AMENDMENT 64
IMPLEMENTATION TASK FORCE

January 22nd, 2013

TODAY'S AGENDA

Topic	Start	Finish	Owner
Welcome and Introductions	1:00 PM	1:10 PM	Co-Chairs
Setting Expectations on the Final Report and Key Timelines	1:10 PM	1:25 PM	Co-Chairs
Approval of the Guiding Principles	1:25 PM	1:40 PM	Taskforce Discussion
Overview of the Recommendation Structure	1:40 PM	2:00 PM	Co-Chairs
Working Group Reports	2:00 PM	4:20 PM	Working Group Chairs
Overlapping Issues	4:20 PM	4:40 PM	Co-Chairs
Public Comment	4:40 PM	5:00 PM	Public

Expectations on the Report

Expectations

- Identification of the legal, policy and procedural issues that need to be resolved, and to offer suggestions and proposals for legislative, regulatory and executive actions to be taken.
- Development of a comprehensive framework and timeline for legislation and regulations needed to implement Amendment 64.
- Produce recommendations for changes to all applicable laws and regulations.
- Our role is not to make the rules or pass legislation.

Report Structure

1. Transmittal Letter to the Governor, Legislature and Attorney General
3. Task Force Membership
4. Executive Summary
5. Overview of the Amendment
6. Guiding Principle Framework
7. Working Group Definitions (how the work was organized and why)
8. Overview of the Process for Identifying Issues and Creating Recommendations
9. Recommendations
10. Appendix: The Amendment
11. Appendix: Task Force Executive Order

Process and Timelines

- Working groups will develop recommendations
- Working groups will use the template to draft recommendations
- Working groups will submit recommendations to the Task Force Co-Chairs
- Task Force will formally review and approve recommendations
- Intention to build consensus but if necessary majority will rule

January 22 Taskforce Meeting

1. Review the Report Structure (Expectations)
2. Approval of the Guiding principles
3. Recommendation structure and templates
4. Review and potential approval of any recommendations that are ready

February 5 Meeting

1. Review and approval of proposed recommendations

February 19 Meeting

1. Review of the Report Executive Summary
2. Review and approval of proposed recommendations

February 28 Meeting

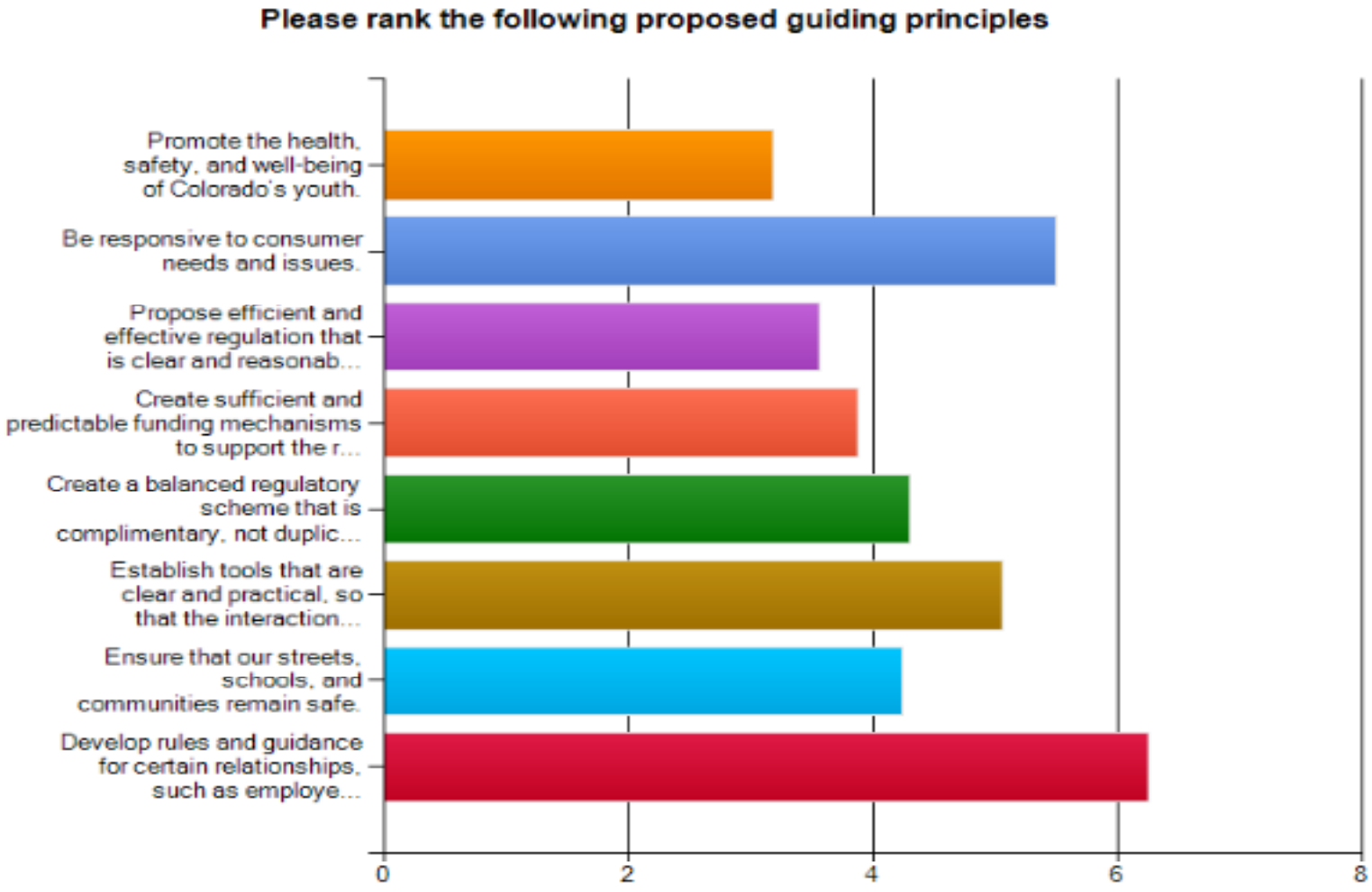
1. Final approval of the recommendations for inclusion in to the report.

PROPOSED GUIDING PRINCIPLES

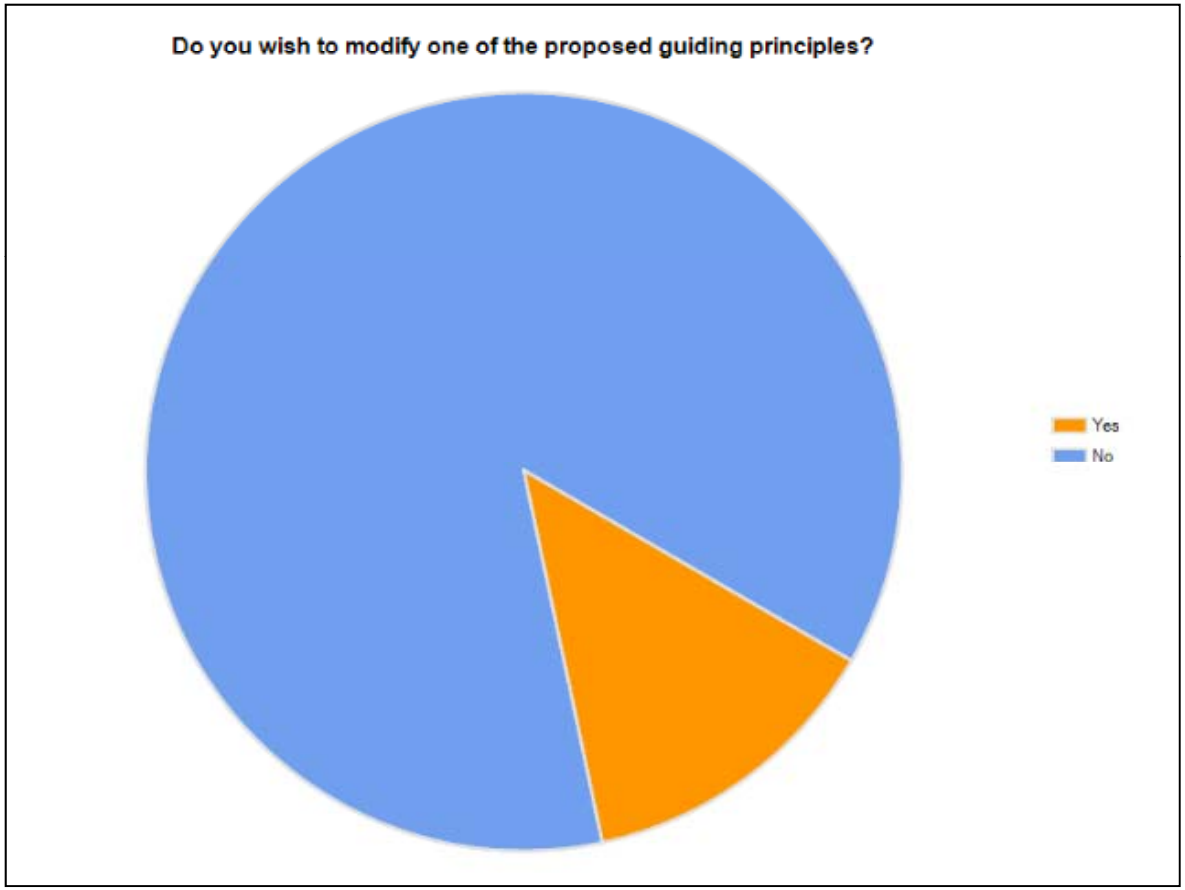
We identified the following guidelines for our report.

- Promote the health, safety, and well-being of Colorado's youth.
- Be responsive to consumer needs and issues.
- Propose efficient and effective regulation that is clear and reasonable, and not unduly burdensome.
- Create sufficient and predictable funding mechanisms to support the regulatory and enforcement scheme.
- Create a balanced regulatory scheme that is complimentary, not duplicative, and clearly defined between state and local licensing authorities.
- Establish tools that are clear and practical, so that the interactions between law enforcement, consumers, and licensees are predictable and understandable.
- Ensure that our streets, schools, and communities remain safe.
- Develop rules and guidance for certain relationships, such as employers and employees, landlords and tenants, students and professors, that are clear and transparent.

Summary of Ranking of the Principles



Suggestions to Modify Principles

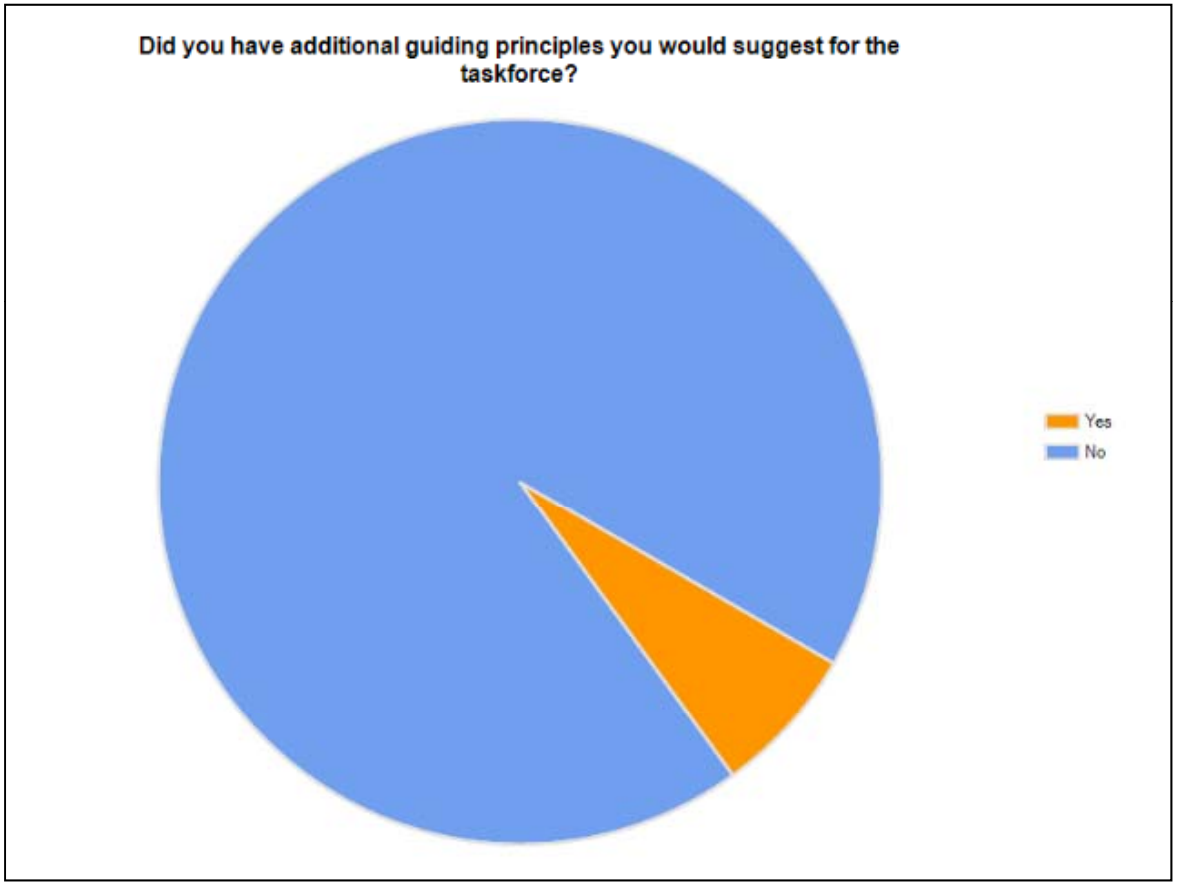


86% of respondents agreed with the principles as written.

One modification included:

Take action which is responsive to the will of the electorate in a way that is faithful to the plain language of the Colorado Constitution.

Suggestions to Add a Principle



93% of respondents agreed there was not a need to add another principle.

One suggested including adding the following principle:

Be responsible and thoughtful in creating regulation of the over 400 businesses and the patients that currently exist in the medical marijuana industry.

RECOMMENDATION STRUCTURE

1. Each recommendation is numbered and provides a high level statement of purpose. Recommendations should be clear and concise and should have a summary description.
2. Each recommendation should be relevant to the Amendment.
3. Each recommendation should be aligned to identified issues.
4. Each recommendation is structured according to the working group category.
5. Each recommendation is in alignment with the guiding principles. This is basically why the recommendation is made or needed.
6. Each recommendation is organized by implementation priority (foundational vs. dependent)
7. Each recommendation identifies ownership for implementation – legislature, state agency, local government, etc.
8. Each recommendation outlines a high level cost impact – (high, medium, low)
9. Each recommendation should provide a general timeline for implementation.
10. Recommendations that have a dissenting opinion should include a summary of this dissenting opinion.

Recommendation 1 : Tax/Funding and Civil Law Issues Working Group

- **Recommendation:** The Amendment 64 Task Force recommends the General Assembly take no action on any bills that may affect marijuana business banking until April 1, 2013. If, however, no federal response has been received by April 1, 2013, the Amendment 64 Task Force recommends the General Assembly consider any other options offered before the end of the First Session of the 69th General Assembly. The Amendment 64 Task Force cannot suggest state legislation that resolves the issue.

Recommendation 2: Tax/Funding and Civil Law Issues Working Group

- **Recommendation:** In order to maximize transparency, accountability, and public safety the Amendment 64 Task Force recommends that as soon as practicable, the Governor, the Attorney General, and groups representing state based financial institutions, the state marijuana industry and state business interests jointly request that the President of the United States, the US Department of Treasury and any other appropriate federal agency modify federal regulations, including Bank Secrecy Act regulations, to ensure that businesses engaged in the lawful cultivation and retail distribution of marijuana pursuant to Article XVIII section 14 and Article XVIII section 16 of the Colorado Constitution are able to access banking services, and provide guidance on their intention to enforce federal regulatory and criminal laws against depository or lending institutions doing business in Colorado with marijuana businesses that are in strict compliance with Colorado law. The request should include a deadline of March 31, 2013, to ensure time for the Colorado General Assembly to consider any other options during the 2013 session in the event we receive no response.

- Further, the Amendment 64 Task Force recommends that the Governor make each member of the Colorado Congressional Delegation aware of the request to the President of the United States and separately request their assistance in obtaining a timely response from the relevant federal entities, including the President, and that they seek passage of federal legislation that would address the problem. The Colorado Congressional Delegation should review and consider re-introduction during 113th Congress of bills such as House Bill 1984 (112th Congress)(Small Business Banking Improvement Act of 2011) and any additional federal legislation necessary to alleviate the possibility of federal enforcement on otherwise legal activity in the State of Colorado. The Amendment 64 Task Force is unaware of any comprehensive federal legislation that would resolve the issue.

Recommendation 3: Tax/Funding and Civil Law Issues Working Group

- **Recommendation:** The Amendment 64 Task Force recommends that the Governor of Colorado contact and attempt to create a bi-partisan consensus among other state governors to obtain a federal response to the letter regarding banking.

Recommendation 1:
CRIMINAL LAW ISSUES WORKING GROUP

- **Recommendation:** The Amendment 64 Implementation Task Force should not revisit the issue of a presumptive THC level for adults as to the offense of Driving Under the Influence of Drugs (DUID).

Recommendation 2:
CRIMINAL LAW ISSUES WORKING GROUP

- **Recommendation:** The Amendment 64 Implementation Task Force should not address the cultivation, processing, and sale of industrial hemp.

Over-Lapping Issues for Discussion

- The issue of financial banking is a component that should be addressed as part of the regulatory framework (we understand that this issue is being addressed by the tax/funding/civil law issues working group).
- Licensing model impacts and how it impacts local authority (overlap with local authority working group).
- Understand and assess the environmental impact of the industry (we believe this is beyond our scope and should be considered by the consumer safety/social issues working group).
- Will insurance companies determine if the will cover medical marijuana in their prescription policies (we believe this issue is beyond the scope of our working group...may fit with consumer safety/social issues working group).
- What are the impacts of Amendment 64 on means-tested programs such as Medicaid (we believe this is beyond the scope of our working group...may fit with consumer safety/social issues working group).

Over-Lapping Issues for Discussion

- What is the funding model for regulation and enforcement (we believe this is beyond the scope of our working group and is being addressed by the tax/funding/civil law issues working group).
- How does the state regulate personal growth (we believe this is beyond the scope of our working group and may be more appropriately addressed by the criminal law issues working group).
- There needs to be a definition for "growing openly or publicly" (we believe this is beyond the scope of our working group and is being addressed by the criminal law issues working group).
- Can the state develop emergency funding for program implementation (we believe this is beyond the scope of our working group and is being addressed by the tax/funding/civil law issues working group).

Additionally, there are several issues which may be in direct conflict with the Amendment that may warrant further discussion by the task force:

- Consider whether tracking mechanisms are needed for recreational purchasers and users.
- What are the tracking mechanisms and are they relevant in the framework?

PUBLIC COMMENT

- Each person will have approximately 2 minutes. We will be keeping strict time keeping to ensure everyone who wishes may have a chance to speak
- Please be polite and do not interrupt others.
- We ask people to hold applause or dissent- please show respect all opinions.
- Please note that you may not give your 2 minutes to another person.