 AND ADDRESSES OF ALL THE PARTNERS, AND IF A CORPORATION, AN
12 ASSOCIATION, OR ANOTHER ORGANIZATION, ALSO THE NAMES AND
13 ADDRESSES OF THE PRESIDENT, VICE-PRESIDENT, SECRETARY, AND
14 MANAGING OFFICER, TOGETHER WITH ALL OTHER INFORMATION DEEMED
15 NECESSARY BY THE MEDICAL MARIJUANA LICENSING AUTHORITY. EACH
16 APPLICATION SHALL BE VERIFIED BY THE OATH OR AFFIRMATION OF THE
17 PERSON OR PERSONS APPLYING AS THE MEDICAL MARIJUANA LICENSING
18 AUTHORITY MAY PRESCRIBE.

19 (2) (a) BEFORE GRANTING A MEDICAL MARIJUANA CLINIC OR
20 GROWER LICENSE FOR WHICH AN APPLICATION HAS BEEN MADE, THE
21 MEDICAL MARIJUANA LICENSING AUTHORITY OR ONE OR MORE OF ITS
22 INSPECTORS MAY VISIT AND INSPECT THE PREMISES ON WHICH THE
23 APPLICANT PROPOSES TO CONDUCT BUSINESS AND INVESTIGATE THE
24 FITNESS TO CONDUCT SUCH BUSINESS OF ANY PERSON OR THE OFFICERS
25 AND DIRECTORS OF A PARTNERSHIP, A CORPORATION, AN ASSOCIATION, OR
26 ANOTHER ORGANIZATION APPLYING FOR A LICENSE. IN INVESTIGATING
27 THE FITNESS OF THE APPLICANT _____, THE MEDICAL MARIJUANA

1 LICENSING AUTHORITY MAY HAVE ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION FURNISHED BY A CRIMINAL JUSTICE AGENCY SUBJECT TO
3 ANY RESTRICTIONS IMPOSED BY THE AGENCY. IN THE EVENT THE MEDICAL
4 MARIJUANA LICENSING AUTHORITY TAKES INTO CONSIDERATION
5 INFORMATION CONCERNING THE APPLICANT'S CRIMINAL HISTORY RECORD,
6 THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL ALSO CONSIDER
7 ANY INFORMATION PROVIDED BY THE APPLICANT REGARDING HIS OR HER
8 CRIMINAL HISTORY RECORD, INCLUDING BUT NOT LIMITED TO EVIDENCE OF
9 REHABILITATION, CHARACTER REFERENCES, AND EDUCATIONAL
10 ACHIEVEMENTS, ESPECIALLY THOSE ITEMS PERTAINING TO THE PERIOD ==
11 BETWEEN THE APPLICANT'S LAST CRIMINAL CONVICTION AND THE
12 CONSIDERATION OF THE APPLICATION FOR A LICENSE.

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

20 (3) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL NOT
21 ISSUE A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE PURSUANT TO
22 THIS SECTION UNTIL THE LOCAL LICENSING AUTHORITY HAS APPROVED THE
23 APPLICATION PURSUANT TO SECTION 12-43.3-209.

24 **12-43.3-205. Denial of application.** (1) THE MEDICAL
25 MARIJUANA LICENSING AUTHORITY SHALL DENY A MEDICAL MARIJUANA
26 CLINIC OR GROWER LICENSE IF THE PREMISES ON WHICH THE APPLICANT
27 PROPOSES TO CONDUCT ITS BUSINESS DO NOT MEET THE REQUIREMENTS OF

1 THIS ARTICLE, OR IF THE CHARACTER OF THE APPLICANT OR ITS OFFICERS
2 OR DIRECTORS IS SUCH THAT VIOLATIONS OF THIS ARTICLE WOULD BE
3 LIKELY TO RESULT IF A LICENSE WERE GRANTED, OR IF IN ITS OPINION
4 LICENSES ALREADY GRANTED FOR THE PARTICULAR LOCALITY ARE
5 ADEQUATE FOR THE REASONABLE NEEDS OF THE COMMUNITY.

6 (2) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL NOT
7 DENY A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE _____ EXCEPT
8 UPON A HEARING CONDUCTED AFTER FIFTEEN DAYS' NOTICE TO THE
9 APPLICANT AND TO THE LOCAL LICENSING AUTHORITY. THE NOTICE SHALL
10 BE IN WRITING AND SHALL STATE GROUNDS UPON WHICH THE APPLICATION
11 MAY BE REFUSED. IF THE APPLICANT DOES NOT RESPOND TO THE NOTICE
12 WITHIN FIFTEEN DAYS AFTER THE DATE OF THE NOTICE, THE MEDICAL
13 MARIJUANA LICENSING AUTHORITY SHALL DENY THE APPLICATION FOR A
14 LICENSE _____. THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
15 CONDUCT THE HEARING _____ IN ACCORDANCE WITH THE PROVISIONS OF
16 SECTION 24-4-105, C.R.S., AND ANY JUDICIAL REVIEW OF THE MEDICAL
17 MARIJUANA LICENSING AUTHORITY'S DECISION SHALL BE PURSUANT TO
18 SECTION 24-4-106, C.R.S.

19 **12-43.3-206. Inactive licenses.** THE MEDICAL MARIJUANA OR
20 LOCAL LICENSING AUTHORITY, IN ITS DISCRETION, MAY REVOKE OR ELECT
21 NOT TO RENEW A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE IF IT
22 DETERMINES THAT THE LICENSED PREMISES HAVE BEEN INACTIVE,
23 WITHOUT GOOD CAUSE, FOR AT LEAST ONE YEAR OR, IN THE CASE OF A
24 LICENSE APPROVED FOR A FACILITY THAT HAS NOT BEEN CONSTRUCTED,
25 THE FACILITY HAS NOT BEEN CONSTRUCTED AND PLACED IN OPERATION
26 WITHIN TWO YEARS AFTER APPROVAL OF THE LICENSE APPLICATION OR
27 CONSTRUCTION OF THE FACILITY HAS NOT COMMENCED WITHIN ONE YEAR

1 AFTER SUCH APPROVAL. <{How does this fit with language in
2 §12-43.3-211 (4)?}>

3 **12-43.3-207. Persons prohibited as licensees.** (1) (a) A
4 MEDICAL MARIJUANA CLINIC OR GROWER LICENSE ISSUED PURSUANT TO
5 THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY:

6 (I) A PERSON UNTIL THE ANNUAL FEE ESTABLISHED PURSUANT TO
7 SECTION 12-43.3-302 HAS BEEN PAID;

8 (II) A PERSON WHO IS NOT OF GOOD MORAL CHARACTER. THE
9 APPLICANT FOR A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE SHALL
10 PRESENT TESTIMONY AND OPINION EVIDENCE AS WELL AS PETITIONS AND
11 DOCUMENTATION TO PROVE THAT THE APPLICANT IS QUALIFIED TO HOLD
12 A LICENSE BASED UPON SATISFACTORY PROOF OF GOOD MORAL
13 CHARACTER AS WELL AS THE TESTIMONY OF BUSINESS PERSONS AND
14 NEIGHBORS FROM INSIDE THE DESIGNATED NEIGHBORHOOD OF THE
15 RELEVANT AREA UNDER CONSIDERATION AS DETERMINED BY THE LOCAL
16 LICENSING AUTHORITY AND THE TESTIMONY AND EVIDENCE OF THE
17 MEDICAL NEEDS AND NECESSITY OF THE POTENTIAL CUSTOMERS FOR THE
18 APPROVAL OF THE LICENSE AT THE PROPOSED LOCATION FOR THE SALE OF
19 THE MEDICAL MARIJUANA.

20 (III) A CORPORATION _____ WHOSE OFFICERS, DIRECTORS, OR
21 STOCKHOLDERS HOLDING TEN PERCENT OR MORE OF THE OUTSTANDING
22 AND ISSUED CAPITAL STOCK THEREOF ARE NOT OF GOOD MORAL
23 CHARACTER;

24 (IV) A PARTNERSHIP, AN ASSOCIATION, OR A COMPANY _____
25 WHOSE OFFICERS OR _____ MEMBERS HOLDING TEN PERCENT OR MORE
26 INTEREST THEREIN ARE NOT OF GOOD MORAL CHARACTER;

27 (V) A PERSON EMPLOYING, ASSISTED BY, OR FINANCED IN WHOLE

1 OR IN PART BY ANY OTHER PERSON WHO IS NOT OF GOOD MORAL
2 CHARACTER AND REPUTATION SATISFACTORY TO THE MEDICAL
3 MARIJUANA OR LOCAL LICENSING AUTHORITY;

4 _____
5 (VI) A NATURAL PERSON UNDER TWENTY-ONE YEARS OF AGE; OR
6 (VII) A LICENSED PHYSICIAN.

7 (b) IN MAKING A DETERMINATION AS TO CHARACTER OR WHEN
8 CONSIDERING THE CONVICTION OF A CRIME, THE MEDICAL MARIJUANA OR
9 LOCAL LICENSING AUTHORITY SHALL BE GOVERNED BY THE PROVISIONS OF
10 SECTION 24-5-101, C.R.S.

11 (2) A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE ISSUED
12 PURSUANT TO THIS ARTICLE SHALL NOT BE ISSUED TO OR HELD BY A PEACE
13 OFFICER OR THE MEDICAL MARIJUANA LICENSING AUTHORITY OR ANY
14 OF ITS INSPECTORS OR EMPLOYEES.

15 (3) (a) IN INVESTIGATING THE QUALIFICATIONS OF THE APPLICANT
16 _____, THE LOCAL LICENSING AUTHORITY MAY HAVE ACCESS TO CRIMINAL
17 HISTORY RECORD INFORMATION FURNISHED BY A CRIMINAL JUSTICE
18 AGENCY SUBJECT TO ANY RESTRICTIONS IMPOSED BY THE AGENCY. IN THE
19 EVENT THE LOCAL LICENSING AUTHORITY TAKES INTO CONSIDERATION
20 INFORMATION CONCERNING THE APPLICANT'S CRIMINAL HISTORY RECORD,
21 THE LOCAL LICENSING AUTHORITY SHALL ALSO CONSIDER ANY
22 INFORMATION PROVIDED BY THE APPLICANT REGARDING HIS OR HER
23 CRIMINAL HISTORY RECORD, INCLUDING BUT NOT LIMITED TO EVIDENCE OF
24 REHABILITATION, CHARACTER REFERENCES, AND EDUCATIONAL
25 ACHIEVEMENTS, ESPECIALLY THOSE ITEMS PERTAINING TO THE PERIOD OR
26 _____ BETWEEN THE APPLICANT'S LAST CRIMINAL CONVICTION AND THE
27 CONSIDERATION OF THE APPLICATION FOR A MEDICAL MARIJUANA CLINIC

1 OR GROWER LICENSE.

2 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (3),
3 "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL
4 COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY
5 THAT PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO
6 A STATUTE OR EXECUTIVE ORDER AND THAT ALLOCATES A SUBSTANTIAL
7 PART OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL
8 JUSTICE.

9 (c) AT THE TIME OF THE APPLICATION FOR A MEDICAL MARIJUANA
10 CLINIC OR GROWER LICENSE, THE APPLICANT SHALL SUBMIT FINGERPRINTS
11 AND FILE PERSONAL HISTORY INFORMATION CONCERNING THE APPLICANT'S
12 QUALIFICATIONS FOR A LICENSE ON FORMS PREPARED BY THE MEDICAL
13 MARIJUANA LICENSING AUTHORITY. THE MEDICAL MARIJUANA OR LOCAL
14 LICENSING AUTHORITY SHALL SUBMIT SUCH FINGERPRINTS TO THE
15 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO
17 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE
18 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE MEDICAL
20 MARIJUANA LICENSING AUTHORITY MAY ACQUIRE A NAME-BASED
21 CRIMINAL HISTORY RECORD CHECK FOR A LICENSE HOLDER OR AN
22 APPLICANT WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
23 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
24 UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED
25 FINGERPRINTS FOR MEDICAL MARIJUANA LICENSING PURPOSES MAY
26 REQUEST THAT THE FINGERPRINTS ON FILE BE USED. THE MEDICAL
27 MARIJUANA AND LOCAL LICENSING AUTHORITIES SHALL USE THE

1 INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL
2 HISTORY RECORD CHECK TO INVESTIGATE AND _____ DETERMINE IF AN
3 APPLICANT IS QUALIFIED FOR A LICENSE PURSUANT TO THIS ARTICLE. THE
4 MEDICAL MARIJUANA AND LOCAL LICENSING AUTHORITIES MAY VERIFY
5 ANY OF THE INFORMATION REQUIRED TO BE SUBMITTED BY AN APPLICANT
6 _____. AN APPLICANT SHALL NOT BE REQUIRED TO SUBMIT ADDITIONAL
7 INFORMATION BEYOND THAT REQUIRED IN THIS SUBSECTION (3) UNLESS
8 THE MEDICAL MARIJUANA OR LOCAL LICENSING AUTHORITY HAS
9 DETERMINED ANY OF THE FOLLOWING:

- 10 (I) THE APPLICANT HAS MISREPRESENTED A MATERIAL FACT;
- 11 (II) THE APPLICANT HAS AN ESTABLISHED CRIMINAL HISTORY
12 RECORD;
- 13 (III) A PRIOR CRIMINAL OR ADMINISTRATIVE PROCEEDING
14 DETERMINED THAT THE APPLICANT VIOLATED MEDICAL MARIJUANA LAWS;
- 15 (IV) THE INFORMATION SUBMITTED BY AN APPLICANT IS
16 INCOMPLETE; OR
- 17 (V) THE CHARACTER, RECORD, OR REPUTATION OF THE APPLICANT,
18 HIS OR HER AGENT, OR HIS OR HER PRINCIPAL IS SUCH THAT A POTENTIAL
19 VIOLATION OF THIS ARTICLE MAY OCCUR IF A MEDICAL MARIJUANA CLINIC
20 OR GROWER LICENSE IS ISSUED TO THE APPLICANT.

21 (4) THE LOCAL LICENSING AUTHORITY SHALL MAKE THE FINDINGS
22 OF ITS INVESTIGATION KNOWN FIVE DAYS PRIOR TO THE HEARING
23 CONDUCTED PURSUANT TO SECTION 12-43.3-211.

24 **12-43.3-208. Unlawful financial assistance.** (1) IT IS UNLAWFUL
25 FOR A PERSON LICENSED AS A MEDICAL MARIJUANA GROWER OR A PERSON,
26 A PARTNERSHIP, AN ASSOCIATION, AN ORGANIZATION, OR A CORPORATION
27 INTERESTED FINANCIALLY IN OR WITH ANY OF SAID LICENSEES, TO

1 FURNISH, SUPPLY, OR LOAN, IN ANY MANNER, DIRECTLY OR INDIRECTLY,
2 TO A PERSON LICENSED TO SELL MEDICAL MARIJUANA PURSUANT TO THE
3 PROVISIONS OF THIS ARTICLE ANY FINANCIAL ASSISTANCE OR ANY
4 EQUIPMENT, FIXTURES, CHATTELS, OR FURNISHINGS USED IN THE STORING,
5 HANDLING, SERVING, OR DISPENSING OF MEDICAL MARIJUANA WITHIN THE
6 PREMISES OR FOR MAKING ANY STRUCTURAL ALTERATIONS OR
7 IMPROVEMENTS IN OR ON THE BUILDING ON WHICH THE PREMISES ARE
8 LOCATED. THIS SECTION SHALL NOT APPLY TO SIGNS OR DISPLAYS WITHIN
9 THE PREMISES.

10 (2) IT IS UNLAWFUL FOR A PERSON LICENSED TO SELL MEDICAL
11 MARIJUANA PURSUANT TO THIS ARTICLE TO RECEIVE OR OBTAIN FROM THE
12 PERSONS OR PARTIES DESCRIBED AND REFERRED TO IN SUBSECTION (1) OF
13 THIS SECTION, DIRECTLY OR INDIRECTLY, ANY FINANCIAL ASSISTANCE OR
14 ANY EQUIPMENT, FIXTURES, CHATTELS, OR FURNISHINGS USED IN THE
15 STORING, HANDLING, SERVING, OR DISPENSING OF MEDICAL MARIJUANA
16 WITHIN THE PREMISES OR FROM MAKING ANY STRUCTURAL ALTERATIONS
17 OR IMPROVEMENTS IN OR ON THE BUILDING ON WHICH THE PREMISES ARE
18 LOCATED. THIS SUBSECTION (2) SHALL NOT APPLY TO SIGNS OR DISPLAYS
19 WITHIN THE PREMISES OR TO ADVERTISING MATERIALS THAT ARE
20 INTENDED PRIMARILY TO ADVERTISE THE PRODUCT OF THE MARIJUANA
21 GROWER AND THAT HAVE ONLY NEGLIGIBLE VALUE IN THEMSELVES.

22 (3) (a) EXCEPT AS OTHERWISE AUTHORIZED, IT IS UNLAWFUL FOR
23 A PERSON OR CORPORATION HOLDING A MEDICAL MARIJUANA CLINIC OR
24 GROWER LICENSE PURSUANT TO THIS ARTICLE OR A PERSON WHO IS A
25 STOCKHOLDER, DIRECTOR, OR OFFICER OF A CORPORATION HOLDING A
26 LICENSE PURSUANT TO THIS ARTICLE TO BE A STOCKHOLDER, DIRECTOR,
27 OR OFFICER OR TO BE INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY

1 PERSON OR CORPORATION THAT LENDS MONEY TO ANY PERSON OR
2 CORPORATION LICENSED PURSUANT TO THIS ARTICLE, BUT THIS
3 SUBSECTION (3) SHALL NOT APPLY TO BANKS, SAVINGS AND LOAN
4 ASSOCIATIONS, OR INDUSTRIAL BANKS SUPERVISED AND REGULATED BY
5 AN AGENCY OF THE STATE OR FEDERAL GOVERNMENT, OR TO
6 FHA-APPROVED MORTGAGEES, OR TO STOCKHOLDERS, DIRECTORS, OR
7 OFFICERS THEREOF. IT IS UNLAWFUL FOR A PERSON OR CORPORATION
8 LICENSED PURSUANT TO THIS ARTICLE, OR A STOCKHOLDER, DIRECTOR, OR
9 OFFICER OF THE CORPORATION, TO MAKE A LOAN OR BE INTERESTED,
10 DIRECTLY OR INDIRECTLY, IN A LOAN TO ANY OTHER PERSON LICENSED
11 PURSUANT TO THE PROVISIONS OF THIS ARTICLE; EXCEPT THAT THIS
12 PARAGRAPH (a) SHALL NOT APPLY TO A FINANCIAL INSTITUTION THAT
13 COMES INTO POSSESSION OF A LICENSED PREMISES BY VIRTUE OF A
14 FORECLOSURE OR DEED IN LIEU OF FORECLOSURE IF THE FINANCIAL
15 INSTITUTION DOES NOT RETAIN SUCH PREMISES FOR LONGER THAN ONE
16 YEAR OR FOR SUCH TIME EXCEEDING ONE YEAR AS PROVIDED IN
17 PARAGRAPH (b) OF THIS SUBSECTION (3).

18 (b) IN THE CASE OF A FINANCIAL INSTITUTION THAT COMES INTO
19 POSSESSION OF A LICENSED PREMISES BY VIRTUE OF A FORECLOSURE OR
20 DEED IN LIEU OF FORECLOSURE, THE MEDICAL MARIJUANA AND _____
21 LOCAL LICENSING AUTHORITIES MAY GRANT A TRANSFER OF OWNERSHIP
22 FOR A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE FOR A PERIOD OF
23 ONE YEAR AND, UPON NOTICE AND HEARING, MAY RENEW THE LICENSE ____
24 _____. THIS PARAGRAPH (b) SHALL APPLY IN THE CASE OF EVERY
25 FORECLOSURE OR DEED IN LIEU OF FORECLOSURE IN WHICH DISPOSITION OF
26 THE LICENSE HAS NOT OTHERWISE BEEN MADE BY THE MEDICAL
27 MARIJUANA OR LOCAL LICENSING AUTHORITY. <{*How does this fit with*

1 §12-43.3-203 (5)?>

2 (4) IT IS UNLAWFUL FOR AN OWNER, A PART OWNER, A
3 SHAREHOLDER, A STOCKHOLDER, OR A PERSON INTERESTED, DIRECTLY OR
4 INDIRECTLY, IN A CLINIC OR GROWING OPERATION LICENSED _____
5 PURSUANT TO THE PROVISIONS OF THIS ARTICLE TO ENTER INTO AN
6 AGREEMENT WITH A PERSON OR PARTY OR TO RECEIVE, POSSESS, OR
7 ACCEPT ANY MONEY, FIXTURES, SUPPLIES, OR THINGS OF VALUE FROM A
8 PERSON OR PARTY, WHEREBY A PERSON _____ MAY BE INFLUENCED OR
9 CAUSED, DIRECTLY OR INDIRECTLY, TO BUY, SELL, DISPENSE, OR HANDLE
10 THE PRODUCT OF A MANUFACTURER OF MEDICAL MARIJUANA. THIS
11 SUBSECTION (4) SHALL NOT APPLY TO DISPLAYS WITHIN THE RETAIL
12 BUSINESS OR ESTABLISHMENT.

13 (5) ANY TRANSACTION, AGREEMENT, OR ARRANGEMENT
14 PROHIBITED BY THE PROVISIONS OF THIS SECTION, IF MADE AND ENTERED
15 INTO BY AND BETWEEN THE PERSONS AND PARTIES DESCRIBED AND
16 REFERRED TO IN THIS SECTION, IS UNLAWFUL, ILLEGAL, INVALID, AND
17 VOID, AND ANY OBLIGATION OR LIABILITY ARISING OUT OF THE
18 TRANSACTION, AGREEMENT, OR ARRANGEMENT SHALL BE
19 UNENFORCEABLE IN ANY COURT OF THIS STATE BY OR AGAINST ANY _____
20 PERSONS AND PARTIES ENTERING INTO THE TRANSACTION, AGREEMENT,
21 OR ARRANGEMENT.

22 (6) THIS SECTION IS INTENDED TO PROHIBIT AND PREVENT THE
23 CONTROL OF THE _____ SALE OF MEDICAL MARIJUANA CLINICS BY A PERSON
24 OR PARTY OTHER THAN THE PERSONS LICENSED PURSUANT TO THE
25 PROVISIONS OF THIS ARTICLE.

26 **12-43.3-209. Local licensing authority - applications.** (1) A
27 LOCAL LICENSING AUTHORITY MAY ISSUE ONLY THE FOLLOWING LICENSES:

1 (a) MEDICAL MARIJUANA CLINIC LICENSE I;

2 (b) MEDICAL MARIJUANA CLINIC LICENSE II; AND

3 (c) MEDICAL MARIJUANA GROWER LICENSE.

4 (2) AN APPLICATION FOR A LICENSE SPECIFIED IN SUBSECTION (1)
5 OF THIS SECTION SHALL BE FILED WITH THE APPROPRIATE LOCAL
6 LICENSING AUTHORITY ON FORMS PROVIDED BY THE MEDICAL MARIJUANA
7 LICENSING AUTHORITY AND CONTAINING SUCH INFORMATION AS THE
8 MEDICAL MARIJUANA LICENSING AUTHORITY MAY REQUIRE. EACH
9 APPLICATION SHALL BE VERIFIED BY THE OATH OR AFFIRMATION OF SUCH
10 PERSONS AS PRESCRIBED BY THE MEDICAL MARIJUANA LICENSING
11 AUTHORITY.

12 (3) THE APPLICANT SHALL FILE AT THE TIME OF APPLICATION
13 PLANS AND SPECIFICATIONS FOR THE INTERIOR OF THE BUILDING IN WHICH
14 THE MEDICAL MARIJUANA CLINIC OR BUILDING OF OPERATION IS TO BE
15 HOUSED IF THE BUILDING TO BE OCCUPIED IS IN EXISTENCE AT THE TIME.
16 IF THE BUILDING IS NOT IN EXISTENCE, THE APPLICANT SHALL FILE A PLOT
17 PLAN AND A DETAILED SKETCH FOR THE INTERIOR AND SUBMIT AN
18 ARCHITECT'S DRAWING OF THE BUILDING TO BE CONSTRUCTED. IN ITS
19 DISCRETION, THE LOCAL LICENSING AUTHORITY MAY IMPOSE ADDITIONAL
20 REQUIREMENTS NECESSARY FOR THE APPROVAL OF THE APPLICATION.

21 **12-43.3-210. Public notice - posting and publication - public**
22 **hearing.** (1) UPON RECEIPT OF AN APPLICATION, EXCEPT AN APPLICATION
23 FOR RENEWAL OR FOR TRANSFER OF OWNERSHIP, THE LOCAL LICENSING
24 AUTHORITY SHALL SCHEDULE A PUBLIC HEARING ON THE APPLICATION NOT
25 LESS THAN THIRTY DAYS AFTER THE FILING DATE OF THE APPLICATION AND
26 SHALL POST AND PUBLISH THE PUBLIC NOTICE THEREOF NOT LESS THAN
27 TEN DAYS PRIOR TO THE HEARING. PUBLIC NOTICE SHALL BE GIVEN BY THE

1 POSTING OF A SIGN IN A CONSPICUOUS PLACE ON THE PREMISES FOR WHICH
2 APPLICATION HAS BEEN MADE AND BY PUBLICATION IN A NEWSPAPER OF
3 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PREMISES ARE
4 LOCATED. <{Who posts the sign?}>

5 (2) NOTICE GIVEN BY POSTING SHALL INCLUDE A SIGN OF SUITABLE
6 MATERIAL, NOT LESS THAN TWENTY-TWO INCHES WIDE AND TWENTY-SIX
7 INCHES HIGH, COMPOSED OF LETTERS NOT LESS THAN ONE INCH IN HEIGHT
8 AND STATING THE TYPE OF LICENSE APPLIED FOR, THE DATE OF THE
9 APPLICATION, THE DATE OF THE HEARING, AND THE NAME AND ADDRESS
10 OF THE APPLICANT, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED
11 TO FULLY APPRISE THE PUBLIC OF THE NATURE OF THE APPLICATION. IF
12 THE APPLICANT IS A PARTNERSHIP, THE SIGN SHALL CONTAIN THE NAMES
13 AND ADDRESSES OF ALL PARTNERS, AND IF THE APPLICANT IS A
14 CORPORATION, AN ASSOCIATION, OR ANOTHER ORGANIZATION, THE SIGN
15 SHALL CONTAIN THE NAMES AND ADDRESSES OF THE PRESIDENT,
16 VICE-PRESIDENT, SECRETARY, AND MANAGER OR OTHER MANAGING
17 OFFICERS.

18 (3) NOTICE GIVEN BY PUBLICATION SHALL CONTAIN THE SAME
19 INFORMATION AS THAT REQUIRED FOR SIGNS.

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

1 TO THE GENERAL PUBLIC.

2 (5) (a) AT THE PUBLIC HEARING HELD PURSUANT TO THIS SECTION,
3 EACH PARTY IN INTEREST SHALL BE ALLOWED TO PRESENT EVIDENCE AND
4 TO CROSS-EXAMINE WITNESSES, EXCEPT AS OTHERWISE PROVIDED IN
5 PARAGRAPH (d) OF THIS SUBSECTION (5).

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

8 (I) THE APPLICANT;

9 (II) AN ADULT RESIDENT OF THE NEIGHBORHOOD UNDER
10 CONSIDERATION;

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

13 (IV) THE PRINCIPAL OR REPRESENTATIVE OF A SCHOOL LOCATED
14 WITHIN FIVE HUNDRED FEET OF THE PREMISES FOR WHICH A MEDICAL
15 MARIJUANA CLINIC LICENSE IS UNDER CONSIDERATION.

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

19 (d) NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO
20 PREVENT A REPRESENTATIVE OF AN ORGANIZED NEIGHBORHOOD GROUP
21 THAT ENCOMPASSES PART OR ALL OF THE NEIGHBORHOOD UNDER
22 CONSIDERATION FROM PRESENTING EVIDENCE SUBJECT TO THIS SECTION.
23 THE REPRESENTATIVE SHALL RESIDE WITHIN THE NEIGHBORHOOD GROUP'S
24 GEOGRAPHIC BOUNDARIES AND SHALL BE A MEMBER OF THE
25 NEIGHBORHOOD GROUP. THE REPRESENTATIVE SHALL NOT BE ENTITLED
26 TO CROSS-EXAMINE WITNESSES OR SEEK JUDICIAL REVIEW OF THE
27 LICENSING AUTHORITY'S DECISION.

1 **12-43.3-211. Results of investigation - decision of authorities.**

2 (1) NOT LESS THAN FIVE DAYS PRIOR TO THE DATE OF HEARING REQUIRED
3 IN SECTION 12-43.3-210, THE LOCAL LICENSING AUTHORITY SHALL MAKE
4 KNOWN ITS FINDINGS BASED ON ITS INVESTIGATION, CONDUCTED
5 PURSUANT TO SECTION 12-43.3-207, IN WRITING TO THE APPLICANT AND
6 OTHER INTERESTED PARTIES. THE LOCAL LICENSING AUTHORITY HAS
7 AUTHORITY TO REFUSE TO ISSUE A LICENSE SPECIFIED IN SECTION
8 12-43.3-209 (1) FOR GOOD CAUSE, SUBJECT TO JUDICIAL REVIEW.

9 (2) BEFORE ENTERING A DECISION APPROVING OR DENYING AN
10 APPLICATION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER, EXCEPT
11 WHERE THIS ARTICLE SPECIFICALLY PROVIDES OTHERWISE, THE FACTS AND
12 EVIDENCE ADDUCED AS A RESULT OF ITS INVESTIGATION, AS WELL AS ANY
13 OTHER FACTS; THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD
14 FOR THE TYPE OF LICENSE FOR WHICH APPLICATION HAS BEEN MADE; THE
15 DESIRES OF THE ADULT INHABITANTS; THE NUMBER, TYPE, AND
16 AVAILABILITY OF MEDICAL MARIJUANA OUTLETS LOCATED IN OR NEAR THE
17 NEIGHBORHOOD UNDER CONSIDERATION; AND ANY OTHER PERTINENT
18 MATTERS AFFECTING THE QUALIFICATIONS OF THE APPLICANT FOR THE
19 CONDUCT OF THE TYPE OF BUSINESS PROPOSED. THE LOCAL LICENSING
20 AUTHORITY MAY, BUT IS NOT REQUIRED TO, CONSIDER THE REASONABLE
21 REQUIREMENTS OF THE NEIGHBORHOOD _____ IN CONSIDERING THE
22 CONVERSION OR TRANSFER OF A LICENSE.

23 (3) A DECISION OF THE LOCAL LICENSING AUTHORITY APPROVING
24 OR DENYING AN APPLICATION SHALL BE RELEASED IN WRITING STATING
25 THE REASONS FOR THE DECISION WITHIN THIRTY DAYS AFTER THE DATE OF
26 THE PUBLIC HEARING. THE LOCAL LICENSING AUTHORITY SHALL SEND A
27 COPY OF THE DECISION _____ BY CERTIFIED MAIL TO THE APPLICANT AT THE

1 ADDRESS SHOWN IN THE APPLICATION. A DECISION APPROVING A MEDICAL
2 MARIJUANA CLINIC LICENSE MAY INCLUDE A CAP ON THE NUMBER OF
3 PATIENTS THE CLINIC MAY SERVE IN ORDER TO MEET THE NEEDS AND
4 NECESSITIES OF THE NEIGHBORHOOD.

5 (4) A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE A MEDICAL
6 MARIJUANA CLINIC OR GROWER LICENSE _____ AFTER APPROVAL OF AN
7 APPLICATION UNTIL THE BUILDING IN WHICH THE BUSINESS IS TO BE
8 CONDUCTED IS READY FOR OCCUPANCY WITH THE FURNITURE, FIXTURES,
9 AND EQUIPMENT IN PLACE AS IS NECESSARY TO COMPLY WITH THE
10 APPLICABLE PROVISIONS OF THIS ARTICLE, AND THEN ONLY AFTER
11 INSPECTION OF THE PREMISES HAS BEEN MADE BY THE LOCAL LICENSING
12 AUTHORITY TO DETERMINE THAT THE APPLICANT HAS COMPLIED WITH THE
13 ARCHITECT'S DRAWING AND THE PLOT PLAN AND DETAILED SKETCH FOR
14 THE INTERIOR OF THE BUILDING SUBMITTED WITH THE APPLICATION.

15 (5) AFTER APPROVAL OF AN APPLICATION, THE LOCAL LICENSING
16 AUTHORITY SHALL NOTIFY THE MEDICAL MARIJUANA LICENSING
17 AUTHORITY OF THE APPROVAL, WHO SHALL INVESTIGATE AND EITHER
18 APPROVE OR DISAPPROVE THE APPLICATION.

19 **12-43.3-212. Restrictions for applications for new license.**

20 (1) AN APPLICATION FOR THE ISSUANCE OF A LICENSE SPECIFIED IN
21 SECTION 12-43.3-209 (1) SHALL NOT BE RECEIVED OR ACTED UPON:

22 (a) (I) IF THE APPLICATION _____ CONCERNS A PARTICULAR
23 LOCATION THAT IS THE SAME AS OR WITHIN FIVE HUNDRED FEET OF A
24 LOCATION FOR WHICH, WITHIN THE TWO YEARS _____ PRECEDING THE DATE
25 OF THE APPLICATION, THE MEDICAL MARIJUANA OR _____ LOCAL LICENSING
26 AUTHORITY DENIED AN APPLICATION FOR THE SAME CLASS OF LICENSE FOR
27 THE REASON THAT THE REASONABLE REQUIREMENTS OF THE

1 NEIGHBORHOOD AND THE DESIRES OF THE ADULT INHABITANTS WERE
2 SATISFIED BY THE EXISTING OUTLETS.

3 (II) THE MEDICAL MARIJUANA OR LOCAL LICENSING AUTHORITY
4 SHALL NOT CONSIDER AN APPLICATION FOR A MEDICAL MARIJUANA CLINIC
5 OR GROWER LICENSE IF, WITHIN ONE YEAR _____ PRECEDING THE DATE OF
6 THE APPLICATION, THE MEDICAL MARIJUANA OR _____ LOCAL LICENSING
7 AUTHORITY _____ DENIED AN APPLICATION AT THE SAME LOCATION FOR
8 THE REASON THAT THE REASONABLE REQUIREMENTS OF THE
9 NEIGHBORHOOD OR THE DESIRES OF THE INHABITANTS WERE SATISFIED BY
10 THE EXISTING OUTLETS. <{***What is the distinction that is trying to be***
11 ***made between (I) and (II)?***>

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

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 THE MEDICAL MARIJUANA IS TO
20 BE SOLD OR GROWN IS LOCATED WITHIN FIVE HUNDRED FEET OF A PUBLIC
21 OR PRIVATE SCHOOL OR THE PRINCIPAL CAMPUS OF A COLLEGE,
22 UNIVERSITY, OR SEMINARY; EXCEPT THAT THIS PROVISION SHALL NOT
23 AFFECT THE RENEWAL OR REISSUANCE OF A MEDICAL MARIJUANA CLINIC
24 OR GROWER LICENSE ONCE GRANTED OR APPLY TO LICENSED PREMISES
25 LOCATED OR TO BE LOCATED ON LAND OWNED BY A MUNICIPALITY, OR
26 APPLY TO _____ EXISTING LICENSED PREMISES ON LAND OWNED BY THE
27 STATE, OR APPLY TO A LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS

1 BEFORE SAID PRINCIPAL CAMPUS WAS CONSTRUCTED.

2 (II) THE DISTANCES REFERRED TO IN SUBPARAGRAPH (I) OF THIS
3 PARAGRAPH (d) ARE TO BE COMPUTED BY DIRECT MEASUREMENT FROM
4 THE NEAREST PROPERTY LINE OF THE LAND USED FOR SCHOOL PURPOSES
5 TO THE NEAREST PORTION OF THE BUILDING IN WHICH MEDICAL
6 MARIJUANA IS TO BE SOLD, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS.

7 (III) THE LOCAL LICENSING AUTHORITY OF A CITY AND COUNTY, BY
8 RULE, THE GOVERNING BODY OF ANY OTHER MUNICIPALITY, BY
9 ORDINANCE, AND THE GOVERNING BODY OF ANY OTHER COUNTY, BY
10 RESOLUTION, MAY ELIMINATE OR REDUCE THE DISTANCE RESTRICTIONS
11 IMPOSED BY THIS PARAGRAPH (d) FOR ANY CLASS OF MEDICAL MARIJUANA
12 CLINIC OR GROWER LICENSE, OR MAY ELIMINATE ONE OR MORE TYPES OF
13 SCHOOLS OR CAMPUSES FROM THE APPLICATION OF ANY DISTANCE
14 RESTRICTION ESTABLISHED BY OR PURSUANT TO THIS PARAGRAPH (d).

15 (IV) IN ADDITION TO THE REQUIREMENTS OF SECTION 12-43.3-211
16 (2), THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE EVIDENCE
17 AND MAKE A SPECIFIC FINDING OF FACT AS TO WHETHER THE BUILDING IN
18 WHICH THE MEDICAL MARIJUANA IS TO BE SOLD IS LOCATED WITHIN ANY
19 DISTANCE RESTRICTIONS ESTABLISHED BY OR PURSUANT TO THIS SECTION.
20 THIS FINDING SHALL BE SUBJECT TO JUDICIAL REVIEW.

21 (2) AN APPLICATION FOR THE ISSUANCE OF A MEDICAL MARIJUANA
22 CLINIC OR GROWER LICENSE MAY BE DENIED UNDER THIS ARTICLE IF THE
23 LOCAL LICENSING AUTHORITY OR THE MEDICAL MARIJUANA LICENSING
24 AUTHORITY DETERMINES, PURSUANT TO SECTION 12-43.3-201 (2) (b),
25 THAT THE ISSUANCE OF THE LICENSE WOULD RESULT IN OR ADD TO AN
26 UNDUE CONCENTRATION OF THE SAME CLASS OF LICENSE AND, AS A
27 RESULT, REQUIRE THE USE OF ADDITIONAL LAW ENFORCEMENT

1 RESOURCES.

2

PART 3

3

CLASSES OF LICENSES

4

12-43.3-301. Classes of licenses. (1) FOR THE PURPOSE OF

5

REGULATING THE CULTIVATION, SALE, AND DISTRIBUTION OF MEDICAL

6

MARIJUANA, THE MEDICAL MARIJUANA LICENSING AUTHORITY IN ITS

7

DISCRETION, UPON APPLICATION IN THE PRESCRIBED FORM MADE TO IT,

8

MAY ISSUE AND GRANT TO THE APPLICANT A LICENSE FROM ANY OF THE

9

FOLLOWING CLASSES, SUBJECT TO THE PROVISIONS AND RESTRICTIONS

10

PROVIDED BY THIS ARTICLE:

11

(a) MEDICAL MARIJUANA CLINIC I LICENSE;

12

(b) MEDICAL MARIJUANA CLINIC II LICENSE; AND

13

(c) MEDICAL MARIJUANA GROWER LICENSE DIVIDED INTO CLASSES

14

BY RULE PURSUANT TO SECTION 12-43.3-303 (2).

15

12-43.3-302. Medical marijuana clinic - licensure.

16

(1) **Licensure.** THE MEDICAL MARIJUANA LICENSING AUTHORITY MAY

17

LICENSE A CLINIC AND ISSUE A MEDICAL MARIJUANA CLINIC LICENSE

18

WITHIN THIRTY DAYS AFTER A PERSON OR AN ENTITY SUBMITS TO THE

19

LICENSING AUTHORITY A LICENSE APPLICATION THAT INCLUDES:

20

(a) A FEE IN THE AMOUNT OF <{X}> DOLLARS FOR AN INITIAL

21

LICENSE AND <{X}> DOLLARS FOR A LICENSE RENEWAL;

22

(b) THE LEGAL NAME OF THE CLINIC;

23

(c) THE PHYSICAL ADDRESS OF THE CLINIC;

24

(d) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL

25

OFFICER AND BOARD MEMBER, IF ANY, OF THE CLINIC;

26

(e) THE NAME, ADDRESS, AND DATE OF BIRTH OF ANY PERSON WHO

27

IS AN AGENT OF OR EMPLOYED BY THE CLINIC;

1 (f) A COPY OF THE CLINIC'S LOCAL MEDICAL MARIJUANA CLINIC
2 LICENSE; AND

3 (g) A COPY OF THE CLINIC'S SECURITY PLAN THAT MEETS THE
4 REQUIREMENTS OF PARAGRAPH (d) OF SUBSECTION (6) OF THIS SECTION.

5 (2) **Type of license.** (a) THE MEDICAL MARIJUANA LICENSING
6 AUTHORITY SHALL ISSUE A MEDICAL MARIJUANA CLINIC I LICENSE TO
7 EACH APPLICANT THAT SATISFIES THE PROVISIONS OF SUBSECTION (1) OF
8 THIS SECTION AND SERVES THREE HUNDRED OR FEWER PATIENTS. A CLINIC
9 HOLDING A MEDICAL MARIJUANA CLINIC I LICENSE SHALL SERVE THREE
10 HUNDRED OR FEWER PATIENTS AT ALL TIMES. A CLINIC ENTITLED TO A
11 MEDICAL MARIJUANA CLINIC I LICENSE SHALL ALSO BE ISSUED A MEDICAL
12 MARIJUANA GROWER LICENSE IF THE CLINIC REQUESTS A MEDICAL
13 MARIJUANA GROWER LICENSE. NOTWITHSTANDING ANY PROVISION OF
14 THIS ARTICLE TO THE CONTRARY, A MEDICAL MARIJUANA GROWER
15 LICENSE ISSUED IN CONJUNCTION WITH A MEDICAL MARIJUANA CLINIC I
16 LICENSE SHALL BE NONTRANSFERABLE. A MEDICAL MARIJUANA CLINIC I
17 LICENSEE WITH A MEDICAL MARIJUANA GROWER LICENSE SHALL NOT
18 PRODUCE MORE THAN ONE HUNDRED FIFTY OUNCES OF MEDICAL
19 MARIJUANA PER MONTH. A MEDICAL MARIJUANA CLINIC I LICENSEE SHALL
20 NOT HAVE MORE THAN <{X}> OF OUNCES OF MEDICAL MARIJUANA ON THE
21 CLINIC PREMISES AT ANY ONE TIME.

22 (b) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL ISSUE
23 A MEDICAL MARIJUANA CLINIC II LICENSE TO EACH APPLICANT THAT
24 SATISFIES THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION AND
25 SERVES MORE THAN THREE HUNDRED PATIENTS, BUT NOT MORE THAN ONE
26 THOUSAND FIVE HUNDRED PATIENTS. A CLINIC ENTITLED TO A MEDICAL
27 MARIJUANA CLINIC II LICENSE SHALL ALSO BE ISSUED UP TO FIVE MEDICAL

1 MARIJUANA GROWER LICENSES IF THE CLINIC REQUESTS THE MEDICAL
2 MARIJUANA GROWER LICENSES. NOTWITHSTANDING ANY PROVISION OF
3 THIS ARTICLE TO THE CONTRARY, A MEDICAL MARIJUANA GROWER
4 LICENSE ISSUED IN CONJUNCTION WITH A MEDICAL MARIJUANA CLINIC II
5 LICENSE SHALL BE NONTRANSFERABLE. A CLINIC HOLDING A MEDICAL
6 MARIJUANA CLINIC II LICENSE MAY NOT SERVE MORE THAN ONE
7 THOUSAND FIVE HUNDRED PATIENTS AT ANY GIVEN TIME. THE MEDICAL
8 MARIJUANA LICENSING AUTHORITY SHALL PROMULGATE RULES
9 REGARDING THE AMOUNT OF MEDICAL MARIJUANA A MEDICAL MARIJUANA
10 CLINIC II LICENSEE MAY GROW AND HAVE ON THE PREMISES AT ANY ONE
11 TIME. <{*How do they count how many they serve?*}>

12 (3) **Individual identification cards.** (a) EACH PRINCIPAL
13 OFFICER, BOARD MEMBER, AGENT, AND EMPLOYEE OF A MEDICAL
14 MARIJUANA CLINIC SHALL APPLY FOR AN IDENTIFICATION CARD BY
15 SUBMITTING TO THE MEDICAL MARIJUANA LICENSING AUTHORITY HIS OR
16 HER NAME, ADDRESS, AND DATE OF BIRTH AND A FEE IN AN AMOUNT
17 ESTABLISHED BY RULE OF THE MEDICAL MARIJUANA LICENSING
18 AUTHORITY. SUBJECT TO THE PROVISIONS OF PARAGRAPH (c) OF THIS
19 SUBSECTION (3), THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
20 ISSUE EACH PRINCIPAL OFFICER, BOARD MEMBER, AGENT, AND EMPLOYEE
21 OF A CLINIC AN IDENTIFICATION CARD WITHIN TEN DAYS AFTER RECEIPT OF
22 THE PERSON'S FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
23 REQUIRED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3).

24 (b) EACH IDENTIFICATION CARD SHALL SPECIFY THAT THE
25 CARDHOLDER IS A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR
26 AN EMPLOYEE OF A MEDICAL MARIJUANA CLINIC AND SHALL CONTAIN:

27 (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PRINCIPAL

1 OFFICER, BOARD MEMBER, AGENT, OR EMPLOYEE;

2 (II) THE LEGAL NAME OF THE CLINIC WITH WHICH THE PRINCIPAL
3 OFFICER, BOARD MEMBER, AGENT, OR EMPLOYEE IS AFFILIATED;

4 (III) A RANDOM IDENTIFICATION NUMBER THAT IS UNIQUE TO THE
5 CARDHOLDER; AND

6 (IV) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE
7 IDENTIFICATION CARD.

8 (c) WITH THE SUBMISSION OF AN APPLICATION FOR AN
9 IDENTIFICATION CARD, EACH APPLICANT WHO DID NOT UNDERGO A _____
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BY A LOCAL
11 LICENSING AUTHORITY SHALL SUBMIT A COMPLETE SET OF HIS OR HER
12 FINGERPRINTS TO THE MEDICAL MARIJUANA LICENSING AUTHORITY. THE
13 MEDICAL MARIJUANA LICENSING AUTHORITY SHALL FORWARD THE
14 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
15 PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED
16 CRIMINAL HISTORY RECORD CHECK USING THE RECORDS OF THE
17 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
18 INVESTIGATION. THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
19 NOT ISSUE AN IDENTIFICATION CARD TO A PRINCIPAL OFFICER, A BOARD
20 MEMBER, AN AGENT, OR AN EMPLOYEE OF A MEDICAL MARIJUANA CLINIC
21 WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE. THE MEDICAL
22 MARIJUANA LICENSING AUTHORITY SHALL NOTIFY THE MEDICAL
23 MARIJUANA CLINIC IN WRITING OF THE PURPOSE FOR DENYING THE
24 IDENTIFICATION CARD.

25 (4) **Rules.** THE MEDICAL MARIJUANA LICENSING AUTHORITY
26 SHALL ADOPT RULES FOR LICENSING CLINICS AND ISSUING IDENTIFICATION
27 CARDS PURSUANT TO THIS SECTION. AT A MINIMUM, THE RULES SHALL

1 ADDRESS:

2 (a) THE FORM AND CONTENT OF THE LICENSE, IDENTIFICATION
3 CARD, AND RENEWAL APPLICATIONS;

4 (b) MINIMUM _____ OVERSIGHT REQUIREMENTS FOR MEDICAL
5 MARIJUANA CLINICS BY THE MEDICAL MARIJUANA LICENSING AUTHORITY;

6 (c) MINIMUM RECORD-KEEPING REQUIREMENTS FOR MEDICAL
7 MARIJUANA CLINICS;

8 (d) MINIMUM SECURITY REQUIREMENTS FOR MEDICAL MARIJUANA
9 CLINICS; AND

10 (e) PROCEDURES AND GROUNDS FOR SUSPENDING OR REVOKING
11 THE LICENSE OF A MEDICAL MARIJUANA CLINIC THAT VIOLATES THE
12 PROVISIONS OF THIS SECTION OR THE RULES ADOPTED PURSUANT TO THIS
13 SUBSECTION (4).

14 (5) **Renewal.** A MEDICAL MARIJUANA CLINIC LICENSE AND THE
15 IDENTIFICATION CARD FOR EACH PRINCIPAL OFFICER, BOARD MEMBER,
16 AGENT, OR EMPLOYEE SHALL EXPIRE ONE YEAR AFTER THE DATE OF
17 ISSUANCE OR RENEWAL. THE MEDICAL MARIJUANA LICENSING AUTHORITY
18 SHALL RENEW A CLINIC LICENSE WITHIN TEN DAYS AFTER A PERSON OR
19 ENTITY THAT OPERATES THE CLINIC COMPLIES WITH THE REQUIREMENTS
20 SET FORTH IN SUBSECTION (1) OF THIS SECTION. THE MEDICAL MARIJUANA
21 LICENSING AUTHORITY SHALL ISSUE A RENEWED IDENTIFICATION CARD TO
22 A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR AN EMPLOYEE OF
23 A CLINIC WITHIN TEN DAYS AFTER THE CARDHOLDER COMPLIES WITH THE
24 REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION. AN
25 IDENTIFICATION CARD OF A PRINCIPAL OFFICER, A BOARD MEMBER, AN
26 AGENT, OR AN EMPLOYEE SHALL EXPIRE TEN DAYS AFTER NOTIFICATION
27 BY A CLINIC TO THE MEDICAL MARIJUANA LICENSING AUTHORITY THAT

1 THE PERSON HAS CEASED TO WORK AT THE CLINIC.

2 (6) **Clinic requirements.** (a) A MEDICAL MARIJUANA CLINIC
3 SHALL NOTIFY THE MEDICAL MARIJUANA LICENSING AUTHORITY IN
4 WRITING WITHIN TEN DAYS AFTER A PRINCIPAL OFFICER, A BOARD
5 MEMBER, AN AGENT, OR AN EMPLOYEE CEASES TO WORK AT OR
6 OTHERWISE BE ASSOCIATED WITH THE CLINIC.

7 (b) A MEDICAL MARIJUANA CLINIC SHALL NOTIFY THE MEDICAL
8 MARIJUANA LICENSING AUTHORITY IN WRITING OF THE NAME, ADDRESS,
9 AND DATE OF BIRTH OF A NEW PRINCIPAL OFFICER, BOARD MEMBER,
10 AGENT, OR EMPLOYEE BEFORE THE NEW PRINCIPAL OFFICER, BOARD
11 MEMBER, AGENT, OR EMPLOYEE BEGINS WORKING AT OR IS ASSOCIATED
12 WITH THE CLINIC.

13 (c) A MEDICAL MARIJUANA CLINIC SHALL HAVE A PHYSICAL
14 LOCATION AND SHALL NOT OPERATE A MOBILE CLINIC; EXCEPT THAT A
15 CLINIC MAY PROVIDE REASONABLE DELIVERY SERVICES TO ITS REGISTERED
16 PATIENTS. A CLINIC MAY OPERATE ONLY BETWEEN THE HOURS OF 8 A.M.
17 AND 8 P.M., MONDAY THROUGH SATURDAY. A CLINIC SHALL NOT PERMIT
18 SMOKING OR CONSUMPTION OF MEDICAL MARIJUANA ON ITS PREMISES.

19 (d) A MEDICAL MARIJUANA CLINIC SHALL IMPLEMENT
20 APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE
21 UNAUTHORIZED ENTRANCE INTO AREAS CONTAINING MEDICAL MARIJUANA
22 AND THE THEFT OF MEDICAL MARIJUANA. AT A MINIMUM, THE SECURITY
23 MEASURES SHALL INCLUDE SECURITY CAMERAS, LOCKS, AND SAFES.

24 (e) THE OPERATING DOCUMENTS OF A MEDICAL MARIJUANA CLINIC
25 SHALL INCLUDE PROCEDURES FOR THE OVERSIGHT OF THE CLINIC AND
26 PROCEDURES TO ENSURE ACCURATE RECORD KEEPING.

27 (f) A MEDICAL MARIJUANA CLINIC SHALL NOT ACQUIRE, POSSESS,

1 CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, OR
2 DISPENSE MEDICAL MARIJUANA FOR ANY PURPOSE EXCEPT TO ASSIST
3 PATIENTS, AS DEFINED BY SECTION 14 (1) (d) OF ARTICLE XVIII OF THE
4 STATE CONSTITUTION, WITH THE MEDICAL USE OF MARIJUANA DIRECTLY
5 OR THROUGH THE PATIENTS' OTHER PRIMARY CAREGIVERS, AS DEFINED BY
6 SECTION 14 (1) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

7 (g) ALL PRINCIPAL OFFICERS AND BOARD MEMBERS OF A MEDICAL
8 MARIJUANA CLINIC SHALL BE RESIDENTS OF COLORADO.

9 (h) A MEDICAL MARIJUANA CLINIC SHALL NOT BE LOCATED
10 TWENTY MILES OR CLOSER TO A COLORADO STATE BORDER.

11 (i) A VIOLATION OF PARAGRAPHS (a) TO (h) OF THIS SUBSECTION
12 (6) ARE GROUNDS FOR SUSPENSION OR REVOCATION OF A MEDICAL
13 MARIJUANA CLINIC LICENSE.

14 (7) **Financial interest.** A PERSON, PARTNERSHIP, CORPORATION
15 OR OTHER PARTY MAY NOT HOLD AN OWNERSHIP INTEREST IN MORE THAN
16 THREE MEDICAL MARIJUANA CLINICS AT ONE TIME. <{*How is this*
17 *enforced?*}>

18 (8) **Immunity.** (a) A LICENSED MEDICAL MARIJUANA CLINIC
19 SHALL NOT BE SUBJECT TO PROSECUTION, SEARCH, SEIZURE, OR PENALTY
20 IN ANY MANNER _____, INCLUDING BUT NOT LIMITED TO A CIVIL PENALTY
21 OR DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR
22 PROFESSIONAL LICENSING BOARD OR ENTITY, OR DENIED ANY RIGHT OR
23 PRIVILEGE SOLELY FOR ACTING IN ACCORDANCE WITH THIS SECTION TO
24 PROVIDE USABLE MEDICAL MARIJUANA TO OR TO OTHERWISE ASSIST
25 PATIENTS, AS DEFINED BY SECTION 14 (1) (d) OF ARTICLE XVIII OF THE
26 STATE CONSTITUTION.

27 (b) A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR AN

1 EMPLOYEE OF A LICENSED MEDICAL MARIJUANA CLINIC SHALL NOT BE
2 SUBJECT TO ARREST, PROSECUTION, SEARCH, SEIZURE, OR PENALTY IN ANY
3 MANNER _____, INCLUDING BUT NOT LIMITED TO A CIVIL PENALTY OR
4 DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR
5 PROFESSIONAL LICENSING BOARD OR ENTITY, OR DENIED ANY RIGHT OR
6 PRIVILEGE SOLELY FOR WORKING FOR OR WITH A CLINIC TO PROVIDE
7 USABLE MEDICAL MARIJUANA TO OR TO OTHERWISE ASSIST PATIENTS, AS
8 DEFINED BY SECTION 14 (1) (d) OF ARTICLE XVIII OF THE STATE
9 CONSTITUTION.

10 (9) **Local regulation.** THIS SECTION DOES NOT PROHIBIT A
11 POLITICAL SUBDIVISION OF THIS STATE FROM LIMITING THE NUMBER OF
12 MEDICAL MARIJUANA CLINICS THAT MAY OPERATE IN THE POLITICAL
13 SUBDIVISION OR FROM ENACTING REASONABLE ZONING REGULATIONS
14 APPLICABLE TO CLINICS BASED ON LOCAL GOVERNMENT ZONING, HEALTH,
15 AND SAFETY LAWS FOR THE DISTRIBUTION OF MEDICAL MARIJUANA;
16 EXCEPT THAT A POLITICAL SUBDIVISION OF THE STATE SHALL NOT
17 PROHIBIT THE OPERATION OF CLINICS.

18 **12-43.3-303. Medical marijuana grower - licensure.**
19 (1) **Licensure.** THE MEDICAL MARIJUANA LICENSING AUTHORITY MAY
20 LICENSE A MEDICAL MARIJUANA GROWER AND ISSUE TO A PERSON OR
21 ENTITY A MEDICAL MARIJUANA GROWER LICENSE WITHIN THIRTY DAYS
22 AFTER THE PERSON OR ENTITY SUBMITS TO THE MEDICAL MARIJUANA
23 LICENSING AUTHORITY A LICENSE APPLICATION THAT INCLUDES:

- 24 (a) A FEE IN THE AMOUNT OF <{X}> DOLLARS FOR AN INITIAL
25 LICENSE AND <{X}> DOLLARS FOR A LICENSE RENEWAL;
26 (b) THE LEGAL NAME OF THE MEDICAL MARIJUANA GROWER;
27 (c) THE PHYSICAL ADDRESS OF THE MEDICAL MARIJUANA GROWER;

1 (d) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL
2 OFFICER AND BOARD MEMBER, IF ANY, OF THE MEDICAL MARIJUANA
3 GROWER;

4 (e) THE NAME, ADDRESS, AND DATE OF BIRTH OF ANY PERSON WHO
5 IS AN AGENT OF OR EMPLOYED BY THE MEDICAL MARIJUANA GROWER;

6 (f) A COPY OF THE MEDICAL MARIJUANA GROWER'S LICENSE; AND

7 (g) A COPY OF THE MEDICAL MARIJUANA GROWER'S SECURITY
8 PLAN THAT MEETS THE REQUIREMENTS OF PARAGRAPH (d) OF SUBSECTION
9 (6) OF THIS SECTION.

10 (2) THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
11 CREATE BY RULE TWO CLASSES OF MEDICAL MARIJUANA GROWER
12 LICENSES. THE TWO CLASSES OF LICENSES SHALL SPECIFY THE AMOUNT OF
13 MARIJUANA THE LICENSE HOLDER MAY PRODUCE IN A MONTH.

14 (3) **Individual identification cards.** (a) EACH PRINCIPAL
15 OFFICER, BOARD MEMBER, AGENT, AND EMPLOYEE OF A MEDICAL
16 MARIJUANA GROWER SHALL APPLY FOR AN IDENTIFICATION CARD BY
17 SUBMITTING TO THE MEDICAL MARIJUANA LICENSING AUTHORITY HIS OR
18 HER NAME, ADDRESS, AND DATE OF BIRTH AND A FEE IN AN AMOUNT
19 ESTABLISHED BY THE MEDICAL MARIJUANA LICENSING AUTHORITY.
20 SUBJECT TO THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (3),
21 THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL ISSUE EACH
22 PRINCIPAL OFFICER, BOARD MEMBER, AGENT, AND EMPLOYEE OF A
23 MEDICAL MARIJUANA GROWER AN IDENTIFICATION CARD WITHIN TEN DAYS
24 AFTER RECEIPT OF THE PERSON'S FINGERPRINT-BASED CRIMINAL HISTORY
25 RECORD CHECK REQUIRED PURSUANT TO PARAGRAPH (c) OF THIS
26 SUBSECTION (3).

27 (b) EACH IDENTIFICATION CARD SHALL SPECIFY THAT THE

1 CARDHOLDER IS A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR
2 AN EMPLOYEE OF A MEDICAL MARIJUANA GROWER AND SHALL CONTAIN:

3 (I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PRINCIPAL
4 OFFICER, BOARD MEMBER, AGENT, OR EMPLOYEE;

5 (II) THE LEGAL NAME OF THE MEDICAL MARIJUANA GROWER WITH
6 WHICH THE PRINCIPAL OFFICER, BOARD MEMBER, AGENT, OR EMPLOYEE IS
7 AFFILIATED;

8 (III) A RANDOM IDENTIFICATION NUMBER THAT IS UNIQUE TO THE
9 CARDHOLDER; AND

10 (IV) THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE
11 IDENTIFICATION CARD.

12 (c) WITH THE SUBMISSION OF AN APPLICATION FOR AN
13 IDENTIFICATION CARD, EACH APPLICANT WHO DID NOT UNDERGO A
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BY A LOCAL
15 LICENSING AUTHORITY SHALL SUBMIT A COMPLETE SET OF HIS OR HER
16 FINGERPRINTS TO THE MEDICAL MARIJUANA LICENSING AUTHORITY. THE
17 MEDICAL MARIJUANA LICENSING AUTHORITY SHALL FORWARD THE
18 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
19 PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED
20 CRIMINAL HISTORY RECORD CHECK USING THE RECORDS OF THE
21 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
22 INVESTIGATION. THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL
23 NOT ISSUE AN IDENTIFICATION CARD TO A PRINCIPAL OFFICER, A BOARD
24 MEMBER, AN AGENT, OR AN EMPLOYEE OF A MEDICAL MARIJUANA GROWER
25 WHO HAS BEEN CONVICTED OF A FELONY DRUG DISTRIBUTION OFFENSE.
26 THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL NOTIFY THE
27 MEDICAL MARIJUANA GROWER IN WRITING OF THE PURPOSE FOR DENYING

1 THE IDENTIFICATION CARD.

2 (4) **Rules.** THE MEDICAL MARIJUANA LICENSING AUTHORITY
3 SHALL ADOPT RULES FOR LICENSING MEDICAL MARIJUANA GROWERS
4 AND ISSUING IDENTIFICATION CARDS PURSUANT TO THIS SECTION. AT A
5 MINIMUM, THE RULES SHALL ADDRESS:

6 (a) THE FORM AND CONTENT OF THE LICENSE, IDENTIFICATION
7 CARD, AND RENEWAL APPLICATIONS;

8 (b) MINIMUM OVERSIGHT REQUIREMENTS FOR MEDICAL
9 MARIJUANA GROWERS BY THE MEDICAL MARIJUANA LICENSING
10 AUTHORITY;

11 (c) MINIMUM RECORD-KEEPING REQUIREMENTS FOR MEDICAL
12 MARIJUANA GROWERS;

13 (d) MINIMUM SECURITY REQUIREMENTS FOR MEDICAL MARIJUANA
14 GROWERS; AND

15 (e) PROCEDURES AND GROUNDS FOR SUSPENDING OR REVOKING
16 THE LICENSE OF A MEDICAL MARIJUANA GROWER THAT VIOLATES THE
17 PROVISIONS OF THIS SECTION OR THE RULES ADOPTED PURSUANT TO THIS
18 SUBSECTION (4).

19 (5) **Renewal.** A MEDICAL MARIJUANA GROWER LICENSE AND THE
20 IDENTIFICATION CARD FOR EACH PRINCIPAL OFFICER, BOARD MEMBER,
21 AGENT, OR EMPLOYEE OF THE MEDICAL MARIJUANA GROWER SHALL
22 EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE OR RENEWAL. THE
23 MEDICAL MARIJUANA LICENSING AUTHORITY SHALL RENEW A MEDICAL
24 MARIJUANA GROWER LICENSE WITHIN TEN DAYS AFTER THE PERSON OR
25 ENTITY THAT OPERATES THE MEDICAL MARIJUANA-GROWING OPERATION
26 COMPLIES WITH THE REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS
27 SECTION. THE MEDICAL MARIJUANA LICENSING AUTHORITY SHALL ISSUE

1 A RENEWED IDENTIFICATION CARD TO A PRINCIPAL OFFICER, A BOARD
2 MEMBER, AN AGENT, OR AN EMPLOYEE OF A MEDICAL MARIJUANA GROWER
3 WITHIN TEN DAYS AFTER THE CARDHOLDER COMPLIES WITH THE
4 REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION. AN
5 IDENTIFICATION CARD OF A PRINCIPAL OFFICER, A BOARD MEMBER, AN
6 AGENT, OR AN EMPLOYEE SHALL EXPIRE TEN DAYS AFTER NOTIFICATION
7 BY A MEDICAL MARIJUANA GROWER TO THE MEDICAL MARIJUANA
8 LICENSING AUTHORITY THAT THE PERSON HAS CEASED TO WORK FOR THE
9 MEDICAL MARIJUANA GROWER.

10 (6) **Medical marijuana grower requirements.** (a) A MEDICAL
11 MARIJUANA GROWER SHALL NOT BE LOCATED WITHIN FIVE HUNDRED FEET
12 OF THE PROPERTY LINE OF A PUBLIC OR PRIVATE SCHOOL OR DAY CARE
13 CENTER THAT EXISTED AT THE LOCATION PRIOR TO THE ESTABLISHMENT
14 OF THE OPERATION.

15 (b) A MEDICAL MARIJUANA GROWER SHALL NOTIFY THE MEDICAL
16 MARIJUANA LICENSING AUTHORITY IN WRITING WITHIN TEN DAYS AFTER
17 A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR AN EMPLOYEE
18 CEASES TO WORK FOR OR OTHERWISE BE ASSOCIATED WITH THE MEDICAL
19 MARIJUANA GROWER.

20 (c) A MEDICAL MARIJUANA GROWER SHALL NOTIFY THE MEDICAL
21 MARIJUANA LICENSING AUTHORITY IN WRITING OF THE NAME, ADDRESS,
22 AND DATE OF BIRTH OF A NEW PRINCIPAL OFFICER, BOARD MEMBER,
23 AGENT, OR EMPLOYEE BEFORE THE NEW PRINCIPAL OFFICER, BOARD
24 MEMBER, AGENT, OR EMPLOYEE BEGINS WORKING FOR OR IS ASSOCIATED
25 WITH THE MEDICAL MARIJUANA GROWER.

26 (d) A MEDICAL MARIJUANA GROWER SHALL IMPLEMENT
27 APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE

1 UNAUTHORIZED ENTRANCE INTO AREAS CONTAINING MARIJUANA AND THE
2 THEFT OF MARIJUANA. AT A MINIMUM, THE SECURITY MEASURES SHALL
3 INCLUDE SECURITY CAMERAS, LOCKS, AND SAFES.

4 (e) THE OPERATING DOCUMENTS OF A MEDICAL MARIJUANA
5 GROWER SHALL INCLUDE PROCEDURES FOR THE OVERSIGHT OF THE
6 MEDICAL MARIJUANA GROWER AND PROCEDURES TO ENSURE ACCURATE
7 RECORD KEEPING.

8 (f) A MEDICAL MARIJUANA GROWER SHALL NOT ACQUIRE, POSSESS,
9 CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, OR
10 DISPENSE MARIJUANA FOR ANY PURPOSE EXCEPT TO PROVIDE MEDICAL
11 MARIJUANA CLINICS WITH MEDICAL MARIJUANA. A MEDICAL MARIJUANA
12 GROWER THAT ONLY HOLDS A MEDICAL MARIJUANA GROWER LICENSE
13 SHALL NOT DIRECTLY PROVIDE A PATIENT, AS DEFINED BY SECTION 14 (1)
14 (d) OF ARTICLE XVIII OF THE STATE CONSTITUTION, WITH MEDICAL
15 MARIJUANA.

16 (g) ALL PRINCIPAL OFFICERS AND BOARD MEMBERS OF A MEDICAL
17 MARIJUANA GROWER SHALL BE RESIDENTS OF COLORADO.

18 (h) A MEDICAL MARIJUANA GROWER SHALL CONDUCT ALL
19 TRANSACTIONS USING AN ELECTRONIC PAYMENT METHOD. THE
20 DEPARTMENT _____ SHALL AUDIT THE ELECTRONIC PAYMENT RECORDS OF
21 ALL _____ MEDICAL MARIJUANA GROWERS.

22 (i) A _____ MEDICAL MARIJUANA GROWER SHALL NOT CULTIVATE
23 MORE THAN FIVE HUNDRED PLANTS AT ANY GIVEN TIME.

24 (j) A MEDICAL MARIJUANA GROWER MAY OPERATE ONLY IN A
25 LOCATION THAT IS ZONED FOR AGRICULTURAL OR INDUSTRIAL PURPOSES.
26 UP TO THREE MEDICAL MARIJUANA GROWER LICENSEES MAY SHARE A
27 GROWING FACILITY.

1 (k) A MEDICAL MARIJUANA GROWER SHALL FILE A WEEKLY REPORT
2 WITH THE MEDICAL MARIJUANA LICENSING AUTHORITY THAT STATES THE
3 TOTAL NUMBER OF MEDICAL MARIJUANA PLANTS THE GROWER HAS, THE
4 HEIGHT AND MATURITY OF EACH PLANT, THE ESTIMATED DAYS TO FLOWER
5 FOR EACH PLANT THAT HAS NOT YET FLOWERED, AND THE TOTAL AMOUNT
6 OF MEDICAL MARIJUANA HARVESTED DURING THE PREVIOUS WEEK. <{Do
7 you want to prohibit holding an ownership interest in more than 3
8 growing operations?}>

9 (7) **Immunity.** (a) A LICENSED MEDICAL MARIJUANA GROWER
10 SHALL NOT BE SUBJECT TO PROSECUTION, SEARCH, SEIZURE, OR PENALTY
11 IN ANY MANNER _____, INCLUDING BUT NOT LIMITED TO A CIVIL PENALTY
12 OR DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR
13 PROFESSIONAL LICENSING BOARD OR ENTITY, OR DENIED ANY RIGHT OR
14 PRIVILEGE SOLELY FOR ACTING IN ACCORDANCE WITH THIS SECTION TO
15 PROVIDE USABLE MEDICAL MARIJUANA TO OR TO OTHERWISE ASSIST A
16 MEDICAL MARIJUANA CLINIC.

17 (b) A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR AN
18 EMPLOYEE OF A _____ MEDICAL MARIJUANA GROWER SHALL NOT BE
19 SUBJECT TO ARREST, PROSECUTION, SEARCH, SEIZURE, OR PENALTY IN ANY
20 MANNER _____, INCLUDING BUT NOT LIMITED TO A CIVIL PENALTY OR
21 DISCIPLINARY ACTION BY A BUSINESS OR OCCUPATIONAL OR
22 PROFESSIONAL LICENSING BOARD OR ENTITY, OR DENIED ANY RIGHT OR
23 PRIVILEGE SOLELY FOR WORKING FOR OR WITH A MEDICAL MARIJUANA
24 GROWER TO PROVIDE USABLE MEDICAL MARIJUANA TO OR TO OTHERWISE
25 ASSIST A MEDICAL MARIJUANA CLINIC.

26 (8) **Local regulation.** THIS SECTION DOES NOT PROHIBIT A
27 POLITICAL SUBDIVISION OF THIS STATE FROM LIMITING THE NUMBER OF

1 MEDICAL MARIJUANA GROWERS THAT MAY OPERATE IN THE POLITICAL
2 SUBDIVISION OR FROM ENACTING REASONABLE ZONING REGULATIONS
3 APPLICABLE TO MEDICAL MARIJUANA GROWERS; EXCEPT THAT A POLITICAL
4 SUBDIVISION OF THE STATE SHALL NOT PROHIBIT THE OPERATION OF
5 MEDICAL MARIJUANA GROWERS.

6 _____

7 PART 4

8 DISCIPLINARY ACTIONS

9 **12-43.3-401. Suspension - revocation - fines.** (1) IN ADDITION
10 TO ANY OTHER PENALTIES PRESCRIBED BY THIS ARTICLE, THE MEDICAL
11 MARIJUANA _____ OR LOCAL LICENSING AUTHORITY HAS THE POWER, ON
12 ITS OWN MOTION OR ON COMPLAINT, AFTER INVESTIGATION AND PUBLIC
13 HEARING AT WHICH THE MEDICAL MARIJUANA CLINIC OR GROWER
14 LICENSEE SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD, TO
15 SUSPEND OR REVOKE A MEDICAL MARIJUANA CLINIC OR GROWER LICENSE
16 _____ ISSUED BY THE AUTHORITY FOR ANY VIOLATION BY THE LICENSEE OR
17 BY A PRINCIPAL OFFICER, A BOARD MEMBER, AN AGENT, OR AN EMPLOYEE
18 OF THE LICENSEE OF THE PROVISIONS OF THIS ARTICLE, OR ANY OF THE
19 RULES AUTHORIZED PURSUANT TO THIS ARTICLE OR OF ANY OF THE TERMS,
20 CONDITIONS, OR PROVISIONS OF THE LICENSE _____ ISSUED BY THE
21 AUTHORITY. THE MEDICAL MARIJUANA OR LOCAL LICENSING AUTHORITY
22 HAS THE POWER TO ADMINISTER OATHS AND ISSUE SUBPOENAS TO REQUIRE
23 THE PRESENCE OF PERSONS AND THE PRODUCTION OF PAPERS, BOOKS, AND
24 RECORDS NECESSARY TO THE DETERMINATION OF ANY HEARING THAT THE
25 LICENSING AUTHORITY IS AUTHORIZED TO CONDUCT.

26 (2) NOTICE OF SUSPENSION OR REVOCATION, AS WELL AS ANY
27 REQUIRED NOTICE OF A HEARING, SHALL BE GIVEN BY MAILING THE SAME

1 IN WRITING TO THE MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE AT
2 THE ADDRESS CONTAINED IN THE MEDICAL MARIJUANA CLINIC OR GROWER
3 LICENSE _____. A _____ SUSPENSION SHALL NOT BE FOR A LONGER PERIOD
4 THAN SIX MONTHS. IF A LICENSE _____ IS SUSPENDED OR REVOKED, NO
5 PART OF THE FEES PAID FOR THE LICENSE SHALL BE RETURNED TO THE
6 LICENSEE. A LICENSE _____ MAY BE SUMMARILY SUSPENDED BY THE
7 MEDICAL MARIJUANA OR LOCAL LICENSING AUTHORITY WITHOUT NOTICE
8 PENDING ANY PROSECUTION, INVESTIGATION, OR PUBLIC HEARING.
9 NOTHING IN THIS SECTION SHALL PREVENT THE SUMMARY SUSPENSION OF
10 A LICENSE _____ FOR A TEMPORARY PERIOD OF NOT MORE THAN FIFTEEN
11 DAYS.

12 (3) (a) WHENEVER A DECISION OF THE MEDICAL MARIJUANA OR _____
13 _____ LOCAL LICENSING AUTHORITY SUSPENDING A MEDICAL MARIJUANA
14 CLINIC OR GROWER LICENSE _____ FOR FOURTEEN DAYS OR LESS BECOMES
15 FINAL, WHETHER BY FAILURE OF THE LICENSEE TO APPEAL THE DECISION
16 OR BY EXHAUSTION OF ALL APPEALS AND JUDICIAL REVIEW, THE LICENSEE
17 MAY, BEFORE THE OPERATIVE DATE OF THE SUSPENSION, PETITION FOR
18 PERMISSION TO PAY A FINE IN LIEU OF HAVING THE LICENSE _____
19 SUSPENDED FOR ALL OR PART OF THE SUSPENSION PERIOD. UPON THE
20 RECEIPT OF THE PETITION, THE MEDICAL MARIJUANA OR _____ LOCAL
21 LICENSING AUTHORITY MAY, IN ITS SOLE DISCRETION, STAY THE PROPOSED
22 SUSPENSION AND CAUSE ANY INVESTIGATION TO BE MADE WHICH IT DEEMS
23 DESIRABLE AND MAY, IN ITS SOLE DISCRETION, GRANT THE PETITION IF IT
24 IS SATISFIED:

25 (I) THAT THE PUBLIC WELFARE AND MORALS WOULD NOT BE
26 IMPAIRED BY PERMITTING THE MEDICAL MARIJUANA CLINIC OR GROWER
27 LICENSEE TO OPERATE DURING THE PERIOD SET FOR SUSPENSION AND THAT

1 THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY
2 PURPOSES;

3 (II) THAT THE BOOKS AND RECORDS OF THE MEDICAL MARIJUANA
4 CLINIC OR GROWER LICENSEE ARE KEPT IN SUCH A MANNER THAT THE LOSS
5 OF SALES THAT THE LICENSEE WOULD HAVE SUFFERED HAD THE
6 SUSPENSION GONE INTO EFFECT CAN BE DETERMINED WITH REASONABLE
7 ACCURACY THEREFROM; AND

8 (III) THAT THE MEDICAL MARIJUANA CLINIC OR GROWER LICENSEE
9 HAS NOT HAD HIS OR HER MEDICAL MARIJUANA CLINIC OR GROWER
10 LICENSE _____ SUSPENDED OR REVOKED, NOR HAD ANY SUSPENSION
11 STAYED BY PAYMENT OF A FINE, DURING THE TWO YEARS IMMEDIATELY
12 PRECEDING THE DATE OF THE MOTION OR COMPLAINT THAT HAS RESULTED
13 IN A FINAL DECISION TO SUSPEND THE LICENSE _____.

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

16 (c) PAYMENT OF A FINE PURSUANT TO THE PROVISIONS OF THIS
17 SUBSECTION (3) SHALL BE IN THE FORM OF CASH OR IN THE FORM OF A
18 CERTIFIED CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE MEDICAL
19 MARIJUANA OR LOCAL LICENSING AUTHORITY, WHICHEVER IS
20 APPROPRIATE.

21 (4) UPON PAYMENT OF A FINE PURSUANT TO SUBSECTION (3) OF
22 THIS SECTION, THE MEDICAL MARIJUANA OR _____ LOCAL LICENSING
23 AUTHORITY SHALL ENTER ITS FURTHER ORDER PERMANENTLY STAYING
24 THE IMPOSITION OF THE SUSPENSION. IF THE FINE IS PAID TO A LOCAL
25 LICENSING AUTHORITY, THE GOVERNING BODY OF THE AUTHORITY SHALL
26 CAUSE THE MONEYS TO BE PAID INTO THE GENERAL FUND OF THE LOCAL
27 LICENSING AUTHORITY. FINES PAID TO THE MEDICAL MARIJUANA

1 LICENSING AUTHORITY PURSUANT TO SUBSECTION (3) OF THIS SECTION
2 SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT
3 THE SAME TO THE STATE GENERAL FUND.

4 (5) IN CONNECTION WITH ANY PETITION PURSUANT TO SUBSECTION
5 (3) OF THIS SECTION, THE MEDICAL MARIJUANA OR LOCAL LICENSING
6 AUTHORITY IS LIMITED TO THE GRANTING OF SUCH STAYS AS ARE
7 NECESSARY FOR IT TO COMPLETE ITS INVESTIGATION AND MAKE ITS
8 FINDINGS AND, IF IT MAKES SUCH FINDINGS, TO THE GRANTING OF AN
9 ORDER PERMANENTLY STAYING THE IMPOSITION OF THE ENTIRE
10 SUSPENSION OR THAT PORTION OF THE SUSPENSION NOT OTHERWISE
11 CONDITIONALLY STAYED. <**If a local authority suspends/revokes, is**
12 **state license still valid and vise versa? Do you want to specify that a**
13 **person must have both a local and state license to operate?**>

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

20 (7) THE PROVISIONS OF SUBSECTIONS (3) TO (6) OF THIS SECTION
21 SHALL BE EFFECTIVE AND MAY BE IMPLEMENTED BY THE MEDICAL
22 MARIJUANA LICENSING AUTHORITY UPON ITS DECISION TO ACCEPT AND
23 ADOPT THE OPTIONAL PROCEDURES SET FORTH IN SAID SUBSECTIONS. THE
24 PROVISIONS OF SUBSECTIONS (3) TO (6) OF THIS SECTION SHALL BE
25 EFFECTIVE AND MAY BE IMPLEMENTED BY A LOCAL LICENSING AUTHORITY
26 ONLY AFTER THE GOVERNING BODY OF THE MUNICIPALITY, THE
27 GOVERNING BODY OF THE CITY AND COUNTY, OR THE BOARD OF COUNTY

1 COMMISSIONERS OF THE COUNTY CHOOSES TO DO SO AND ACTS, BY
2 APPROPRIATE RESOLUTION OR ORDINANCE, TO ACCEPT AND ADOPT THE
3 OPTIONAL PROCEDURES SET FORTH IN SAID SUBSECTIONS. ANY SUCH
4 ACTIONS MAY BE REVOKED IN A SIMILAR MANNER.

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

17 PART 5

18 INSPECTION OF BOOKS AND RECORDS

19 **12-43.3-501. Inspection procedures.** EACH MEDICAL MARIJUANA
20 CLINIC OR GROWER LICENSEE SHALL KEEP A COMPLETE SET OF BOOKS OF
21 ACCOUNT, INVOICES, COPIES OF ORDERS, SHIPPING INSTRUCTIONS, BILLS OF
22 LADING, WEIGH BILLS, CORRESPONDENCE, AND ALL OTHER RECORDS
23 NECESSARY TO SHOW FULLY THE BUSINESS TRANSACTIONS OF THE
24 LICENSEE, ALL OF WHICH SHALL BE OPEN AT ALL TIMES DURING BUSINESS
25 HOURS FOR THE INSPECTION AND EXAMINATION OF THE MEDICAL
26 MARIJUANA LICENSING AUTHORITY OR ITS DULY AUTHORIZED
27 REPRESENTATIVES. THE MEDICAL MARIJUANA LICENSING AUTHORITY MAY

1 REQUIRE ANY LICENSEE TO FURNISH SUCH INFORMATION AS IT CONSIDERS
2 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS ARTICLE, AND MAY
3 REQUIRE AN AUDIT TO BE MADE OF SUCH BOOKS OF ACCOUNT AND
4 RECORDS ON SUCH OCCASIONS AS IT MAY CONSIDER NECESSARY BY AN
5 AUDITOR TO BE SELECTED BY THE MEDICAL MARIJUANA LICENSING
6 AUTHORITY WHO SHALL LIKEWISE HAVE ACCESS TO ALL BOOKS AND
7 RECORDS OF THE LICENSEE, AND THE LICENSEE SHALL PAY THE EXPENSE
8 THEREOF _____.

9 PART 6

10 JUDICIAL REVIEW

11 **12-43.3-601. Judicial review.** A PERSON APPLYING TO THE COURT
12 FOR A REVIEW OF THE MEDICAL MARIJUANA LICENSING AUTHORITY'S
13 DECISION OR A LOCAL LICENSING AUTHORITY'S DECISION DENYING THE
14 ISSUANCE OR RENEWAL OF A LICENSE SHALL APPLY FOR REVIEW WITHIN
15 THIRTY DAYS AFTER THE DATE OF DECISION _____ BY THE LOCAL
16 LICENSING AUTHORITY OR, IN THE CASE OF A REVIEW OF A DECISION BY
17 THE MEDICAL MARIJUANA LICENSING AUTHORITY, WITHIN THIRTY DAYS
18 AFTER THE DATE OF DECISION BY THE MEDICAL MARIJUANA LICENSING
19 AUTHORITY. THE PERSON APPLYING FOR APPEAL SHALL BE REQUIRED TO
20 PAY THE COST OF PREPARING A TRANSCRIPT OF PROCEEDINGS BEFORE THE
21 LICENSING AUTHORITY IF HE OR SHE REQUESTS A TRANSCRIPT OR IF THE
22 LICENSING AUTHORITY FURNISHES A TRANSCRIPT _____ PURSUANT TO
23 COURT ORDER.

24 **SECTION 2.** 18-18-406 (8) (b), Colorado Revised Statutes, is
25 amended to read:

26 **18-18-406. Offenses relating to marihuana and marihuana**
27 **concentrate.** (8) (b) (I) Except as is otherwise provided in subsection (7)

1 of this section and except as authorized by SECTION 14 OF ARTICLE XVIII
2 OF THE STATE CONSTITUTION, part 3 of article 22 AND ARTICLE 43.3 of
3 title 12, C.R.S., or by part 2 or 3 of this article, it is unlawful for any
4 person knowingly to manufacture, dispense, sell, distribute, or possess
5 with intent to manufacture, dispense, sell, or distribute marihuana or
6 marihuana concentrate; or attempt, induce, attempt to induce, or conspire
7 with one or more other persons, to manufacture, dispense, sell, distribute,
8 or possess with intent to manufacture, dispense, sell, or distribute
9 marihuana or marihuana concentrate.

10 (II) As used in subparagraph (I) of this paragraph (b), "dispense"
11 does not include labeling, as defined in section 12-22-102 (16), C.R.S.

12 (III) Any person who violates any of the provisions of
13 subparagraph (I) of this paragraph (b) commits:

14 (A) A class 4 felony; ~~or~~

15 (B) A class 3 felony, if the violation is committed subsequent to
16 any prior conviction in this or any other state, the United States, or any
17 territory subject to the jurisdiction of the United States of a violation to
18 which this subsection (8) applies or would apply if convicted in this state;
19 OR

20 (C) A CLASS 4 FELONY, IF THE MARIJUANA SUBJECT TO THE
21 VIOLATION WAS ORIGINALLY OBTAINED THROUGH THE MEDICAL
22 MARIJUANA PROCESS PURSUANT TO SECTION 14 OF ARTICLE XVIII OF THE
23 STATE CONSTITUTION AND IS TWO OUNCES OR MORE OF MEDICAL
24 MARIJUANA. IN ADDITION TO ANY PENALTY AUTHORIZED BY SECTION
25 18-1.3-401, THE COURT MAY IMPOSE A FINE UP TO THREE TIMES THE
26 HIGHEST FINE AUTHORIZED.

27 **SECTION 3.** 25-1.5-106, Colorado Revised Statutes, is amended

1 to read:

2 **25-1.5-106. Medical marijuana program - powers and duties**
3 **of department - medical review board - repeal. (1) Definitions.** IN
4 ADDITION TO THE DEFINITIONS SET FORTH IN SECTION 14 (1) OF ARTICLE
5 XVIII OF THE STATE CONSTITUTION, AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP" MEANS A
8 DOCUMENTED TREATING OR COUNSELING RELATIONSHIP, IN THE COURSE
9 OF WHICH A PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE
10 REGISTERED PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL
11 CONDITION, INCLUDING A PERSONAL PHYSICAL EXAMINATION. A BONA
12 FIDE PHYSICIAN-PATIENT RELATIONSHIP SHALL EXIST ONLY IF A PATIENT'S
13 PHYSICIAN PROVIDES TO THE DEPARTMENT DOCUMENTATION THAT THE
14 PHYSICIAN HAS CONSULTED WITH THE PATIENT WITH RESPECT TO THE
15 PATIENT'S DEBILITATING MEDICAL CONDITION BEFORE THE PATIENT HAS
16 APPLIED FOR A NONTRANSFERABLE CONFIDENTIAL REGISTRY
17 IDENTIFICATION CARD.

18 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
19 THE DEPARTMENT _____.

20 (c) "IN GOOD STANDING", AS IT APPLIES TO A PHYSICIAN'S LICENSE,
21 MEANS THAT THE PHYSICIAN HOLDS A VALID, UNRESTRICTED LICENSE TO
22 PRACTICE MEDICINE IN COLORADO AND HAS NOT HAD HIS OR HER FEDERAL
23 _____ LICENSE FOR CONTROLLED SUBSTANCES SUSPENDED OR REVOKED.

24 (d) "MEDICAL MARIJUANA PROGRAM" MEANS THE PROGRAM
25 ESTABLISHED BY SECTION 14 OF ARTICLE XVIII OF THE STATE
26 CONSTITUTION AND THIS SECTION.

27 (e) "PRIMARY CAREGIVER" MEANS A NATURAL PERSON, OTHER

1 THAN THE PATIENT OR THE PATIENT'S PHYSICIAN, WHO IS EIGHTEEN YEARS
2 OF AGE OR OLDER AND HAS SIGNIFICANT RESPONSIBILITY FOR MANAGING
3 THE WELL-BEING OF A PATIENT WHO HAS A DEBILITATING MEDICAL
4 CONDITION.

5 (†) (2) The department shall, pursuant to section 14 of article
6 XVIII of the state constitution, promulgate rules of administration
7 concerning the implementation of the medical marijuana program
8 established by such section and that specifically govern the following:

9 (a) The establishment and maintenance of a confidential registry
10 of patients AND PRIMARY CAREGIVERS who have applied for and are
11 entitled to receive a NONTRANSFERABLE CONFIDENTIAL registry
12 identification card;

13 (b) The development by the department of an application form and
14 making such THE form available to residents of this state seeking to be
15 listed on the confidential registry of patients who are entitled to receive
16 a NONTRANSFERABLE CONFIDENTIAL registry identification card;

17 (c) The verification by the department of medical information
18 concerning patients who have applied for a NONTRANSFERABLE
19 confidential _____ registry IDENTIFICATION card;

20 (d) The issuance and form of NONTRANSFERABLE confidential __
21 _____ registry identification cards ISSUED TO PATIENTS AND PRIMARY
22 CAREGIVERS THAT INCLUDES A PHOTOGRAPH OF THE CARDHOLDER;

23 (e) Communications with law enforcement officials about
24 NONTRANSFERABLE confidential _____ registry identification cards that
25 have been suspended where a patient is no longer diagnosed as having a
26 debilitating medical condition; ~~and~~

27 (f) The manner in which the department may consider adding

1 debilitating medical conditions to the list of debilitating medical
2 conditions contained in section 14 of article XVIII of the state
3 constitution;

4 (g) THE STANDARDS FOR ENSURING THAT NONTRANSFERABLE
5 CONFIDENTIAL REGISTRY IDENTIFICATION CARDS ARE ISSUED BY THE
6 DEPARTMENT ONLY TO PATIENTS WHO HAVE A BONA FIDE
7 PHYSICIAN-PATIENT RELATIONSHIP WITH A PHYSICIAN IN GOOD STANDING
8 AND LICENSED TO PRACTICE MEDICINE IN THE STATE OF COLORADO;
9 EXCEPT THAT THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES
10 RELATED TO A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP TO ALLOW A
11 PATIENT TO RECEIVE A NONTRANSFERABLE CONFIDENTIAL REGISTRY
12 IDENTIFICATION CARD UNDER EXCEPTIONAL CIRCUMSTANCES WHEN THE
13 PATIENT HAS NOT ESTABLISHED A BONA FIDE PHYSICIAN-PATIENT
14 RELATIONSHIP;

15 (h) THE DEVELOPMENT OF A FORM FOR A QUALIFIED INDIVIDUAL
16 TO APPLY TO BECOME A PRIMARY CAREGIVER, WHICH FORM SHALL
17 REQUIRE, AT A MINIMUM, THAT THE APPLICANT PROVIDE HIS OR HER FULL
18 NAME, HOME ADDRESS, DATE OF BIRTH, LIST OF CRIMINAL CONVICTIONS,
19 IF ANY, AND AN ATTESTATION THAT THE PRIMARY CAREGIVER HAS A
20 SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF THE
21 PATIENT FOR WHOM HE OR SHE IS DESIGNATED AS THE PRIMARY
22 CAREGIVER AND THAT HE OR SHE UNDERSTANDS AND WILL ABIDE BY
23 SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION,
24 AND THE RULES PROMULGATED BY THE EXECUTIVE DIRECTOR PURSUANT
25 TO THIS SECTION;

26 (i) THE DEVELOPMENT OF A FORM THAT CONSTITUTES WRITTEN
27 DOCUMENTATION, _____ WHICH FORM A PHYSICIAN MUST USE WHEN

1 MAKING A MEDICAL MARIJUANA RECOMMENDATION FOR A PATIENT;

2 (j) SANCTIONS FOR PHYSICIANS WHO VIOLATE SECTION 14 OF
3 ARTICLE XVIII OF THE STATE CONSTITUTION, THIS SECTION, AND THE
4 RULES PROMULGATED BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS
5 SECTION, WHICH SANCTIONS SHALL INCLUDE THE REVOCATION OR
6 SUSPENSION OF A PHYSICIAN'S PRIVILEGE TO MAKE MEDICAL MARIJUANA
7 RECOMMENDATIONS; EXCEPT THAT A LICENSURE ACTION MAY NOT BE
8 TAKEN AGAINST A PHYSICIAN FOR LAWFULLY RECOMMENDING MEDICAL
9 MARIJUANA;

10 (k) THE GROUNDS AND PROCEDURE FOR A PATIENT TO CHANGE HIS
11 OR HER DESIGNATED PRIMARY CAREGIVER; AND

12 (l) THE MINIMUM LEVEL OF OTHER SERVICES THAT A PRIMARY
13 CAREGIVER MUST PROVIDE TO A PATIENT AND THE TYPES OF OTHER
14 SERVICES THAT A PRIMARY CAREGIVER MAY PROVIDE.

15 (3) **Patients and primary caregiver relationship.** (a) A PATIENT
16 SHALL ONLY REGISTER WITH ONE PRIMARY CAREGIVER OR ONE MEDICAL
17 MARIJUANA CLINIC LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12,
18 C.R.S., AT ANY GIVEN TIME. A PATIENT MAY CHANGE PRIMARY
19 CAREGIVERS OR LICENSED MEDICAL MARIJUANA CLINICS NO MORE THAN
20 FOUR TIMES PER CALENDAR YEAR; EXCEPT THAT THE DEPARTMENT MAY
21 PROMULGATE RULES FOR A PATIENT TO PETITION THE DEPARTMENT TO
22 CHANGE HIS OR HER PRIMARY CAREGIVER OR LICENSED MEDICAL
23 MARIJUANA CLINIC MORE FREQUENTLY THAN FOUR TIMES PER CALENDAR
24 YEAR UNDER EXCEPTIONAL CIRCUMSTANCES. A PRIMARY CAREGIVER
25 SHALL FILE A PATIENT PLAN WITH THE DEPARTMENT FOR EACH PATIENT
26 THAT INCLUDES THE DOSAGE OF MEDICAL MARIJUANA RECOMMENDED AND
27 THE OTHER SERVICES RECOMMENDED OR PROVIDED BY THE PRIMARY

1 CAREGIVER, AND RECORDS OF EACH TRANSACTION WITH THE PATIENT.

2 (b) A GROUP OF UP TO THREE INDIVIDUALS WHO ARE EITHER
3 PATIENTS OR PRIMARY CAREGIVERS MAY FORM A COOPERATIVE TO
4 CULTIVATE AND EXCHANGE MEDICAL MARIJUANA. EACH GROUP MAY
5 ONLY CONTAIN ONE PRIMARY CAREGIVER. THE GROUP MAY NOT
6 CULTIVATE MORE THAN EIGHTEEN PLANTS OF WHICH ONLY NINE MAY BE
7 FLOWERING AT ANY GIVEN TIME. THE GROUP SHALL BE EXEMPT FROM THE
8 REQUIREMENTS OF HOLDING A MEDICAL MARIJUANA CLINIC OR GROWER
9 LICENSE PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., BUT ONLY FOR
10 THE PURPOSES OF CULTIVATING MEDICAL MARIJUANA FOR AND
11 EXCHANGING MEDICAL MARIJUANA AMONG GROUP MEMBERS.

12 (4) **Registry identification card required - denial - revocation.**

13 (a) WHEN IN POSSESSION OF ANY USABLE FORM OF MARIJUANA FOR
14 MEDICAL USE, A PATIENT OR PRIMARY CAREGIVER SHALL HAVE IN HIS OR
15 HER POSSESSION HIS OR HER MEDICAL MARIJUANA NONTRANSFERABLE
16 CONFIDENTIAL REGISTRY IDENTIFICATION CARD OR, IF MORE THAN
17 THIRTY-FIVE DAYS HAVE PASSED SINCE THE DATE OF FILING HIS OR HER
18 MEDICAL MARIJUANA PROGRAM APPLICATION AND THE DEPARTMENT HAS
19 NOT YET ISSUED A NONTRANSFERABLE CONFIDENTIAL REGISTRY
20 IDENTIFICATION CARD, A COPY OF HIS OR HER APPLICATION ALONG WITH
21 PROOF OF THE DATE OF SUBMISSION.

22 (b) THE EXECUTIVE DIRECTOR MAY DENY A PATIENT'S OR PRIMARY
23 CAREGIVER'S APPLICATION FOR A NONTRANSFERABLE CONFIDENTIAL
24 REGISTRY IDENTIFICATION CARD OR REVOKE THE SAME IF THE EXECUTIVE
25 DIRECTOR, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
26 DETERMINES THAT THE PHYSICIAN, PATIENT, OR PRIMARY CAREGIVER
27 VIOLATED SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION,

1 THIS SECTION, OR THE RULES PROMULGATED BY THE EXECUTIVE DIRECTOR
2 PURSUANT TO THIS SECTION.

3 (c) A PRIMARY CAREGIVER NONTRANSFERABLE CONFIDENTIAL
4 REGISTRY IDENTIFICATION CARD SHALL BE VALID FOR ONE YEAR. IT SHALL
5 BE THE RESPONSIBILITY OF THE PRIMARY CAREGIVER TO APPLY TO RENEW
6 HIS OR HER NONTRANSFERABLE CONFIDENTIAL REGISTRY IDENTIFICATION
7 CARD PRIOR TO THE DATE ON WHICH THE CARD EXPIRES. THE EXECUTIVE
8 DIRECTOR SHALL DEVELOP A FORM FOR A PRIMARY CAREGIVER TO RENEW
9 HIS OR HER NONTRANSFERABLE CONFIDENTIAL REGISTRY IDENTIFICATION
10 CARD.

11 (5) (a) A LICENSED CHIROPRACTOR OR LICENSED REGISTERED
12 NURSE MAY TREAT UP TO TWENTY PERCENT OF HIS OR HER PATIENTS WITH
13 MEDICAL MARIJUANA WITHOUT RECEIVING A MEDICAL MARIJUANA CLINIC
14 LICENSE PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S. THE LICENSED
15 CHIROPRACTOR_ OR LICENSED REGISTERED NURSE SHALL BE REGISTERED
16 AS A PRIMARY CAREGIVER IN ORDER TREAT HIS OR HER PATIENTS
17 PURSUANT TO THIS SUBSECTION (5). THE LICENSED CHIROPRACTOR_ OR
18 LICENSED REGISTERED NURSE MAY CONTRACT WITH A _____ MEDICAL
19 MARIJUANA GROWER LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12,
20 C.R.S., FOR THE PROCUREMENT OF MEDICAL MARIJUANA.

21 (b) A LICENSED PHYSICAL THERAPIST OR LICENSED OPTOMETRIST
22 MAY TREAT UP TO TWENTY PATIENTS WITH MEDICAL MARIJUANA WITHOUT
23 RECEIVING A MEDICAL MARIJUANA CLINIC LICENSE PURSUANT TO ARTICLE
24 43.3 OF TITLE 12, C.R.S. THE LICENSED PHYSICAL THERAPIST OR
25 LICENSED OPTOMETRIST SHALL BE REGISTERED AS A PRIMARY CAREGIVER
26 IN ORDER TO TREAT HIS OR HER PATIENTS PURSUANT TO THIS SUBSECTION
27 (5). THE LICENSED PHYSICAL THERAPIST OR LICENSED OPTOMETRIST MAY

1 CONTRACT WITH A MEDICAL MARIJUANA GROWER LICENSED PURSUANT TO
2 ARTICLE 43.3 OF TITLE 12, C.R.S., FOR THE PROCUREMENT OF MEDICAL
3 MARIJUANA.

4 **(6) Limitations on remuneration for medical certifications.** A
5 PHYSICIAN CERTIFYING A DEBILITATING MEDICAL CONDITION FOR AN
6 APPLICANT FOR THE MEDICAL MARIJUANA PROGRAM SHALL NOT ACCEPT
7 ANY FORM OF PECUNIARY REMUNERATION FROM A PRIMARY CAREGIVER,
8 MEDICAL MARIJUANA CLINIC LICENSED PURSUANT TO ARTICLE 43.3 OF
9 TITLE 12, C.R.S., OR A MEDICAL MARIJUANA GROWER LICENSED PURSUANT
10 TO ARTICLE 43.3 OF TITLE 12, C.R.S., IN ANY WAY RELATED TO THE
11 MEDICAL CERTIFICATION OF A DEBILITATING MEDICAL CONDITION FOR ANY
12 APPLICANT FOR THE MEDICAL MARIJUANA PROGRAM, NOR MAY A PRIMARY
13 CAREGIVER OFFER ANY PECUNIARY REMUNERATION, DIRECTLY OR
14 INDIRECTLY, TO A PHYSICIAN IN ANY WAY RELATED TO THE MEDICAL
15 CERTIFICATION OF A DEBILITATING MEDICAL CONDITION FOR ANY
16 APPLICANT FOR THE MEDICAL MARIJUANA PROGRAM.

17 **(7) Local zoning.** NOTHING IN THIS SECTION SHALL PROHIBIT A
18 MUNICIPALITY OR OTHER JURISDICTION FROM ENACTING ZONING
19 REQUIREMENTS REGARDING MANUFACTURING, PRODUCING, SELLING,
20 CULTIVATING, DISTRIBUTING, DISPENSING, OR TRANSPORTING MEDICAL
21 MARIJUANA.

22 **(8) Medical marijuana review board.** (a) THERE IS HEREBY
23 CREATED IN THE DEPARTMENT THE MEDICAL MARIJUANA REVIEW BOARD
24 REFERRED TO IN THIS SECTION AS THE "BOARD".

25 (b) THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS
26 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
27 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER AS DEFINED

1 IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF
2 TITLE 24, C.R.S.

3 (c) THE BOARD SHALL CONSIST OF <{X}> MEMBERS, <{X}> OF
4 WHICH SHALL BE REGISTERED PRIMARY CAREGIVERS AND <{X}> OF WHICH
5 SHALL BE _____ PHYSICIANS WHO MAKE MEDICAL MARIJUANA
6 RECOMMENDATIONS FOR PATIENTS. THE GOVERNOR SHALL APPOINT THE
7 MEMBERS OF THE BOARD _____.

8 (d) EACH MEMBER OF THE BOARD SHALL SERVE AT THE PLEASURE
9 OF THE GOVERNOR. EACH MEMBER OF THE BOARD SHALL SERVE A
10 FOUR-YEAR TERM; EXCEPT THAT THE PRIMARY CAREGIVER MEMBERS
11 INITIALLY APPOINTED SHALL SERVE TWO-YEAR TERMS AND THE PHYSICIAN
12 MEMBERS INITIALLY APPOINTED SHALL SERVE ONE-YEAR TERMS.

13 (e) THE BOARD SHALL REVIEW REQUESTS BY PATIENTS UNDER
14 TWENTY-ONE YEARS OF AGE WHO ARE NOT VETERANS OF MILITARY
15 SERVICE AND WHO ARE SEEKING TO BE PLACED ON THE STATE'S
16 CONFIDENTIAL REGISTRY FOR THE USE OF MEDICAL MARIJUANA. A
17 MAJORITY OF THE BOARD SHALL AGREE THAT THE PATIENT SUFFERS FROM
18 A DEBILITATING MEDICAL CONDITION AND THAT THE PATIENT MIGHT
19 BENEFIT FROM THE MEDICAL USE OF MARIJUANA BEFORE THE PATIENT MAY
20 BE PLACED ON THE STATE'S CONFIDENTIAL REGISTRY FOR THE USE OF
21 MEDICAL MARIJUANA.

22 (f) (I) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2020.

23 (II) PRIOR TO SAID REPEAL, THE BOARD SHALL BE REVIEWED AS
24 PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

25 ~~(2)~~ (9) **Fees.** The department may collect fees from patients who,
26 pursuant to section 14 of article XVIII of the state constitution, apply to
27 the medical marijuana program ~~established by such section~~ for a

1 ~~marijuana~~ NONTRANSFERABLE CONFIDENTIAL registry identification CARD
2 for the purpose of offsetting the department's direct and indirect costs of
3 administering the program. The amount of ~~such~~ THE fees shall be set by
4 rule of the ~~state board of health~~ EXECUTIVE DIRECTOR. All fees collected
5 by the department through the medical marijuana program shall be
6 transferred to the state treasurer who shall credit the same to the medical
7 marijuana program cash fund, which fund is hereby created.

8 ~~(3)~~ (10) **Cash fund.** (a) The medical marijuana program cash
9 fund shall be subject to annual appropriation by the general assembly to
10 the department for the purpose of establishing, operating, and maintaining
11 the medical marijuana program. ~~established by section 14 of article XVIII~~
12 ~~of the state constitution.~~ All moneys credited to the medical marijuana
13 program cash fund and all interest derived from the deposit of such
14 moneys that are not expended during the fiscal year shall be retained in
15 the fund for future use and shall not be credited or transferred to the
16 general fund or any other fund.

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

22 **SECTION 4.** 2-3-1203 (3), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **2-3-1203. Sunset review of advisory committees.** (3) The
25 following dates are the dates for which the statutory authorization for the
26 designated advisory committees is scheduled for repeal:

27 (gg) JULY 1, 2020: THE MEDICAL MARIJUANA REVIEW BOARD

1 CREATED IN SECTION 25-1.5-106 (8), C.R.S.

2 **SECTION 5.** 24-1-119, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-1-119. Department of public health and environment -**
5 **creation.** (12) THE POWERS, DUTIES, AND FUNCTIONS OF THE MEDICAL
6 MARIJUANA REVIEW BOARD, CREATED IN SECTION 25-1.5-106 (8), C.R.S.,
7 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT.

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