



Compliance Tip

December 22, 2017

Topic: Medical Marijuana Patient Registration of a Primary Medical Marijuana Center

Applicable Rules: Rule M 402, 1 CCR 212-1

Tips:

This Compliance Tip is intended to provide guidance regarding medical marijuana patient (“patient”) registration of a new Medical Marijuana Center (“Center”), including circumstances under which a patient is documented as having designated another Center as the patient’s primary Center.

The guidance offered below provides clarification of the application of the current permanent Medical Marijuana Rules, 1 CCR 212-1 (“Current Rules”), as well as the recently Adopted Medical Marijuana Rules, which will become effective on January 1, 2018 (“Adopted Rules”). The Current Rules and Adopted Rules are available at the MED website at:

- Current Rules:
https://www.colorado.gov/pacific/sites/default/files/Medical_AdoptedRules02017-00440.pdf
- Adopted Rules:
<https://www.colorado.gov/pacific/enforcement/2017-med-rulemaking>.

Prospective Centers seeking to register a patient pursuant to the patient’s request to change his or her designated primary Center from a former and now unresponsive Center should take the following actions:

- Take all reasonable measures necessary to verify that the patient has not designated another Center as his or her primary Center in the preceding 30 days. Pursuant to Current Rule and Adopted Rule M 402(B), 1 CCR 212-1, a prospective Center shall require that a patient sign in writing that he or she has not designated another Center as his or her primary Center in the preceding 30 days. Additional measures include identification in the Inventory Tracking System of the date of a patient’s registration at any currently registered Center;
- Upon information that a Center with which a patient has registered in the preceding 30 days has ceased operations, including but not limited to a cessation of operations pursuant to an order issued by the State Licensing Authority or local licensing authority, a prospective Center is permitted to register the patient under such circumstances. The prospective Center shall take and document all reasonable measures necessary to verify the other Center’s cessation of operations prior to registering the patient;

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- Until January 1, 2018, a prospective Center shall maintain a written record of a patient's and any current Center's answers to questions pursuant to Current Rule M 402(C). Adopted Rule M 402(C), 1 CCR 212-1, effective January 1, 2018, eliminates this requirement;
- Pursuant to Adopted Rule M 402(C), 1 CCR 212-1, send written or electronic notification to the patient's current Center advising that the prospective Center has been designated as the patient's primary Center, and maintain a copy of such written or electronic communication. Compliance with Adopted Rule M 402(C) does not require the prospective Center to receive a response from the formerly designated Center; and
- Maintain written authorization from the patient, any relevant plant count waiver to support the number of plants designated to that patient, a copy of the patient's registry card, and a copy of the patient's proof of identification, as required by Adopted Rule M 402(D).

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