



Cannabis Therapy Institute
Medical Cannabis Policy Group

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DRAFT: Colorado Medical Cannabis Patient and Caregiver Protection Act

Note: This bill was written by the CTI Medical Cannabis Policy Group and is not an official bill of the State of Colorado. It is a suggestion and all comments and suggestions from anyone are welcome.

Send all comments to: policygroup@cannabistherapyinstitute.com

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1 A Bill for an Act

2 Be it enacted the General Assembly of the State of Colorado:

3 **XX-XX-101. Short title.** This article shall be known and may be cited as the "Medical Cannabis
4 Patient and Caregiver Protection Act."

5 **XX-XX-102. Purposes**

6 (1) The purpose of this article is to implement Article XVIII, Section 14 of the Colorado Constitution,
7 known as the Colorado's Medical Marijuana Amendment, and to regulate and encourage the operation
8 of facilities lawfully used for the acquisition, cultivation, possession, manufacture, production, sale,
9 distribution, dispensing, storage or transportation of medical cannabis and medical cannabis herbal
10 remedies. This article is intended:

11 (a) To permit the safe and affordable distribution of medical cannabis to legal patients.

12 (b) To help ensure that legal patients and their primary caregivers who engage in the legal
13 acquisition, cultivation, possession, manufacture, production, sale, distribution, dispensing,
14 storage or transportation of medical cannabis solely for the legal patient's medical treatment are
15 not subject to criminal prosecution, sanction or discrimination.

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16 (c) To protect patients from the adverse impacts of irresponsible medical cannabis distribution,
17 storage and use practices.

18 **XX-XX-103. Definitions**

19 (1) "**Cannabis**" shall have the same meaning as the definition of "marihuana" or "marijuana" as set
20 forth in Colorado Revised Statute 18-18-102 (18), but if that definition is amended by state law in the
21 future, as amended. Currently, the definition is: "Marihuana" or "marijuana" means all parts of the
22 plant cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of
23 the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
24 seeds, or its resin. It does not include fiber produced from the stalks, oil or cake made from the seeds
25 of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart
26 from any other item defined as "marihuana" in this subsection (18). "Marihuana" does not include
27 marihuana concentrate as defined in subsection (19) of this section.

28 (3) "**Medical cannabis caregiver business**" means any business entity, including employees, engaged
29 in retail sales of medical cannabis herbal products that is owned and operated by one or more primary
30 caregivers with the purpose of providing medical cannabis products and other services to legal
31 patients.

32 (4) "**Medical cannabis collective**" means any collection of 2 or more persons comprised exclusively
33 and entirely of legal patients and the primary caregivers of those patients, including employees, with
34 the purpose to provide education, referral, or networking services to patients, and to facilitate or assist
35 patients in acquiring their medicine, including, but not limited to, the cultivation, manufacture,
36 production, sale, distribution, dispensing, storage or transportation of medical cannabis herbal products
37 for medical use by legal patients.

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38 (5) "**Medical cannabis herbal product**" means cannabis and every compound, manufacture, salt,
39 derivative, mixture, or preparation of cannabis, its seeds, or its resin manufactured solely for the
40 medical use of legal Colorado patients. It does not include the stalks or roots or oil or cake made from
41 the seeds of the plant, or sterilized seed of the plant which is incapable of germination.

42 (6) "**Patient**" shall have the same meaning as the definition provided in Article XVIII § 14 of the
43 Colorado Constitution or by any rules promulgated by the Colorado Board of Health and Environment.

44 (7) "**Primary caregiver**" shall have the same meaning as the definition provided in Article XVIII § 14
45 of the Colorado Constitution or by any rules promulgated by the Colorado Board of Health and
46 Environment.

47 **XX-XX-104. Exemptions from article**

48 (1) Any patient who cultivates or manufactures cannabis for his or her own personal medical use is
49 exempt from the requirements of this article.

50 (2) Recognizing that there are smaller caregivers that do not need to be subject to additional
51 regulations, primary caregivers who are serving the needs of _____ or fewer patients are exempt
52 from the requirements of this article.

53 **XX-XX-105. Medical cannabis caregiver service business – description**

54 (1) A medical cannabis caregiver service business must obtain a State of Colorado business license and
55 obtain all applicable sales tax permits.

56 (2) A medical cannabis caregiver service business must pay all required state and local taxes on all
57 transactions, unless the business is a tax-exempt non-profit organization.

58 (3) A medical cannabis business must provide other services to their patients besides solely acquisition
59 of medicinal cannabis. These services can include, but are not limited to, doctor referral, therapy
60 consultation, transportation arrangements, and other alternative therapies.

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61 **XX-XX-106. Medical cannabis collective – description**

62 (1) The State of Colorado recognizes that some legal patients may not be able to undertake all the

63 physical activities necessary to cultivate cannabis for personal medical use. Accordingly, this

64 section recognizes that legal patients and their primary caregivers may join together to form

65 medical cannabis collectives for the purpose of cultivating and manufacturing medical cannabis

66 and pooling their resources solely for the personal medical use of the members.

67 (2) Membership in a medical cannabis collective must be restricted to legal patients and their primary

68 caregivers. However, the medical cannabis collective may hire employees or contractors who are

69 non-patients to facilitate the business of the collective.

70 (3) Medical cannabis collectives and each member thereof, shall not sell, barter, give away, or

71 otherwise distribute cannabis to non-members of the medical cannabis collective.

72 **XX-XX-107. Allowed practices**

73 All patients, primary caregivers, medical cannabis caregiver service businesses, or medical cannabis

74 collectives may engage in the acquisition, cultivation, possession, manufacture, production, sale,

75 distribution, dispensing, storage or transportation of medical cannabis herbal products for medical use

76 by legal Colorado patients as provided in Article XVIII § 14 of the Colorado Constitution.

77 **XX-XX-108. Immunity from prosecution**

78 To be added.

79

80 **XX-XX-109. Affirmative defense**

81 To be added.

82

83 **XX-XX-110. Permitted zoning districts**

84 (1) Medical cannabis caregiver service businesses shall be allowed in any retail, commercial,

85 industrial, or agricultural zoning district.

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86 (2) Medical cannabis primary caregivers and medical cannabis collectives that do not sell retail
87 products shall be allowed in any zoning district.

88 **XX-XX-111. Special requirements**

89 Medical cannabis primary caregivers, medical cannabis caregiver service businesses, and medical
90 cannabis collectives shall:

91 (1) Be subject to the same sign codes as other businesses in the same zoning district.

92 (2) Provide adequate security on the premises to ensure patient safety.

93 (3) Provide handicapped access as required by federal law.

94 **XX-XX-112. Patient rights**

95 No person shall discriminate against a patient in any way for their medical use of cannabis. This
96 includes, but is not limited to, discrimination in areas of employment and drug testing, health
97 insurance, social services, probation, financial aid, veteran's benefits, or housing programs.

98 **XX-XX-113. Police procedures and training**

99 (1) Within six months of the date that this chapter becomes effective, the training materials handbooks,
100 and printed procedures of all law enforcement agencies in the state shall be updated to reflect its
101 provisions. These updated materials shall be made available to all law enforcement officers in the
102 regular course of their training and service.

103 (2) Medical cannabis-related activities shall be the lowest possible priority of all the law enforcement
104 agencies in the state.

105 (3) Patients, primary caregivers, medical cannabis caregiver service businesses, or medical cannabis
106 collectives that come into contact with law enforcement will not be cited or arrested and medical
107 cannabis herbal products in their possession will not be seized if they are in compliance with the
108 provisions of this article.

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- 109 (4) Patients, primary caregivers, medical cannabis caregiver service businesses, or medical cannabis
110 collectives who come into contact with law enforcement and cannot establish or demonstrate their
111 legal status, but are otherwise in compliance with the provisions of this article, will not be cited or
112 arrested and medical cannabis herbal products in their possession will not be seized if:
- 113 (a) based on the activity and circumstances, the officer determines that there is no evidence of
114 criminal activity;
 - 115 (b) the claim to be a legal patient, primary caregiver, medical cannabis collective or medical
116 cannabis caregiver service businesss is credible; or
 - 117 (c) proof of status as a legal patient, primary caregiver, medical cannabis collective, or medical
118 cannabis caregiver service businesses can be provided to the Police Department within
119 three business days of the date of contact with law enforcement.
- 120 (5) A legal patient, primary caregiver, medical cannabis caregiver service business or medical cannabis
121 collective may transport medical cannabis within the State of Colorado. A legal patient, primary
122 caregiver, medical cannabis caregiver service business or medical cannabis collective may not be
123 charged with DUI based solely on the presence of medical cannabis in the motor vehicle, if the
124 patient or primary caregiver did not also present sufficient evidence of impairment at the time of
125 arrest.
- 126 (6) A legal patient, primary caregiver, medical cannabis caregiver service business or medical cannabis
127 collective may possess medical equipment or paraphernalia used to smoke, vaporize or otherwise
128 consume cannabis for medical use only by legal patients.