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## **SUMMARY OF HB 11-1043**

- **Requires all medical marijuana businesses to comply with the Medical Marijuana Code and its implementing regulations by July 1st, 2011.**
- **Extends the state-wide moratorium until July 1st, 2012, but allows MMED to begin denying licenses.**
- **Allows new businesses 90 days to certify they are growing seventy percent of their marijuana.**
- **For those who receive licenses, the licensee may apply to change their license and/or for a completely new license if they are purchasing a pre-existing license.**
- **Allows license applicants who were banned by their local jurisdiction to transfer their location to a new city or county while their state application is pending.**
- **Clarifies that licensees are not subject to the terms of section 14 of article XVIII of the state constitution (Amendment 20).**
- **Defines “immature plant” as a plant that is in a 2 x 2 inch growing container.**
- **Defines the city council, board of county commissioner, or other similar local governing body as the local licensing authority if none is appointed.**
- **Clarifies that medical marijuana is subject to taxation unlike prescribed and over-the-counter medications.**
- **Authorizes cities and counties to extend their moratorium until June 30th, 2012.**
- **Clarifies that public hearing on license denials shall be reserved for contested denials and not all denials.**
- **Tasks the MMED with keeping confidential any information revealing how much marijuana is sold and any patient information except for a state or local law enforcement purpose.**
- **Patient information can only be released to verify that a person with a registry card is lawfully in possession of that card.**
- **Permits localities to have public hearings on OPC and MIP licenses in addition to MMC licenses.**
- **Permits the State Licensing Authority to deny a license for “good cause”.**
- **Clarifies that an applicant who is denied has the right to a hearing and judicial review.**
- **Prohibits a person from obtaining a license if they have a felony conviction related to manufacturing and cultivation in addition to possession, use and distribution.**
- **Permits an employee who has a felony for possession or use of a controlled substance to be permitted to obtain an employee license if the felony would not be felony if the person was charged today.**
- **Changes the two year residency requirement to only apply to owners.**
- **Permits the local licensing authority to have access to the same criminal justice information as the state licensing authority.**
- **Clarifies that all officers, managers, and employees have to be residents on the date of their application.**

- Removes the confidentiality of the location of OPCLs under the Colorado Open Records Act.
- Permits Centers to sell six immature plants to a patient and more if the patient has an expanded plant count recommendation. In which case the center may sell up to half the patients expanded plant count.
- Permits Centers to sell immature plants to caregivers, MMCs, and MIPs, pursuant to the rules promulgated by the MMED.
- Clarifies that MIPS cannot sell immature plants.
- Permits the Director of the MMED to grant waivers for a MMC to sell or purchase more than 30 percent of its on-hand inventory to another medical marijuana licensee if there is a catastrophic event or if it's a new medical marijuana center licensee.
- Permits an MMC between the hours of 8a.m. to 5p.m. to sell medical marijuana to a patient who has not yet received a medical marijuana registry card from the CDPHE if the Center verifies the patients application has not been denied.
- Authorizes Centers to confiscate applications of patients whose application has been denied by the CDPHE.
- Permits the use of automated machines to sell medical marijuana in a licensed premise if it complies with the rules promulgated by the MMED.
- Clarifies that a MMC may provide medicine for testing to a laboratory.
- Permits a Laboratory to develop, test, and produce medical marijuana based products and to contract the development of such products to a MMC or MIP.
- Mandates that the MMED create standards for testing and quality control, including calibration and chemical identification.
- Prohibits a laboratory from having an interest in a MMC or MIP.
- Permits a medical marijuana center to sell below cost or donate medical marijuana, immature plants, or infused products to a patient who has been designated as indigent.
- Permits Medical Marijuana Centers and Infused Products Manufacturers to share an OPCL if there is common ownership amongst all the licensees.
- Clarifies that the labeling of Medical Marijuana Infused Products is a matter of statewide concern.
- Limits MIPS from growing more than 500 plants in their OPCL unless they receive a waiver.
- Permits a MIP to supply a sample of its product to a laboratory.
- Clarifies that all licensee consent to the terms of Medical Marijuana Code and its implementing regulations in relation to administrative searches and seizures.
- Clarifies that state or local law enforcement do not have to maintain medical marijuana or infused products seized from a licensee.
- Prohibits state or local law enforcement from selling seized medical marijuana.
- Permits the State Licensing Authority to designate medical marijuana as illegal contraband, seize it, and destroy it all pursuant to rules that must be promulgated by January 1st, 2012.
- Permits the Licensee to file a stay of the destruction of their property in Denver District Court within 15 days of the agency order all pursuant to rules that must be promulgated by January 1st, 2012.
- Requires the State Licensing Authority to notify the local District Attorney before destroying any medical marijuana to provide the DA an opportunity to file criminal charges all pursuant to rules that must be promulgated by January 1st, 2012.
- Prohibits the burning of or destroying of marijuana or infused products for the purpose of evading an investigation or preventing seizure.
- Prohibits the abandoning of the license or ceasing operating without prior notification to the MMED 48 hours in advance with assurance that all medical marijuana and infused products will be destroyed.

- Clarifies that violating the rules promulgated by MMED is a class 2 misdemeanor.
- Prohibits a law enforcement officer from using patient information to make a traffic stop to investigate if the patient is driving under the influence.
- Removes the location of a registered caregiver grow from the definition of public record.
- Clarifies that a doctor must have an unrestricted and unconditioned license to write a recommendation for medical marijuana unless the doctor's license is issued after July 1st, 2011 in such case the Doctor is only prohibited from writing medical marijuana recommendation if the license so states.
- Requires all caregivers, who cultivate medical marijuana for his or her patients, register the location of their cultivation operation with state MMED.
- Mandates that the information provided to the state MMED by a caregiver not be provided to the public and remain confidential.
- Allows the MMED to verify cultivation location with local law enforcement only upon an address specific request.
- Requires that all cultivation location comply with all applicable local laws, rules, or regulations.
- Expands the definition of indigent to include all individuals whose prior year's income was less than 185% of the federal poverty as shown by a certified copy of the individual's state tax returns.
- Clarifies that land used to grow medical marijuana is not agricultural land for the purposes of property tax.
- Earmarks half the taxes from licensed businesses to the CIRCLE Program in Pueblo.
- Clarifies that restrictions on a Doctor's license should state whether or not the restriction prohibits the physician from making medical marijuana recommendations.
- Permits the MMED to enforce the confidentiality of patient records.
- Defines Medical Marijuana Services as medical records in turn making it a crime to steal or misuse them.
- Criminalizes the act of releasing or making public a patient's medical record or other confidential information provided by the patient to the business without the written consent of the patient.
- Requires medical marijuana licensees to provide patient information to the State or Local law enforcement for review upon request if the request is for an official law enforcement purpose.
- Defines Medical Marijuana Patient Records as medical data for the purpose of the Colorado Open Records Act, effectively excluding them from review by the public.