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Overview of Colorado Medical Marijuana Code

In May 2010, the Colorado legislature passed House Bill 1284, governing medical marijuana businesses. This legislation, known as the Colorado Medical Marijuana Code (hereinafter “the Code”), contains detailed requirements for compliance. This overview is intended to serve as a summary of the key provisions of the Code, but does not substitute for careful reading of the Code in its entirety.

Section One

The introductory section of the Code contains a number of important provisions. This section contains the legislative declaration; sets forth the applicability of the Code; establishes definitions of the relevant terms; establishes limited access areas in licensed premises; and gives local jurisdictions to option to prohibit medical marijuana businesses.

Short Title § 12-43.3-101

- HB 1284, to be incorporated into the Colorado Revised Statutes as C.R.S. § 12-43.3-101 et seq., shall be known as the “Colorado Medical Marijuana Code.”

Legislative Declaration § 12-43.3-102

- It is unlawful to cultivate, manufacture, distribute, or sell medical marijuana
 - Except in compliance with Colo. Const. Article XVIII and the Code
 - Primary caregivers comply with C.R.S § 25-1.5-106

Applicability § 12-43.3-103

- All medical marijuana businesses are subject to the provision of the Code.
- Non-existing businesses as of July 1, 2010
 - May not open a medical marijuana center (herinafter “MMC”) until licensed by both the state and local jurisdiction.
- As of July 1, 2010 a person already operating an established MMC
 - May continue to operate until July 1, 2011 if all intervening deadlines are met
 - After July 1, 2011 center must be licensed

- On or before August 1, 2010
 - Complete paperwork that will be created by the Department of Revenue.
 - Pay a surety bond credited to the Medical Marijuana License Cash Fund, pursuant to § 12-43.3-501
- On or before September 1, 2010, all MMC's must certify that it is producing at least 70% of its own medicine
- Filing the August 1, 2010 paperwork does not guarantee issuance of a state license
- Prior to July 1, 2011, a local jurisdiction may adopt and enforce
 - Resolutions, ordinances, to regulate or prohibit the operation of medical marijuana businesses.

Definitions § 12-43.3-104

The definitions section is critical to understanding of the entire Code. Please note that this overview excludes some definitions that are self-explanatory.

- Good Cause:
 - Allows for refusal and denial of licenses
 - Failure to abide by all terms of the Code
 - Failure to comply with state and local laws and regulations
 - Operate in a manner that adversely affects
 - Public health
 - Welfare or safety of immediate neighborhood
- Location:
 - a particular parcel of land that may be identified by an address or other descriptive means
- Medical Marijuana Center
 - A person licensed pursuant to this Article that sells medical marijuana
 - Is not a primary caregiver
- Medical Marijuana Infused Products
 - A product infused with medical marijuana
 - Intended for consumption other than by smoking
 - Includes, edibles, ointments, tinctures, etc.
 - Shall not be considered a food or drug for purposes of the Colorado Food and Drug Act
- Medical Marijuana Infused Product Manufacturer:
 - A person licensed pursuant to the Code that sells infused products
- Optional Premises:

- Specified in the application for MMC license
- Related grow facilities in Colorado
- Authorized to grow and cultivate medical marijuana
- Optional Premises Cultivation Operation:
 - A person licensed pursuant to § 12-43.3-403
- Person:
 - A person, partnership, association, company, corporation, LLC, organization, or a manager, owner, director, servant, office, or employee thereof
- Premises:
 - A distinct and definite location
- School:
 - Public or private preschool public, private middle, junior high or high school
- State Licensing Authority:
 - The authority created for regulating and controlling licensing of medical marijuana businesses

Limited Access Areas § 12-43.3-105

- Shall be a building, room, or other contiguous area upon the licensed premises
- Where medical marijuana is grown, sold, stored, weighed, displayed, packed, or possessed
- Under the control of the licensee
- Accessible only to licensees
- Shall be clearly defined and indentified by a sign, as designated by the Licensing Authority

Local Option § 12-43.3-106

- The operation of the Code shall be statewide, unless a municipality prohibits such businesses by vote or ordinance
 - *Accordingly, in a municipality that prohibits medical marijuana businesses, there is no patient cap for primary caregivers, etc.*

Part Two: State Licensing Authority

The State Licensing Authority § 12-43.3-201

- A new administrative body created within the Department of Revenue to regulate and control licensing for medical marijuana, MMC's, primary caregivers and patients
- May have one employee for every ten MMC's

Powers and Duties of Licensing Authority § 12-43.3-202

- Grant or refuse all forms of medical marijuana business licenses
- Suspend, fine, restrict or revoke licenses
- Impose penalties
- Create rules, forms, fees and special rulings for all medical marijuana businesses
- Hold a public hearing before 9/1/10 to establish emergency (temporary) rules
 - Permanent rules must be established by 7/1/11
- Hear and determine at Public Hearings
 - Any appeals of SLA denials and complaints against Licensee
- Maintain confidentiality of reports obtained from licensee
- Develop forms, licenses, ID cards, and applications as necessary or convenient for administration of the Code
- File an annual report with the Colorado Governor
- Make a request to United States Food and Drug Administration by January 1, 2012 to consider rescheduling medical marijuana from a Schedule 1 controlled substance to a Schedule 2 controlled substance.
- Promulgate rules concerning issues including, but not limited to, the following:
 - Standards for revoking, suspending, or denying licenses
 - Duties of employees of the State Licensing Authority
 - Instructions for Local Licensing Authorities and law enforcement
 - Requirements for inspections, investigations, searches and seizures, and additional activities as may be necessary
 - Ranges of penalties for violations
 - Control of informational and product displays on premises
 - Development of individual identification cards for officers, owners, managers, contractors, employees, and staff
 - Includes fingerprint-based criminal history record check
 - Identification of licensees and their owners, officers, managers and employees
 - Security requirements for any licensed premises, including rules regarding:
 - Lighting
 - Physical security

- Video
 - Alarms
 - Other internal controls, including reporting requirements for changes, alterations, or modification of premises
 - Storage, warehouses and transportation of medical marijuana
 - Sanitation requirements for MMCs and infused product manufacturers
 - Specification of acceptable forms of ID required to make a sale
 - Labeling standards
 - Record keeping requirements
 - State licensing procedures
 - Reporting and transmittal of monthly sales taxes
 - Authorize the State Licensing Authority to access licensing information to ensure sales and income tax payments
 - Authorize the Department of Revenue to issue administrative citations and procedures regarding same
- The State Licensing Authority may not fix prices for medical marijuana
 - Law enforcement retains authority to investigate unlawful activity and run a Colorado Crime Information Center background check on primary caregivers, licensees, and employees

Part Three: State and Local Licensing

Applications and Licenses § 12-43.3-301

- A Local Licensing Authority may issue only the following licenses upon payment of a fee and compliance with all local requirements:
 - A MMC license
 - An Optional Premises Cultivation License
 - A Medical Marijuana Infused Product License
- A Local Licensing Authority may not issue a license unless the governing body has adopted an ordinance or resolution containing specific standards for license issuance
 - Or if no such resolution is adopted prior to July 1, 2011, the minimum license requirements of Part Three of this Code apply
- A local governing body may adopt additional standards for medical marijuana businesses including, but not limited to:
 - Distance restrictions between licensed medical marijuana businesses
 - Reasonable restrictions on size of licensed premises
 - Any other requirements necessary to ensure control and ease of enforcement
 - *Accordingly, any other requirements imposed must relate to matters of control and enforcement.*
- Applications

- Shall be filed with the Local Licensing Authority on forms provided by the State Licensing Authority
- Shall contain all information required by the State and Local Licensing Authorities
- Shall be verified by oath of affirmation by the State Licensing Authority
- At the time of local application, an applicant must file
 - For existing structure:
 - Plans and specifications for interior of building
 - For non-existing structure:
 - A Plot Plan, detailed sketch for interior, and an architect's drawing of the building to be constructed
 - The Local Licensing Authority may impose additional requirements

Public Hearing Notice § 12-43.3-302

- Upon receipt of the application with the Local Licensing Authority (except on application renewal), the authority may:
 - Schedule a public hearing not less than 30 days after date of application
 - If a public hearing is scheduled, the authority must post and publish public notice in compliance with this section
- The Local Licensing Authority or a license applicant with local approval, may request the State Licensing Authority to conduct a concurrent review of a new license application prior to the local authority's final approval of the application
 - When conducting a concurrent application review the State Licensing Authority may advise on concerns for denial
 - All applications submitted for concurrent review must be accompanied by all applicable licensing fees
 - If application denied, only license fees are refunded

Results of Investigation of Applications § 12-43.3-303

- Not less than five days prior to the date of a scheduled public hearing, the Local Licensing Authority shall issue written findings to the applicant and other interested parties
- The Local Licensing Authority has authority to deny an application for good cause
 - Subject to judicial review
- Before entering its decision to approve or deny a Local License, the local authority may consider
 - Facts and evidence adduced as result of investigation and any other facts pertinent to the type of license being considered, including the number and type of MMCs located near the applicant's premises

- Within 30 days after public hearing or application investigation, the local authority shall issue its decision in writing via certified mail, stating the reasons for the decision
- After final approval, a license shall not issues until
 - The premises are ready for occupancy, with furniture, fixtures, and equipment in place as necessary to comply with the Code
 - The local authority has inspected the premises and confirmed compliance with architect’s drawings, plot plans, and detailed sketch
- After approval, the local authority shall notify the state authority, after which the state shall investigate and either approve or deny the state application

Medical Marijuana License Bond § 12-43.3-304

- Before the State Licensing Authority issues a state license, the applicant must submit a bond of \$5,000 with corporate surety
- All bonds shall be renewed at time of renewal
 - May be accomplished by a continuation certificate issued by the surety

State Licensing Authority Application and Issuance § 12-43.3-305

- Applications forms will be prepared and furnished by the State Licensing Authority and shall contain
 - The name and address of the applicant
 - The names and addresses of officers, directors, managers
 - Shall be verified by oath or affirmation
- The state license shall not be issued until a local license is approved, pursuant to § 12-43.3-301
- The state license shall not impair local authorities to enact local requirements

Denial of Application § 12-43.3-306

- The State Licensing Authority shall deny a license application if the premises do not meet applicable requirements of sections 12-43.3-104(1)(c) or 12-43.3-305
- If the application is denied, the applicant is entitled to a hearing

Persons Prohibited § 12-43.3-307

- A person until the annual fee has been paid

- A person whose criminal history indicates applicant is not of good moral character, or a corporation is any of its officers, directors, or stockholders are not of good moral character
- A licensed physician making patient recommendations
- Any person employing, assisted by, or financed in whole or in part by any other person not of good moral character
- A person under 21
- A person licensed pursuant to the Code that:
 - Fails to pay taxes, interest, penalties due
 - Fails to pay \$5,000 security bond
 - Fails to file tax returns
 - Fails to pay any judgment
 - Fails to pay government-issued student loans
 - Fails to pay child support
- Any person who has discharged a felony sentence within 5 years or has been convicted of a felony pursuant to any state or federal law regarding the possession, distribution, or use of a controlled substance
- Any person that employs another person at a medical marijuana business who has not passed a criminal history check
- An officer or employee of the state or local licensing authorities, and law enforcement officers
- Any person whose authority to be a primary caregiver has been revoked by the Department of Health
- A person for a location that is currently licensed as a retail or wholesale food establishment
- A person who has not been a Colorado resident for at least two years prior to the date of the person's application
 - Except, a person who applies to the state by 12/15/10 is required to have been a Colorado resident since 12/15/09
- Investigations
 - Criminal History Record Check furnished by the Criminal Justice Agency
 - State Licensing Authority shall also consider evidence of rehabilitation, character references, and educational achievements

- “Criminal justice agency” means any federal, state or municipal court or any other government agency that administers justice
- At the time of filing the application with the state, the applicant shall submit fingerprints for Colorado Bureau of Investigation and FBI background checks

Restrictions for Applications for New Licenses § 12-43.3-308

- The state or local licensing authority shall not receive or act upon any license if
 - Location is within 1,000 feet (property line to property line, by direct route of pedestrian access) of
 - Any location that has been denied as a licensed premises within 2 years
 - School, alcohol or drug treatment facility, campus of a college, university, or seminary, or a residential child care facility
 - The local authority may grant a variance to the distancing requirements for schools
 - The location is not permitted under local zoning laws
 - The applicant is not or will not be entitled to possession of the premises

Transfer of Ownership § 12-43.3-309

- The state or local licensing authority shall not transfer ownership except as provided, but shall not prevent transfer of ownership pursuant to 12-43.3-310(13)
- For transfer of ownership, the licensee must meet the requirements for initial license approval, including public hearing requirements

Licensing in General § 12-43.3-310

- The Code authorizes local jurisdictions to
 - Prohibit medical marijuana businesses
 - Enact reasonable regulations that may be more restrictive than the Code based on local zoning laws, health, safety and welfare
- A MMC, infused products manufacturer, or cultivation operation may not operate until
 - It has been licensed by local and state authorities pursuant to the Code
 - A complete list of all officers, owners, employees is provided
 - A complete application is provided as required by the State Licensing Authority
- A MMC, infused products manufacturer, or cultivation operation shall notify the State Licensing Authority in writing within 10 days whenever any person ceases to work at operations
 - The person ceasing to work at the business shall surrender his or her ID card on or before date of notification

- A MMC, infused products manufacturer, or cultivation operation shall notify the State Licensing Authority in writing before any person begins working at the operation
 - The employee must pass a fingerprint criminal background check and obtain an ID card prior to beginning work
- A MMC, infused products manufacturer, or cultivation operation shall not acquire, possess, cultivate, deliver, transfer, transport, supply, or dispense medical marijuana except to assist patients pursuant to Colo. Const. Art XVIII § 14
- All owners, officers, managers, and employees must be residents of Colorado
- A Local Licensing Authority shall not issue license until
 - The state license fee has been paid and received by the Department of Revenue
- All licenses granted pursuant to the Code shall be valid for a period not to exceed two years
- Before granting a state or local license the relevant authority may consider all other reasonable restrictions that may be imposed by the local authority
- The state may consider the effect on competition regarding an application for a second or additional license
- Each license is separate and distinct
- A separate license is required for each business entity and geographic location
- A licensee must possess proof of ownership or a lease agreement at all times on the licensed premises
- Licenses shall be conspicuously placed on premises
- A Local Licensing Authority shall not issue transfer of location or renewal of license until an applicant produces a license issued by the State Licensing Authority that covers the whole period for which the license is sought
- In calculating deadlines, weekends and legal holidays shall be counted as any other day
- A licensee shall report transfer or change of financial interest to the state and local licensing authorities 30 days prior to transfer or change
 - A report shall be required for a transfer of stock regardless of size
- Licensee shall manage the premises by himself or herself, or employ a separate and distinct manager
 - Must report any change of manager 30 days prior to the change

- Licensee may move location to any other location in the same city and county for which license was granted
 - But it shall be unlawful to work with medical marijuana at the location until permission to do so is granted by the state and local licensing authorities
 - Authority may consider all reasonable restrictions on change of location
- The location of a cultivation operation shall be a confidential record exempt from the Colorado Open Records Act, but the location may be released to law enforcement

License Renewal § 12-43.3-311

- 90 days prior to expiration date of an existing license, the State Licensing Authority shall notify licensee of expiration date
- The applicant shall apply for a renewal
 - To the Local Licensing Authority not less than 45 days prior to expiration
 - To the State Licensing Authority not less than 30 days prior to expiration
- The State Licensing Authority may consider a late renewal application if the local renewal application was timely filed
- The Local Licensing Authority may hold a hearing on a renewal application only if
 - Complaints have been filed
 - The licensee has a history of violations
 - Three allegations have been filed against the licensee that would constitute good cause
- A Local Licensing Authority shall not hold hearing unless without 10 days prior notice to the applicant and public
- A Local License Authority may refuse to renew any license for good cause, subject to judicial review
- A renewal application that is late by not more than 90 days, may apply for renewal upon payment of a non-refundable \$500.00 fee
- A license that has been expired for more than 90 days may not be renewed

Inactive Licenses § 12-43.3-312

- The state or local licensing authority may revoke or decline to renew any license for a premises that has been inactive, without good cause, for at least one year.

Unlawful Financial Assistance § 12-43.3-313

- The State Licensing Authority shall require complete disclosure of all persons having direct or indirect financial interest and the extent of such interest in each license issued

- A person shall not have an unreported interest unless that person has undergone criminal history check
 - With the exception of banks
- Banks may loan money to licensees

Part Four: License Types

Classes of Licenses § 12-43.3-401

- The State Licensing Authority may issue the following licenses:
 - MMC License
 - Optional Premises Cultivation License
 - Infused products manufacturer license
 - Occupational licenses and registrations for owners, operators, employees, contractors, support staff, or contractors that have access to the limited access areas or premises
- All persons licensed shall collect sales tax on all sales

MMC License § 12-43.3-402

- Shall be issued only to a person selling medical marijuana pursuant to the Code
- May also sell marijuana infused products that are prepackaged and labeled in accordance with the Code
- A MMC may contract with an infused product manufacturer for the manufacture of infused products on the infused product manufacturer's premises
- Shall only sell medical marijuana grown in its own cultivation operation
- May purchase not more than 30% of total on-hand inventory from another licensed MMC
- May sell no more than 30% of total on-hand inventory to another licensed MMJC
- Prior to concluding a sale to a patient
 - Employee shall verify that the patient has a valid registration card and state ID
- May provide small amount of MMJ for testing to a licensed laboratory
- Shall comply with all provisions of Art. 34 of Title 24, C.R.S., concerning persons with disabilities.

Optional Premises Cultivation License § 12-43.3-403

- May be issued to a person in pursuance to 12-43.3-402(1)
- Cultivation must be at an additional licensed premise contiguous or not with the licensed MMC or infused product manufacturer premises

Medical Marijuana Infused Products Manufacturing License § 12-43.3-404

- Products shall be prepared
 - On a licensed premises that is used exclusively for medical marijuana infused products
 - Using equipment used exclusively for medical marijuana infused products
- Shall have a written agreement or contract with a licensed MMC setting forth, at a minimum
 - The total amount of medical marijuana obtained from the MMC
- All licensed premises shall meet sanitary requirements promulgated pursuant to 12-43.3-202(2)(a)(XII)
- Shall not use medical marijuana from more than five MMCs
- May sell products to any licensed MMC
- Products shall be sealed and labeled pursuant to the Code
- Infused products may not be consumed on any licensed premises
- Shall not be exempt from state or local sales tax
- A infused product manufacturer with an optional cultivation license shall not sell any of the medical marijuana that it cultivates

Part Five: Fees

Medical Marijuana License Cash Fund § 12-43.3-501

- All money collected pursuant to the Code shall be credited to the License Cash Fund
- The State Licensing Authority shall establish fees for processing applications, licenses, notices, or reports
- The amount of fees shall reflect the actual direct and indirect costs of the administration and enforcement of the Code
- May charge applicants a fee for cost of fingerprint analysis and investigations

- The State Licensing Authority shall review the amount of fees annually
- The State Licensing Authority shall establish a basic fee to be paid at time of service of any subpoena

Allocation of Fees § 12-43.3-502

- All fees shall be paid to the Department of Revenue

Local Licensing Fees § 12-43.3-503

- Each local application shall be accompanied by an application fee, determined by the local authority, paid to the treasurer of the local jurisdiction

Part Six: Disciplinary Actions

Suspension, Revocation, Fines § 12-43.3-601

- After investigation and opportunity for a public hearing, the state or local authority may revoke or suspend licenses
- The state or local authority has the power to administer oaths, require presence of persons and the production of papers, books and records
- The relevant authority shall provide notice of sanctions by mail
- Except in the case of a summary suspension, a suspension shall not be for longer than six months
- A license may be summarily suspended without notice
- Patients registered with a suspended center may immediately transfer primary centers
- For suspensions of 14 days or less, the licensee may petition for permission to pay a fine in lieu of suspension
- The state or local authority may stay suspension if
 - The public welfare and morals would not be impaired by staying suspension
 - The books are kept in such a way that losses could be determined with reasonable accuracy
 - The licensee has not had a license suspended or revoked in the previous two years
- The fine shall not be less than \$500.00 or more than \$1,000.00
- The authority to grant a stay of suspension is limited to stays that are necessary for the authority to complete its investigation and make findings

- Local authorities shall report sanctions to the state

Part Seven: Inspection of Books and Records

Inspection Procedures § 12-43.3-701

- Each licensee shall
 - Keep a complete set of records necessary to fully show business transactions
 - Subject to inspection by the State Licensing Authority or its representatives at all times during business hours
- Examination of any inventory books or records shall be made available without delay upon request
- Licensees shall retain all books and records for the current tax year and three years prior

Part Eight: Judicial Review

Judicial Review § 12-43.3-801

- Decisions by the state or local licensing authority shall be subject to judicial review pursuant to C.R.S. § 24-4-106

Part Nine: Unlawful Acts - Enforcement

Unlawful Acts – Exceptions § 12-43.3-901

- Except as otherwise provided by the Code, it is unlawful for a person to:
 - Consume medical marijuana in a MMC
 - Allow medical marijuana to be consumed in a MMC
 - Permit any other person to use registry identification card
 - To continue operating a medical marijuana business without filing the required forms and paying associated fees
 - To continue to operate a medical marijuana business without satisfying the requirements of 12-43.3-103(1)(b)
 - To buy, sell, transfer, give away, or acquire medical marijuana except as allowed pursuant to the Code
 - To be in a limited access area without a licensed badge displayed
 - Fail to designate limited access areas
 - Fail to report a transfer required by 12-43.3-701
 - Fail to report change of managers
 - To display a sign that is inconsistent with state and local laws and regulations
 - To use advertising material that is misleading, deceptive, false or designed to appeal to minors

- To provide public premises or any portion thereof for consumption of medical marijuana
 - To sell medical marijuana to a non-licensed person
 - To sell to a person not able to produce a registration card
 - To employ a person under 21 to sell, dispense, or cultivate
 - To possess more than 2 oz and 6 plants for each patient registered, without documentation from a physician certifying an additional amount as medically necessary
 - To offer for sale or solicit an order for medical marijuana in person, except within licensed premises
 - To possess any medical marijuana on the licensed premises not permitted by the license
 - To buy any medical marijuana from a person not licensed to sell
 - To sell medical marijuana in any location other than permanent location designated in the license
 - Have any paraphernalia on licensed premises that shows signs of use
 - To require a MMC to deliver to any premises other than the specific licensed premises where the medical marijuana is to be sold
 - To sell, serve, or distribute medical marijuana at any time other than between 8:00 a.m. and 7:00 p.m. Monday through Sunday
 - To violate any provisions of C.R.S. §§ 6-2-103, 6-2-105
 - To sell, possess, or permit sale of any medical marijuana not grown by the center, with the exception of 30% of inventory which may be sold to, or purchased by, another licensed MMC
 - For a physician who makes referrals to a center to receive anything of value in return
- Violations of this section are Class 2 misdemeanors, except for violations that would also be constitute a violation of C.R.S. Title 18, which will be charged and prosecuted as provided by Title 18

Part 10: Sunset Review

Sunset Review – Article Repeal § 12-43.3-1001

- This Article is repealed, effective July 1, 2015
- Prior to repeal, the Department of Regulatory Agencies shall conduct a sunset review as described in C.R.S. § 24-34-104(8)

Medical Marijuana Program – Powers and Duties of the State Health Agency § 25-1.5-106

- C.R.S. § 25-1.5-106 is amended as provided in this section
- Definitions
 - In addition to the definitions set forth in Colo. Const. Art XVIII § 14, “primary caregiver” means:

- A natural person other than the patient or the patient’s physician
 - 18 years or older
 - With significant responsibility for managing the well-being of a patient
- The Department of Health shall promulgate rules regarding the following:
 - The confidential registry of patients
 - Notification of law enforcement for suspended or revoked cards
 - Additional debilitating medical conditions to consider
 - Development of a waiver for the delivery of medicine to a homebound patient
- The Department of Health may promulgate rules regarding the following:
 - What constitutes significant management responsibility
 - Development of a form for primary caregivers including name, address, and an attestation to significant management responsibility
 - The development of a form constituting “written documentation” for a physician recommendation
 - The grounds and procedure for a change of primary caregiver
- The Department of Health shall conduct a public hearing with the Department of Revenue prior to 9/1/10 to receive input on emergency (temporary) rules
- Primary caregivers
 - May not delegate authority for patients nor engage others to assist in providing medical marijuana for patients
 - Two or more primary caregivers shall not join together for the purpose of cultivation
 - Shall provide to law enforcement upon inquiry the registry identification number for each patient
- Patient-Primary Caregiver Relationship
 - A primary caregiver may have no more than five patients at any time
 - Except as may be allowed by the Department of Health in exceptional circumstances
 - A patient shall have only one primary caregiver at any given time
 - A patient who has designated a primary caregiver for him/herself may not be designated primary caregiver for another patient
 - A primary caregiver may not charge a patient more than the cost of cultivating or purchasing medical marijuana
 - But, a primary caregiver may charge for other caregiver services
 - The Department of Health shall maintain a list of available primary caregivers for patients who cannot otherwise find one
 - An existing caregiver may indicate at the time of registration whether he or she would be willing to handle additional patients and waive confidentiality to allow release of contact information
 - A non-registered individual willing to be a primary caregiver may provide contact information to the primary caregiver registry

- If the Department of Health allows more than five patients for a caregiver, it shall be noted in the registry
- At the time a patient applies for a medical marijuana license the patient shall indicate
 - Whether the patient intends to cultivate his or her own medicine, obtain it from a MMC, primary caregiver, or both
 - If a Patient elects to use a licensed MMC, the patient shall register the primary center he or she intends to use
- Registry Identification Card
 - To be considered in compliance with the Amendment and the Code, a patient or primary caregiver shall have their registry identification card in their possession at all times while possessing medical marijuana
 - If more than 35 days have passed since filing the application, a copy with proof of date of submission will suffice until the Department of Health denies the application
 - A patient's card may be revoked if the patient and/or his or her primary caregiver or doctor violated either the Amendment or the Code
 - A patient or primary caregiver registry card shall be valid for one year and shall contain a unique registration number
 - The Department of Health shall develop a renewal form
 - If a waiver of the no delivery rule is granted, it shall be noted on the patient's card
 - A homebound patient who receives a waiver shall provide the primary caregiver with the patient's card which the caregiver shall carry while transporting medical marijuana
- Use of medical marijuana
 - A patient or primary caregiver shall not
 - Use medical marijuana in a way that would endanger public health or well-being
 - Use medical marijuana in plain view or in a place open to general public
 - Undertake any tasks that would constitute negligence or professional malpractice
 - Use or have medical marijuana on the grounds of a school or a school bus
 - Use medical marijuana in a correctional facility
 - Use medical marijuana subject to a sentence to incarceration
 - Use medical marijuana in a vehicle, aircraft or motorboat
 - Operate, navigate, or control a vehicle, aircraft, or motorboat while under the influence of medical marijuana
 - Use medical marijuana if the person does not have a debilitating medical condition diagnosed in the course of a bona fide physician-patient relationship
 - A person may not establish a business to permit patient to congregate and smoke or otherwise consume medical marijuana
- Limit on cultivation of medical marijuana

- Only patients, licensed primary caregivers, or MMCs and infused products manufacturers with a cultivation license may cultivate medical marijuana
- Affirmative Defense
 - A patient or primary caregiver that raises an affirmative defense for expanded medicine or plant amounts waives confidentiality as to the conditions that formed the basis for the physician’s expanded recommendation
- The Department of Health shall establish a basic fee for subpoenaing the agency and its officers or employees
- The Department of Health shall establish fees that shall reflect the direct and indirect costs of administration and enforcement of the Code
- C.R.S. § 25-5-403 is amended such that it does not apply to an infused products manufacturer so long as the products are labeled as required
- C.R.S. § 16-2.5-121 is amended to provide that the director of the Department of Revenue is responsible for administering the Code
- C.R.S. § 16-2.5-124.5 is amended to provide that a medical marijuana enforcement investigator is a law enforcement officer
- C.R.S. § 24-75-402 is amended to exempt the Medical Marijuana Cash Fund from certain state limitations
- C.R.S. § 39-26-102 is amended to add the definition of medical marijuana
- C.R.S. § 39-26-123(1) is amended to define sales tax for medical marijuana
- C.R.S. § 39-26-123 is amended to provide for an appropriation and sales tax holding fund
- C.R.S. § 25-14-203(16) is amended to define “smoking” as the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or medical marijuana
- C.R.S. § 24-34-104(46) is amended to provide that the State Licensing Authority shall terminate on July, 1, 2015
- C.R.S. § 24-72-202 is amended to provide that public records does not include state and local applications for cultivation licenses
- C.R.S. § 39-26-726 is amended to provide an exemption from sales tax for medical marijuana sales to indigent patients
- Appropriation
 - Appropriation amounts for the state medical marijuana program are established

- Severability
 - If any provision of the Code is held invalid, it shall not affect other provisions of the Code
- Specified Effective Date
 - Except as otherwise provided, the effective date of the Code is July 1, 2010
- Safety Clause
 - The legislature finds and declares that the Code is necessary for the immediate preservation of public peace, health, and safety

Conclusion

If you have any questions regarding the provisions of the Code, please contact our office. We remain available to assist you, including by providing ongoing advice and consultation. Additionally, we offer full representation with regard to all compliance matters and administrative and judicial proceedings.

In the meantime, please review our website, www.medicalmarijuanalawcolorado.com, for an up-to-the-minute news feed regarding medical marijuana in Colorado.