



Compliance Tip

June 21, 2019

Topic: Clarification for Medical Center and Optional Premises Cultivation Licensees

Applicable Statutory Sections/Rule Series: Colorado Revised Statutes 44-11-402, 44-11-403, and Medical Marijuana Rules, M 400 & 500 series.

Tips:

- As of July 1, 2019 a Medical Marijuana Center (MMC) license is no longer required to be vertically integrated with an Optional Premises Cultivation (OPC) license. Therefore MMC's registered patients will no longer determine the number of plants that an OPC license can cultivate.
- Instead, MED will place each OPC license into a Production Management Class determined by their average 2018 plant count. Relevant details can be found in MED Rule M 507 (C)(1). Also, the on hand inventory limit for an OPC license is determined according to MED Rule 507 (D). If an OPC licensee has a question about the Production Management Class they have been placed into, they can send an email to dor_medinformation@state.co.us.
- Another related change effective July 1, 2019 is that MMC licenses are no longer subject to the 50% transfer restriction found in MED Rule M 403 (A).
- Although the OPC plant count is no longer tied to registered patients, MMC licenses will register patients for the following reasons:
 - Patients with a physician recommendation of over two ounces who wish to purchase more than two ounces must designate the MMC as their primary center according to MED Rule M 403 (D).
 - MED Rule M 403 (A.6) provides two different mechanisms to determine the on-hand possession limit for MMC licenses:
 - First option, MMC licenses may possess up to twice the total ounces of all of its registered patient's recommended ounce count.
 - The other option is the possession limit can be determined based on the total ounces sold to patients in the previous 30 calendar days. This will be a rolling 30 days, therefore MMC licenses using this method to determine their allowed possession limit should be aware that the limit can change daily.
- MED Rule M 402 (D) provides the documents that must be maintained as part of the patient's registration with a primary MMC.

If there are other more general questions related to this Compliance Tip or other related rule changes that impact MMC's or OPC's please contact dor_medinquiry@state.co.us