

NOTE: The governor signed this measure on 4/4/2013.

# An Act

HOUSE BILL 13-1061

BY REPRESENTATIVE(S) Moreno, Duran, Fields, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, McCann, McLachlan, Melton, Pabon, Pettersen, Rosenthal, Schafer, Singer, Young;  
also SENATOR(S) Aguilar.

CONCERNING STANDARDS FOR RESPONSIBLE MEDICAL MARIJUANA VENDORS.

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article 43.3 of title 12 as follows:

## PART 11 RESPONSIBLE VENDOR STANDARDS

**12-43.3-1101. Responsible vendor program - standards - designation - program.** (1) A PERSON WHO WANTS TO OFFER A RESPONSIBLE MEDICAL MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM MUST SUBMIT AN APPLICATION TO THE STATE LICENSING AUTHORITY FOR APPROVAL, WHICH PROGRAM IS REFERRED TO IN THIS PART 11 AS AN "APPROVED TRAINING PROGRAM". THE STATE LICENSING AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL APPROVE THE SUBMITTED PROGRAM IF THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SUBMITTED PROGRAM MEETS THE MINIMUM CRITERIA DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL REVIEW EACH SUBMITTED PROGRAM AND SHALL PROVIDE THE STATE LICENSING AUTHORITY WITH THE DEPARTMENT'S ANALYSIS OF WHETHER THE PORTIONS OF THE PROGRAM RELATED TO THE DEPARTMENT'S OVERSIGHT MEET THE MINIMUM CRITERIA DESCRIBED IN THIS SECTION.

(2) AN APPROVED TRAINING PROGRAM SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING STANDARDS AND SHALL BE TAUGHT IN A CLASSROOM SETTING IN A MINIMUM OF A TWO-HOUR PERIOD:

(a) PROGRAM STANDARDS THAT SPECIFY, AT A MINIMUM, WHO MUST ATTEND, THE TIME FRAME FOR NEW STAFF TO ATTEND, RECERTIFICATION REQUIREMENTS, RECORD KEEPING, TESTING AND ASSESSMENT PROTOCOLS, AND EFFECTIVENESS EVALUATIONS; AND

(b) A CORE CURRICULUM OF PERTINENT STATUTORY AND REGULATORY PROVISIONS, WHICH CURRICULUM INCLUDES, BUT NEED NOT BE LIMITED TO:

(I) INFORMATION ON REQUIRED LICENSES, AGE REQUIREMENTS, PATIENT REGISTRY CARDS ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAINTENANCE OF RECORDS, PRIVACY ISSUES, AND UNLAWFUL ACTS;

(II) ADMINISTRATIVE AND CRIMINAL LIABILITY AND LICENSE AND COURT SANCTIONS;

(III) STATUTORY AND REGULATORY REQUIREMENTS FOR EMPLOYEES AND OWNERS;

(IV) ACCEPTABLE FORMS OF IDENTIFICATION, INCLUDING PATIENT REGISTRY CARDS AND ASSOCIATED DOCUMENTS AND PROCEDURES; AND

(V) LOCAL AND STATE LICENSING AND ENFORCEMENT, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED TO, KEY STATUTES AND RULES AFFECTING PATIENTS, OWNERS, MANAGERS, AND EMPLOYEES.

(3) A PROVIDER OF AN APPROVED TRAINING PROGRAM SHALL

MAINTAIN ITS TRAINING RECORDS AT ITS PRINCIPAL PLACE OF BUSINESS DURING THE APPLICABLE YEAR AND FOR THE PRECEDING THREE YEARS, AND THE PROVIDER SHALL MAKE THE RECORDS AVAILABLE FOR INSPECTION BY THE LICENSING AUTHORITY DURING NORMAL BUSINESS HOURS.

**12-43.3-1102. Responsible vendor - designation.** (1) (a) A MEDICAL MARIJUANA BUSINESS LICENSED PURSUANT TO THIS ARTICLE MAY RECEIVE A RESPONSIBLE VENDOR DESIGNATION FROM THE PROGRAM VENDOR AFTER SUCCESSFULLY COMPLETING A RESPONSIBLE MEDICAL MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM APPROVED BY THE STATE LICENSING AUTHORITY. A RESPONSIBLE VENDOR DESIGNATION IS VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE.

(b) SUCCESSFUL COMPLETION OF AN APPROVED TRAINING PROGRAM IS ACHIEVED WHEN THE PROGRAM HAS BEEN ATTENDED BY AND, AS DETERMINED BY THE PROGRAM PROVIDER, SATISFACTORILY COMPLETED BY ALL EMPLOYEES SELLING AND HANDLING MEDICAL MARIJUANA, ALL MANAGERS, AND ALL RESIDENT ON-SITE OWNERS, IF ANY.

(c) IN ORDER TO MAINTAIN THE RESPONSIBLE VENDOR DESIGNATION, THE LICENSED MEDICAL MARIJUANA BUSINESS MUST HAVE EACH NEW EMPLOYEE WHO SELLS OR HANDLES MEDICAL MARIJUANA, MANAGER, OR RESIDENT ON-SITE OWNER ATTEND AND SATISFACTORILY COMPLETE A RESPONSIBLE MEDICAL MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM WITHIN NINETY DAYS AFTER BEING EMPLOYED OR BECOMING AN OWNER. THE LICENSED MEDICAL MARIJUANA BUSINESS SHALL MAINTAIN DOCUMENTATION OF COMPLETION OF THE PROGRAM BY NEW EMPLOYEES, MANAGERS, OR OWNERS.

(2) A LICENSED MEDICAL MARIJUANA BUSINESS THAT RECEIVES A RESPONSIBLE VENDOR DESIGNATION FROM THE PROGRAM VENDOR SHALL MAINTAIN INFORMATION ON ALL PERSONS LICENSED PURSUANT TO THIS ARTICLE WHO ARE IN ITS EMPLOYMENT AND WHO HAVE BEEN TRAINED IN AN APPROVED TRAINING PROGRAM. THE INFORMATION INCLUDES THE DATE, PLACE, TIME, AND DURATION OF TRAINING AND A LIST OF ALL LICENSED PERSONS ATTENDING EACH SPECIFIC TRAINING CLASS, WHICH CLASS INCLUDES A TRAINING EXAMINATION OR ASSESSMENT THAT DEMONSTRATES PROFICIENCY.

(3) IF A LOCAL OR STATE LICENSING AUTHORITY INITIATES AN

ADMINISTRATIVE ACTION AGAINST A LICENSEE WHO HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION AND HAS BEEN DESIGNATED A RESPONSIBLE VENDOR, THE LICENSING AUTHORITY SHALL CONSIDER THE DESIGNATION AS A MITIGATING FACTOR WHEN IMPOSING SANCTIONS OR PENALTIES ON THE LICENSEE.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO