

HB1238_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.HB13-1238 be amended as follows:

1 Strike everything below the enacting clause and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 12-43.3-202, add
3 (3) as follows:

4 **12-43.3-202. Powers and duties of state licensing authority.**
5 (3) BY OCTOBER 31, 2013, THE STATE LICENSING AUTHORITY AND EACH
6 LOCAL LICENSING AUTHORITY FOR MEDICAL MARIJUANA SHALL PUBLISH
7 A REPORT ON ITS WEB SITE THAT SHOWS:

8 (a) THE NUMBER OF APPLICATIONS RECEIVED ON OR BEFORE
9 AUGUST 1, 2010, AND, OF THOSE APPLICATIONS, THE NUMBER OF LICENSES
10 GRANTED, THE NUMBER OF APPLICATIONS DENIED, THE NUMBER OF
11 APPLICATIONS PENDING, AND THE NUMBER OF APPLICATIONS WITHDRAWN;
12 AND

13 (b) THE NUMBER OF APPLICATIONS RECEIVED JULY 1, 2012,
14 THROUGH SEPTEMBER 30, 2013, AND, OF THOSE APPLICATIONS, THE
15 NUMBER OF LICENSES GRANTED, THE NUMBER OF APPLICATIONS DENIED,
16 THE NUMBER OF APPLICATIONS PENDING, AND THE NUMBER OF
17 APPLICATIONS WITHDRAWN.

18 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-305, amend
19 (2); and add (2.5) as follows:

20 **12-43.3-305. State licensing authority - application and**
21 **issuance procedures.** (2) The state licensing authority shall not issue a
22 state license TO A MEDICAL MARIJUANA CENTER, AN OPTIONAL PREMISES
23 CULTIVATION OPERATION, OR A MEDICAL MARIJUANA-INFUSED PRODUCTS
24 MANUFACTURER pursuant to this section ~~until the local licensing authority~~
25 ~~has approved the application for a local license and issued a local license~~
26 ~~as provided for in sections 12-43.3-301 to 12-43.3-303~~ UPON COMPLETION
27 OF THE APPLICABLE CRIMINAL HISTORY BACKGROUND CHECK ASSOCIATED
28 WITH THE APPLICATION, AND THE STATE LICENSE IS CONDITIONED UPON
29 LOCAL LICENSING AUTHORITY APPROVAL. A LICENSE APPLICANT IS
30 PROHIBITED FROM OPERATING A LICENSED MEDICAL MARIJUANA BUSINESS
31 WITHOUT BOTH STATE AND LOCAL LICENSING AUTHORITY APPROVAL. IF
32 THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING AUTHORITY
33 APPROVAL WITHIN ONE YEAR FROM THE DATE OF STATE LICENSING
34 AUTHORITY APPROVAL, THE STATE LICENSE SHALL EXPIRE AND MAY NOT
35 BE RENEWED. THE DENIAL OF AN APPLICATION BY THE LOCAL LICENSING
36 AUTHORITY MAY BE CONSIDERED AS A BASIS FOR THE STATE LICENSING
37 AUTHORITY TO REVOKE THE STATE-ISSUED LICENSE.



1 (2.5) AN APPLICANT THAT HAS BEEN PERMITTED TO OPERATE A
2 MEDICAL MARIJUANA BUSINESS UNDER THE PROVISIONS OF SECTION
3 12-43.3-103 (1) (b) AND HAS BEEN ISSUED A CONDITIONAL LICENSE BY THE
4 STATE LICENSING AUTHORITY PURSUANT TO SUBSECTION (2) OF THIS
5 SECTION MAY CONTINUE TO OPERATE THE BUSINESS WHILE AN
6 APPLICATION IS PENDING WITH THE LOCAL LICENSING AUTHORITY. IF THE
7 LOCAL LICENSING AUTHORITY DENIES THE LICENSE APPLICATION, THE
8 MEDICAL MARIJUANA BUSINESS SHALL CEASE OPERATIONS UPON
9 RECEIVING THE DENIAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL
10 LICENSING AUTHORITY APPROVAL WITHIN ONE YEAR FROM THE DATE OF
11 STATE LICENSING AUTHORITY APPROVAL, THE STATE LICENSE SHALL
12 EXPIRE AND SHALL NOT BE RENEWED. THE DENIAL OF AN APPLICATION BY
13 THE LOCAL LICENSING AUTHORITY MAY BE CONSIDERED AS A BASIS FOR
14 THE STATE LICENSING AUTHORITY TO REVOKE THE STATE-ISSUED LICENSE.

15 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-310, **amend**
16 (2), (3), (4), (6), (9) (b), and (12) as follows:

17 **12-43.3-310. Licensing in general.** (2) A medical marijuana
18 center, optional premises cultivation operation, or medical
19 marijuana-infused products manufacturer may not operate until it has
20 been licensed by ~~the local licensing authority and~~ the state licensing
21 authority pursuant to this article. IF THE STATE LICENSING AUTHORITY
22 ISSUES THE APPLICANT A STATE LICENSE AND THE LOCAL LICENSING
23 AUTHORITY SUBSEQUENTLY DENIES THE APPLICANT A LICENSE, THE STATE
24 LICENSING AUTHORITY MAY CONSIDER THE LOCAL LICENSING AUTHORITY
25 DENIAL AS A BASIS FOR THE REVOCATION OF THE STATE-ISSUED LICENSE.
26 In connection with a license, the applicant shall provide a complete and
27 accurate list of all owners, officers, and employees who ~~work at,~~ manage,
28 own, or are otherwise SUBSTANTIALLY associated with the operation and
29 shall provide a complete and accurate application as required by the state
30 licensing authority.

31 (3) A medical marijuana center, optional premises cultivation
32 operation, or medical marijuana-infused products manufacturer shall
33 notify the state licensing authority in writing within ten days after an
34 owner, officer, **MANAGER**, or employee ceases to work at, manage, own,
35 or otherwise be associated with the operation. The owner, officer,
36 **MANAGER**, or employee shall surrender ~~his or her~~ TO THE STATE
37 LICENSING AUTHORITY ANY identification card ~~to~~ THAT MAY HAVE BEEN
38 ISSUED BY the state licensing authority on or before the date of the
39 notification.

40 (4) A medical marijuana center, optional premises cultivation
41 operation, or medical marijuana-infused products manufacturer shall



1 notify the state licensing authority in writing of the name, address, and
2 date of birth of an owner, officer, OR manager ~~or employee~~ before the
3 new owner, officer, MANAGER, or employee, begins ~~working at,~~
4 ~~managing, owning, or being associated~~ ASSOCIATING with the operation.
5 The owner, officer, manager or employee shall pass a fingerprint-based
6 criminal history record check as required by the state licensing authority
7 and obtain the required identification prior to being associated with,
8 managing, owning, or working at the operation.

9 (6) All officers AND managers and employees of a medical
10 marijuana center, optional premises cultivation operation, or medical
11 marijuana-infused products manufacturer shall be residents of Colorado
12 upon the date of their license application. An owner shall meet the
13 residency requirements in section 12-43.3-307 (1) (m). ~~A local licensing~~
14 ~~authority shall not issue a license provided for in this article until that~~
15 ~~share of the license application fee due to the state has been received by~~
16 ~~the department of revenue.~~ All licenses granted pursuant to this article
17 shall be valid for a period not to exceed two years after the date of
18 issuance unless revoked or suspended pursuant to this article or the rules
19 promulgated pursuant to this article.

20 (9) (b) A local licensing authority shall not transfer location of or
21 renew a license to sell medical marijuana until the applicant for the
22 license produces PROVIDES VERIFICATION THAT a license WAS issued and
23 granted by the state licensing authority ~~covering the whole period for~~
24 ~~which a license or license renewal is sought~~ FOR THE PREVIOUS LICENSE
25 TERM. THE STATE LICENSING AUTHORITY SHALL NOT TRANSFER LOCATION
26 OF OR RENEW A STATE LICENSE UNTIL THE APPLICANT PROVIDES
27 VERIFICATION THAT A LICENSE WAS ISSUED AND GRANTED BY THE LOCAL
28 LICENSING AUTHORITY FOR THE PREVIOUS LICENSE TERM.

29 (12) Each licensee shall manage the licensed premises himself or
30 herself or employ a separate and distinct manager on the premises and
31 shall report the name of the manager to the state and local licensing
32 authorities. The licensee shall report any change in manager to the state
33 and local licensing authorities ~~thirty days~~ prior to the change pursuant to
34 ~~section 12-43.3-309~~ SUBSECTION (4) OF THIS SECTION.

35 **SECTION 4. Safety clause.** The general assembly hereby finds,
36 determines, and declares that this act is necessary for the immediate
37 preservation of the public peace, health, and safety."

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