

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 15-0106.01 Michael Dohr

SENATE BILL 15-014

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Singer,

Senate Committees

Health & Human Services
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

A BILL FOR AN ACT

101 CONCERNING MARIJUANA ISSUES THAT ARE NOT REGULATED BY THE
102 DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,
103 MAKING APPROPRIATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Marijuana Revenues Interim Committee. The bill requires the Colorado medical board to adopt rules regarding guidelines for physicians who make medical marijuana recommendations for patients suffering from severe pain.

The bill requires the state health agency to adopt rules regarding

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
May 1, 2015

SENATE
3rd Reading Unamended
April 15, 2015

SENATE
Amended 2nd Reading
April 14, 2015

guidelines for primary caregivers to give informed consent to patients that the products they cultivate or produce may contain contaminants and that the THC levels are not verified.

The bill requires all primary caregivers to register with the state health agency and the state medical marijuana licensing authority (licensing authority). Any primary caregiver who is not registered shall register within 10 days of being informed of the duty to register. If a person fails to register after such 10 days, the state health agency and licensing authority shall prohibit the person from ever registering and acting as a primary caregiver.

The bill requires the licensing authority and the state health agency to share the minimum amount of information necessary to ensure that a medical marijuana patient has only one caregiver and is not using a primary caregiver and a medical marijuana center.

The bill permits moneys in the marijuana tax fund to be used to fund the implementation of any bills approved by the marijuana revenues interim committee.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Colorado authorizes the sale and use of small amounts of
5 medical and retail marijuana;

6 (b) The United States department of justice expects a state that has
7 enacted laws regarding regulated marijuana use and sales to put measures
8 in place to prevent the diversion of marijuana from the regulated system
9 and prevent illicit marijuana trade that funds criminal enterprises;

10 (c) If Colorado creates a robust regulatory environment that is
11 strongly enforced, the federal government will not interfere except in
12 those individual cases where the department of justice's enforcement
13 priorities are at risk;

14 (d) Large medical and recreational marijuana grows should be
15 subject to enhanced oversight to augment health and safety and decrease
16 trafficking;

1 (e) The sale and use of medical marijuana is limited to those
2 Colorado residents who have a physician's recommendation that they
3 have a debilitating medical condition that could benefit from the use of
4 medical marijuana; and

5 (f) It is necessary to ensure that there is broad and appropriate
6 access to medical marijuana while maintaining the safety and security of
7 the regulated medical marijuana market.

8 (2) Now, therefore, the general assembly hereby enacts the
9 following protections to ensure that access to the medical marijuana
10 market is limited to Colorado residents who have a physician's
11 recommendation that they have a debilitating medical condition that could
12 benefit from the use of medical marijuana and to ensure that the medical
13 marijuana that is grown, processed, and sold in the regulated market does
14 not enter the retail market or cross state borders.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 12-36-141 as
16 follows:

17 **12-36-141. Medical marijuana recommendations - guidelines.**
18 THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH
19 AND ENVIRONMENT AND PHYSICIANS SPECIALIZING IN MEDICAL
20 MARIJUANA, SHALL ESTABLISH GUIDELINES FOR PHYSICIANS MAKING
21 MEDICAL MARIJUANA RECOMMENDATIONS.

22 **SECTION 3.** In Colorado Revised Statutes, 25-1.5-106, **amend**
23 (2) (d.5), (3) (a) (VII), (3) (a) (VIII), (7) (a), (7) (c), (7) (e), (8) (a), and
24 (18); **repeal** (3) (b) (I) and (13); and **add** (1) (c), (1) (d), (2) (e.5), (3) (a)
25 (IX), (3.5), (7) (f), (8.5), (8.6), and (13.5) as follows:

26 **25-1.5-106. Medical marijuana program - powers and duties**
27 **of state health agency - rules - medical review board - medical**

1 **marijuana program cash fund - subaccount - created - repeal.**

2 (1) (c) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS
3 NECESSARY TO IMPLEMENT RULES TO PROVIDE GUIDANCE FOR CAREGIVERS
4 AS DEFINED IN SECTION 14 OF ARTICLE XVIII OF THE STATE
5 CONSTITUTION.

6 (d) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS
7 IMPERATIVE TO PREVENT THE DIVERSION OF MEDICAL MARIJUANA TO
8 OTHER STATES. IN ORDER TO DO THIS THE GENERAL ASSEMBLY NEEDS TO
9 PROVIDE CLEAR GUIDANCE FOR LAW ENFORCEMENT.

10 (2) **Definitions.** In addition to the definitions set forth in section
11 14 (1) of article XVIII of the state constitution, as used in this section,
12 unless the context otherwise requires:

13 (d.5) "Primary caregiver" means a natural person, other than the
14 patient or the patient's physician, who is eighteen years of age or older
15 and has significant responsibility for managing the well-being of a patient
16 who has a debilitating medical condition. A PRIMARY CAREGIVER MAY
17 HAVE ONE OR MORE OF THE FOLLOWING RELATIONSHIPS:

18 (I) A PARENT OF A CHILD AS DESCRIBED BY SECTION (6) (e) OF
19 SECTION 14 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION AND
20 ANYONE WHO ASSISTS THAT PARENT WITH CAREGIVER RESPONSIBILITIES,
21 INCLUDING CULTIVATION AND TRANSPORTATION;

22 (II) AN ADVISING CAREGIVER WHO ADVISES A PATIENT ON WHICH
23 MEDICAL MARIJUANA PRODUCTS TO USE AND HOW TO DOSE THEM AND
24 DOES NOT POSSESS, PROVIDE, CULTIVATE, OR TRANSPORT MARIJUANA ON
25 BEHALF OF THE PATIENT;

26 (III) A TRANSPORTING CAREGIVER WHO PURCHASES AND
27 TRANSPORTS MARIJUANA TO A PATIENT WHO IS HOMEBOUND; AND

1 (IV) A CULTIVATING CAREGIVER WHO GROWS MARIJUANA FOR A
2 PATIENT.

3 (e.5) "SIGNIFICANT RESPONSIBILITY FOR MANAGING THE
4 WELL-BEING OF A PATIENT" MEANS THAT THE CAREGIVER IS INVOLVED IN
5 BASIC OR INSTRUMENTAL ACTIVITIES OF DAILY LIVING. CULTIVATING OR
6 TRANSPORTING MARIJUANA AND THE ACT OF ADVISING A PATIENT ON
7 WHICH MEDICAL MARIJUANA PRODUCTS TO USE AND HOW TO DOSE THEM
8 CONSTITUTES A "SIGNIFICANT RESPONSIBILITY".

9 (3) Rule-making. (a) The state health agency shall, pursuant to
10 section 14 of article XVIII of the state constitution, promulgate rules of
11 administration concerning the implementation of the medical marijuana
12 program that specifically govern the following:

13 (VII) The manner in which the state health agency may consider
14 adding debilitating medical conditions to the list of debilitating medical
15 conditions contained in section 14 of article XVIII of the state
16 constitution; and

17 (VIII) A waiver process to allow a homebound patient who is on
18 the registry to have a primary caregiver transport the patient's medical
19 marijuana from a licensed medical marijuana center to the patient; AND

20 (IX) GUIDELINES FOR PRIMARY CAREGIVERS TO GIVE INFORMED
21 CONSENT TO PATIENTS THAT THE PRODUCTS THEY CULTIVATE OR PRODUCE
22 MAY CONTAIN CONTAMINANTS AND THAT THE CANNABINOID LEVELS MAY
23 NOT BE VERIFIED.

24 (b) The state health agency may promulgate rules regarding the
25 following:

26 (I) What constitutes "significant responsibility for managing the
27 well-being of a patient"; except that the act of supplying medical

1 marijuana or marijuana paraphernalia, by itself, is insufficient to
2 constitute "significant responsibility for managing the well-being of a
3 patient":

4 (3.5) THE STATE HEALTH AGENCY SHALL CONVENE A GROUP OF
5 INTERESTED PARTIES INCLUDING REPRESENTATIVES FROM THE STATE
6 LICENSING AUTHORITY, PRIMARY CAREGIVERS, PATIENTS, MARIJUANA
7 TESTING LABORATORY LICENSEES, AND ANY OTHER INTERESTED PERSONS
8 TO EXPLORE LABORATORY TESTING OPTIONS FOR MEDICAL MARIJUANA
9 NOT PRODUCED BY SOMEONE LICENSED PURSUANT TO ARTICLE 43.3 OF
10 TITLE 12, C.R.S.

11 (7) **Primary caregivers.** (a) A primary caregiver may not
12 delegate to any other person his or her authority to provide medical
13 marijuana to a patient; nor may a primary caregiver engage others to
14 assist in providing medical marijuana to a patient; EXCEPT THAT A PARENT
15 PRIMARY CAREGIVER MAY USE THE SERVICES OF AN ASSISTANT FOR
16 ADVISEMENT, CULTIVATION, OR TRANSPORTATION.

17 (c) Only a medical marijuana center with an optional premises
18 cultivation license, a medical marijuana-infused products manufacturing
19 operation with an optional premises cultivation license, or a primary
20 caregiver for his or her patients or a patient for himself or herself may
21 cultivate or provide MEDICAL marijuana. and only for medical use.

22 (e) (I) (A) IN ORDER TO BE a primary caregiver who cultivates
23 medical marijuana for his or her patients OR TRANSPORTS MEDICAL
24 MARIJUANA FOR HIS OR HER PATIENTS, HE OR SHE shall also register the
25 location of his or her cultivation operation with the state medical
26 marijuana licensing authority. and provide the registration identification
27 number of each patient to the state licensing authority. A PERSON MAY

1 NOT REGISTER AS A PRIMARY CAREGIVER IF HE OR SHE IS LICENSED AS A
2 MEDICAL MARIJUANA BUSINESS AS DESCRIBED IN PART 4 OF ARTICLE 43.3
3 OF TITLE 12, C.R.S., OR A RETAIL MARIJUANA BUSINESS AS DESCRIBED IN
4 PART 4 OF ARTICLE 43.4 OF TITLE 12, C.R.S. AN EMPLOYEE, CONTRACTOR,
5 OR OTHER SUPPORT STAFF EMPLOYED BY A LICENSED ENTITY PURSUANT TO
6 ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S., OR WORKING IN OR HAVING
7 ACCESS TO A RESTRICTED AREA OF A LICENSED PREMISES PURSUANT TO
8 ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S., MAY BE A PRIMARY CAREGIVER.

9 (B) A CULTIVATING PRIMARY CAREGIVER, WHEN REGISTERING,
10 SHALL PROVIDE THE CULTIVATION OPERATION LOCATION, THE
11 REGISTRATION NUMBER OF EACH PATIENT, AND ANY EXTENDED PLANT
12 COUNT NUMBERS AND THEIR CORRESPONDING PATIENT REGISTRY
13 NUMBERS.

14 (C) A TRANSPORTING PRIMARY CAREGIVER, WHEN REGISTERING,
15 SHALL PROVIDE THE REGISTRATION NUMBER OF EACH HOMEBOUND
16 PATIENT, THE TOTAL NUMBER OF PLANTS AND OUNCES THAT THE
17 CAREGIVER IS AUTHORIZED TO TRANSPORT, IF APPLICABLE, AND THE
18 LOCATION OF EACH PATIENT'S REGISTERED MEDICAL MARIJUANA CENTER
19 OR CULTIVATING PRIMARY CAREGIVER, AS APPLICABLE. A TRANSPORTING
20 CAREGIVER SHALL HAVE ON HIS OR HER PERSON A RECEIPT FROM THE
21 MEDICAL MARIJUANA CENTER OR PRIMARY CAREGIVER WHEN
22 TRANSPORTING MEDICAL MARIJUANA THAT SHOWS THE QUANTITY OF
23 MEDICAL MARIJUANA PURCHASED BY OR PROVIDED TO THE TRANSPORTING
24 CAREGIVER.

25 (D) THE STATE LICENSING AUTHORITY MAY VERIFY PATIENT
26 REGISTRATION NUMBERS AND EXTENDED PLANT COUNT NUMBERS WITH
27 THE STATE HEALTH AGENCY TO CONFIRM THAT A PATIENT DOES NOT HAVE

1 MORE THAN ONE PRIMARY CAREGIVER, OR DOES NOT HAVE BOTH A
2 DESIGNATED CAREGIVER AND MEDICAL MARIJUANA CENTER, CULTIVATING
3 MEDICAL MARIJUANA ON HIS OR HER BEHALF AT ANY GIVEN TIME.

4 (E) IF A PEACE OFFICER MAKES A LAW ENFORCEMENT CONTACT
5 WITH A PRIMARY CAREGIVER WHO DOES NOT HAVE PROPER
6 DOCUMENTATION SHOWING REGISTRATION WITH THE STATE LICENSING
7 AUTHORITY, THE PEACE OFFICER MAY REPORT THAT INDIVIDUAL TO THE
8 STATE LICENSING AUTHORITY OR MAY TAKE APPROPRIATE LAW
9 ENFORCEMENT ACTION. THE PERSON MAY BE SUBJECT TO ANY
10 CHARGEABLE CRIMINAL OFFENSES.

11 (II) THE STATE LICENSING AUTHORITY SHALL SHARE THE MINIMUM
12 NECESSARY INFORMATION IN ACCORDANCE WITH APPLICABLE FEDERAL
13 AND STATE LAWS SUCH AS PATIENT AND CAREGIVER IDENTIFICATION
14 NUMBERS, TO VERIFY THAT A PATIENT HAS ONLY ONE ENTITY
15 CULTIVATING MEDICAL MARIJUANA ON HIS OR HER BEHALF AT ANY GIVEN
16 TIME.

17 (III) The information provided to the state ~~medical marijuana~~
18 licensing authority pursuant to this paragraph (e) shall not be provided to
19 the public and ~~shall be~~ IS confidential. The state licensing authority shall
20 verify the location of a primary caregiver cultivation operation to a local
21 government or law enforcement agency upon receiving an
22 address-specific request for verification. The location of the cultivation
23 operation ~~shall~~ MUST comply with all applicable local laws, rules, or
24 regulations.

25 (f) A CULTIVATING PRIMARY CAREGIVER SHALL ONLY CULTIVATE
26 PLANTS AT THE REGISTERED CULTIVATION LOCATION AS REQUIRED
27 PURSUANT TO SECTION 25-1.5-106 (7) (e) AND AS PERMITTED PURSUANT

1 TO SECTIONS 25-1.5-106 (8.6) (a) (I) AND 25-1.5-106 (8.6) (a) (II) (B).
2 NOTHING IN THIS PARAGRAPH (f) SHALL BE CONSTRUED TO LIMIT THE
3 ABILITY OF THE CAREGIVER OR PERSON TWENTY-ONE YEARS OF AGE OR
4 OLDER WHO MAKES PERMANENT RESIDENCE AT THE REGISTERED
5 CULTIVATION LOCATION FROM CULTIVATING OR POSSESSING UP TO SIX
6 PLANTS PURSUANT TO ARTICLE XVIII, SECTION 16 OF THE COLORADO
7 CONSTITUTION. NOTWITHSTANDING THESE PROVISIONS, ADDITIONAL
8 CULTIVATION IS NOT LAWFUL AT THE PREMISES REGISTERED BY A
9 CAREGIVER TO CULTIVATE ON BEHALF OF PATIENTS.

10 **(8) Patient - primary caregiver relationship.** (a) (I) A person
11 shall be listed as a CULTIVATING OR TRANSPORTING primary caregiver for
12 no more than five patients on the medical marijuana program registry at
13 any given time; except that the state health agency may allow a primary
14 caregiver to serve more than five patients in exceptional circumstances.
15 In determining whether exceptional circumstances exist, the state health
16 agency may consider the proximity of medical marijuana centers to the
17 patient, AS WELL AS OTHER FACTORS.

18 (II) A CULTIVATING OR TRANSPORTING primary caregiver shall
19 maintain a list of his or her patients including the registry identification
20 card number of each patient AND A RECOMMENDED TOTAL PLANT COUNT
21 at all times.

22 **(8.5) Encourage patient voluntary registration.** (a) (I) ALL
23 PATIENTS CULTIVATING MORE THAN SIX MEDICAL MARIJUANA PLANTS FOR
24 THEIR OWN MEDICAL USE ARE ENCOURAGED TO REGISTER WITH THE STATE
25 LICENSING AUTHORITY'S REGISTRY CREATED PURSUANT TO SUBSECTION
26 (7) OF THIS SECTION. A PATIENT WHO CHOOSES TO REGISTER SHALL
27 UPDATE HIS OR HER REGISTRATION INFORMATION UPON RENEWAL OF HIS

1 OR HER MEDICAL MARIJUANA REGISTRY CARD.

2 (II) A PATIENT WHO CHOOSES TO REGISTER SHALL REGISTER THE
3 FOLLOWING INFORMATION WITH THE STATE LICENSING AUTHORITY: THE
4 LOCATION OF HIS OR HER CULTIVATION OPERATION; HIS OR HER PATIENT
5 REGISTRATION IDENTIFICATION; AND THE TOTAL NUMBER OF PLANTS THAT
6 THE PATIENT IS AUTHORIZED TO CULTIVATE.

7 (b) A PATIENT SHALL NOT CULTIVATE MORE THAN NINETY-NINE
8 PLANTS. ONLY A MEDICAL MARIJUANA BUSINESS LICENSED AND PROPERLY
9 AUTHORIZED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., MAY
10 CULTIVATE MORE THAN NINETY-NINE PLANTS.

11 (c) THE INFORMATION PROVIDED TO THE STATE LICENSING
12 AUTHORITY PURSUANT TO THIS SUBSECTION (8.5) SHALL NOT BE PROVIDED
13 TO THE PUBLIC AND IS CONFIDENTIAL. THE STATE LICENSING AUTHORITY
14 SHALL VERIFY THE LOCATION OF A MEDICAL MARIJUANA CULTIVATION
15 SITE FOR PATIENT CULTIVATION OPERATIONS TO A LOCAL GOVERNMENT OR
16 LAW ENFORCEMENT AGENCY UPON RECEIVING A REQUEST FOR
17 VERIFICATION. THE LOCATION OF THE CULTIVATION OPERATION SHALL
18 COMPLY WITH ALL APPLICABLE LOCAL LAWS, RULES, OR REGULATIONS.

19 (d) THE STATE LICENSING AUTHORITY SHALL PROVIDE
20 CULTIVATION INFORMATION FOR PATIENTS WHO CHOOSE TO REGISTER TO
21 STATE AND LOCAL LAW ENFORCEMENT THROUGH THE COLORADO CRIME
22 INFORMATION CENTER. THE COLORADO BUREAU OF INVESTIGATION SHALL
23 INCLUDE PROPER USE OF MEDICAL MARIJUANA INFORMATION IN AUDITS OF
24 STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

25 (8.6) Primary caregivers plant limits - exceptional
26 circumstances. (a) (I) A PRIMARY CAREGIVER SHALL NOT CULTIVATE,
27 TRANSPORT, OR POSSESS MORE THAN THIRTY-SIX PLANTS UNLESS THE

1 PRIMARY CAREGIVER HAS ONE OR MORE PATIENTS WHO, BASED ON
2 MEDICAL NECESSITY, HAVE AN EXTENDED PLANT COUNT.

3 (II) (A) A PRIMARY CAREGIVER WHO CULTIVATES MORE THAN
4 THIRTY-SIX PLANTS SHALL REGISTER THE INFORMATION REQUIRED IN
5 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II) WITH THE STATE
6 LICENSING AUTHORITY'S REGISTRY CREATED PURSUANT TO PARAGRAPH (e)
7 OF SUBSECTION (7) OF THIS SECTION. A PRIMARY CAREGIVER SHALL
8 UPDATE HIS OR HER REGISTRATION INFORMATION UPON RENEWAL OF HIS
9 OR HER PRIMARY CAREGIVER REGISTRATION.

10 (B) A PRIMARY CAREGIVER SUBJECT TO THE REGISTRY IN THIS
11 SUBPARAGRAPH (II) SHALL REGISTER THE FOLLOWING INFORMATION WITH
12 THE STATE LICENSING AUTHORITY: THE LOCATION OF HIS OR HER
13 CULTIVATION OPERATION; THE PATIENT REGISTRATION IDENTIFICATION
14 NUMBER FOR EACH OF THE PRIMARY CAREGIVER'S PATIENTS; AND ANY
15 EXTENDED PLANT COUNT NUMBERS AND THEIR CORRESPONDING PATIENT
16 REGISTRY NUMBERS.

17 (b) A PRIMARY CAREGIVER SHALL NOT CULTIVATE MORE THAN
18 NINETY-NINE PLANTS. ONLY A MEDICAL MARIJUANA BUSINESS LICENSED
19 AND PROPERLY AUTHORIZED PURSUANT TO ARTICLE 43.3 OF TITLE 12,
20 C.R.S., MAY CULTIVATE MORE THAN NINETY-NINE PLANTS. THE PRIMARY
21 CAREGIVER IS NOT ALLOWED TO GROW ADDITIONAL PLANTS UNTIL HE OR
22 SHE IS LICENSED BY THE STATE LICENSING AUTHORITY.

23 (c) THE INFORMATION PROVIDED TO THE STATE LICENSING
24 AUTHORITY PURSUANT TO THIS SUBSECTION (8.6) SHALL NOT BE PROVIDED
25 TO THE PUBLIC AND IS CONFIDENTIAL. THE STATE LICENSING AUTHORITY
26 SHALL VERIFY THE LOCATION OF EXTENDED PLANT COUNTS FOR PRIMARY
27 CAREGIVER CULTIVATION OPERATIONS AND HOMEBOUND PATIENT

1 REGISTRATION FOR TRANSPORTING CAREGIVERS TO A LOCAL GOVERNMENT
2 OR LAW ENFORCEMENT AGENCY UPON RECEIVING A REQUEST FOR
3 VERIFICATION. THE LOCATION OF THE CULTIVATION OPERATION SHALL
4 COMPLY WITH ALL APPLICABLE LOCAL LAWS, RULES, OR REGULATIONS.

5 (d) THE STATE LICENSING AUTHORITY SHALL PROVIDE
6 CULTIVATION INFORMATION FOR CULTIVATING CAREGIVERS AND
7 TRANSPORTING CAREGIVERS TO STATE AND LOCAL LAW ENFORCEMENT
8 THROUGH THE COLORADO CRIME INFORMATION CENTER. THE COLORADO
9 BUREAU OF INVESTIGATION SHALL INCLUDE PROPER USE OF MEDICAL
10 MARIJUANA INFORMATION IN AUDITS OF STATE AND LOCAL LAW
11 ENFORCEMENT AGENCIES.

12 (13) ~~Limit on cultivation of medical marijuana. Only registered~~
13 ~~patients, licensed primary caregivers, medical marijuana-infused products~~
14 ~~manufacturing operations with an optional premises cultivation license,~~
15 ~~and licensed medical marijuana centers with optional premises cultivation~~
16 ~~licenses may cultivate medical marijuana.~~

17 (13.5) NOTHING HEREIN SHALL REDUCE OR ELIMINATE THE
18 EXISTING POWER OF A STATUTORY MUNICIPALITY OR COUNTY THROUGH
19 THE "LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT OF 1974",
20 ARTICLE 20 OF TITLE 29, C.R.S., TO REGULATE THE GROWING OF
21 MARIJUANA, COMMERCIALY OR OTHERWISE.

22 (18) (a) This section is repealed, effective July SEPTEMBER 1,
23 2019.

24 (b) PRIOR TO THE REPEAL OF THIS SECTION, THE DEPARTMENT OF
25 REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW AS DESCRIBED
26 IN SECTION 24-34-104 (8), C.R.S.

27 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **add**

1 (50.5) (m) as follows:

2 **24-34-104. General assembly review of regulatory agencies and**
3 **functions for termination, continuation, or reestablishment.**

4 (50.5) The following agencies, functions, or both, terminate on
5 September 1, 2019:

6 (m) THE MEDICAL MARIJUANA PROGRAM CREATED IN SECTION
7 25-1.5-106, C.R.S.

8 **SECTION 5.** In Colorado Revised Statutes, 39-28.8-501, amend
9 (2) (b) (XIV) and (2) (b) (XV); and add (2) (b) (XVI) as follows:

10 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
11 **- repeal.** (2) (b) Subject to the limitations in subsection (5) of this
12 section, any moneys in the fund that are not appropriated to the
13 department of revenue pursuant to paragraph (a) of this subsection (2) are
14 subject to annual appropriation by the general assembly for any fiscal year
15 following the fiscal year in which they were received by the state. The
16 general assembly shall initially appropriate moneys in the fund based on
17 the most recent estimate of revenue prepared by the staff of the legislative
18 council or the department of revenue for the applicable fiscal year. The
19 general assembly may appropriate moneys in the fund for the following
20 purposes:

21 (XIV) The industrial hemp grant research program created in
22 section 35-61-104.5, C.R.S.; and

23 (XV) For the start-up expenses of the division of financial
24 services related to the regulation of marijuana financial services
25 cooperatives pursuant to article 33 of title 11, C.R.S., and until the state
26 commissioner of financial services first collects assessments on such
27 cooperatives; AND

1 (XVI) FOR AUDITING STATE AND LOCAL LAW ENFORCEMENT
2 AGENCIES PROPER USE OF MEDICAL MARIJUANA INFORMATION.

3 **SECTION 6.** In Colorado Revised Statutes, 18-18-406.3, **amend**
4 (5) as follows:

5 **18-18-406.3. Medical use of marijuana by persons diagnosed**
6 **with debilitating medical conditions - unlawful acts - penalty -**
7 **medical marijuana program cash fund.** (5) Any person including, but
8 not limited to, any officer, employee, or agent of the department, or any
9 officer, employee, or agent of any state or local law enforcement agency,
10 who releases or makes public any confidential record or any confidential
11 information contained in any such record that is provided to or by the
12 marijuana registry OR PRIMARY CAREGIVER REGISTRY of the department
13 without the written authorization of the marijuana registry patient
14 commits a class 1 misdemeanor.

15 **SECTION 7.** In Colorado Revised Statutes, 6-1-105, **add** (1)
16 (hhh) as follows:

17 **6-1-105. Deceptive trade practices.** (1) A person engages in a
18 deceptive trade practice when, in the course of the person's business,
19 vocation, or occupation, the person:

20 (hhh) KNOWINGLY REPRESENTS THAT HEMP, HEMP OIL, OR ANY
21 DERIVATIVE OF A HEMP PLANT CONSTITUTES RETAIL MARIJUANA OR
22 MEDICAL MARIJUANA UNLESS IT FULLY SATISFIES THE DEFINITION OF SUCH
23 PRODUCTS PURSUANT TO SECTION 12-43.4-103 (15), C.R.S., OR SECTION
24 12-43.3-104 (7), C.R.S.

25 **SECTION 8.** In Colorado Revised Statutes, 25-1.5-106, **amend**
26 (12) (b) (IV) as follows:

27 **25-1.5-106. Medical marijuana program - powers and duties**

1 of state health agency - rules - medical review board - medical
2 marijuana program cash fund - subaccount - created - repeal.

3 (12) Use of medical marijuana. (b) A patient or primary caregiver shall
4 not:

5 (IV) Possess medical marijuana or otherwise engage in the use of
6 medical marijuana in or on the grounds of a school or in a school bus;
7 EXCEPT WHEN THE POSSESSION OR USE OCCURS IN ACCORDANCE WITH A
8 SCHOOL DISTRICT BOARD POLICY ESTABLISHED PURSUANT TO 22-1-119.3,
9 C.R.S.;

10 SECTION 9. In Colorado Revised Statutes, 22-1-119.3, amend
11 (3) (c) as follows:

12 22-1-119.3. Policy for student possession and administration
13 of prescription medication - rules. (3) (c) A student shall not possess
14 or self-administer medical marijuana on school grounds, upon a school
15 bus, or at any school-sponsored event; EXCEPT THAT A SCHOOL DISTRICT
16 MAY ADOPT A POLICY, IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
17 SECTION, THAT AUTHORIZES A STUDENT'S PARENT OR A MEDICAL
18 PROFESSIONAL WHO ACCOMPANIES A STUDENT TO SCHOOL, ON THE
19 SCHOOL BUS, OR TO ANY SCHOOL-SPONSORED EVENT AND ASSISTS THE
20 STUDENT WITH THE ADMINISTRATION OF MEDICAL MARIJUANA TO POSSESS
21 AND ADMINISTER MEDICAL MARIJUANA TO THE STUDENT IN AN
22 APPROPRIATE LOCATION ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR
23 AT ANY SCHOOL-SPONSORED EVENT. A POLICY PERMITTING A PARENT OR
24 MEDICAL PROFESSIONAL TO ADMINISTER MEDICAL MARIJUANA TO A
25 STUDENT MUST REQUIRE THAT THE STUDENT HOLD A VALID
26 RECOMMENDATION FOR MEDICAL MARIJUANA, THAT THE ADMINISTERING
27 PARENT BE THE STUDENT'S PRIMARY CAREGIVER OR THAT THE

1 ADMINISTERING MEDICAL PROFESSIONAL BE EMPLOYED SPECIFICALLY TO
2 ASSIST THE STUDENT IN ADMINISTERING MEDICAL MARIJUANA, AND THAT
3 THE LOCATION AND METHOD OF ADMINISTRATION OF MEDICAL MARIJUANA
4 DOES NOT CREATE SIGNIFICANT RISK TO OTHER STUDENTS.

5 **SECTION 10. Appropriation.** For the 2015-16 state fiscal year,
6 \$60,000 is appropriated to the department of public safety for use by the
7 Colorado crime information center. This appropriation is from the
8 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To
9 implement this act, the department of public safety may use this
10 appropriation for the collection of medical marijuana information.

11 **SECTION 11. Appropriation.** (1) For the 2015-16 state fiscal
12 year, \$1,068,560 is appropriated to the department of public health and
13 environment. This appropriation is from the medical marijuana program
14 cash fund created in section 25-1.5-106 (16) (a), C.R.S. To implement
15 this act, the department of public health and environment may use this
16 appropriation for the purchase of information technology services.

17 (2) For the 2015-16 state fiscal year, \$1,068,560 is appropriated
18 to the office of the governor for use by the office of information
19 technology. This appropriation is from reappropriated funds received
20 from the department of public health and environment under subsection
21 (1) of this section. To implement this act, the office may use this
22 appropriation to provide information technology services for the
23 department of public health and environment.

24 **SECTION 12. Appropriation.** (1) For the 2015-16 state fiscal
25 year, \$113,704 is appropriated to the department of revenue. This
26 appropriation is from the marijuana tax cash fund created in section
27 39-28.8-501 (1), C.R.S. To implement this act, the department may use

1 this appropriation as follows:

2 (a) \$56,998 for use by marijuana enforcement division for
3 personal services and operating expenses, which amount is based on an
4 assumption that the department will require an additional 1.0 FTE; and

5 (b) \$56,706 for the purchase of legal services.

6 (2) For the 2015-16 state fiscal year, \$56,706 is appropriated to
7 the department of law. This appropriation is from reappropriated funds
8 received from the department of revenue under paragraph (b) of
9 subsection (1) of this section, and is based on an assumption that the
10 department will require an additional 0.3 FTE. To implement this act, the
11 department of law may use this appropriation to provide legal services for
12 the department of revenue.

13 **SECTION 13. Effective date.** This act takes effect upon passage;
14 except that sections 25-1.5-106 (7) (a), (7) (c), (7) (e), (7) (f), (8.5), and
15 (8.6) of section 3 take effect January 1, 2017 and section 5 of this act only
16 takes effect if House Bill 15-1367 does not pass and become law.

17 **SECTION 14. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.