

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0579.01 Michael Dohr x4347

HOUSE BILL 13-1061

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HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

(None),

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House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING STANDARDS FOR RESPONSIBLE MEDICAL MARIJUANA  
102 VENDORS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

A person who wants to operate a responsible medical marijuana vendor server and seller training program (program) must submit an application to the medical marijuana state licensing authority (authority). The authority shall approve a program if the program contains, at a minimum, the following components:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- ! 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
- ! A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes:
  - ! 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;
  - ! Administrative and criminal liability and license and court sanctions;
  - ! Statutory and regulatory requirements for employees and owners;
  - ! Acceptable forms of identification, including patient registry cards and associated documents and procedures; and
  - ! 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.

The authority may grant a licensed medical marijuana business (business) a responsible vendor designation (designation). A business receives the designation if all employees who sell or handle medical marijuana, all managers, and all resident on-site owners successfully complete a program that the authority has approved. A designation is valid for 2 years from the date of issuance. If the authority brings an administrative action against a business that has received the designation, the authority shall consider the designation as mitigation.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article  
3 43.3 of title 12 as follows:

4                                   PART 11

5                                   RESPONSIBLE VENDOR STANDARDS

6           **12-43.3-1101. Responsible vendor program - standards -**  
7 **designation - program.** (1) A PERSON WHO WANTS TO OFFER A  
8 RESPONSIBLE MEDICAL MARIJUANA VENDOR SERVER AND SELLER

1 TRAINING PROGRAM MUST SUBMIT AN APPLICATION TO THE STATE  
2 LICENSING AUTHORITY FOR APPROVAL, WHICH PROGRAM IS REFERRED TO  
3 IN THIS PART 11 AS AN "APPROVED TRAINING PROGRAM". THE STATE  
4 LICENSING AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT OF  
5 PUBLIC HEALTH AND ENVIRONMENT, SHALL APPROVE THE SUBMITTED  
6 PROGRAM IF THE SUBMITTED PROGRAM MEETS THE MINIMUM CRITERIA  
7 DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT OF  
8 PUBLIC HEALTH AND ENVIRONMENT SHALL REVIEW EACH SUBMITTED  
9 PROGRAM AND SHALL PROVIDE THE STATE LICENSING AUTHORITY WITH  
10 THE DEPARTMENT'S ANALYSIS OF WHETHER THE PORTIONS OF THE  
11 PROGRAM RELATED TO THE DEPARTMENT'S OVERSIGHT MEET THE  
12 MINIMUM CRITERIA DESCRIBED IN THIS SECTION.

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

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

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

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

27 (II) ADMINISTRATIVE AND CRIMINAL LIABILITY AND LICENSE AND

1 COURT SANCTIONS;

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

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

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

9 (3) A PROVIDER OF AN APPROVED TRAINING PROGRAM SHALL  
10 MAINTAIN ITS TRAINING RECORDS AT ITS PRINCIPAL PLACE OF BUSINESS  
11 DURING THE APPLICABLE YEAR AND FOR THE PRECEDING THREE YEARS,  
12 AND THE PROVIDER SHALL MAKE THE RECORDS AVAILABLE FOR  
13 INSPECTION BY THE LICENSING AUTHORITY DURING NORMAL BUSINESS  
14 HOURS.

15 **12-43.3-1102. Responsible vendor - designation.** (1) (a) A  
16 MEDICAL MARIJUANA BUSINESS LICENSED PURSUANT TO THIS ARTICLE  
17 MAY RECEIVE A RESPONSIBLE VENDOR DESIGNATION FROM THE STATE  
18 LICENSING AUTHORITY AFTER SUCCESSFULLY COMPLETING A RESPONSIBLE  
19 MEDICAL MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM  
20 APPROVED BY THE STATE LICENSING AUTHORITY. A RESPONSIBLE VENDOR  
21 DESIGNATION IS VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE.

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

27 (c) IN ORDER TO MAINTAIN THE RESPONSIBLE VENDOR

1 DESIGNATION, THE LICENSED MEDICAL MARIJUANA BUSINESS MUST HAVE  
2 EACH NEW EMPLOYEE WHO SELLS OR HANDLES MEDICAL MARIJUANA,  
3 MANAGER, OR RESIDENT ON-SITE OWNER ATTEND AND SATISFACTORILY  
4 COMPLETE A RESPONSIBLE MEDICAL MARIJUANA VENDOR SERVER AND  
5 SELLER TRAINING PROGRAM WITHIN NINETY DAYS AFTER BEING EMPLOYED  
6 OR BECOMING AN OWNER. THE LICENSED MEDICAL MARIJUANA BUSINESS  
7 SHALL PROVIDE TO THE STATE LICENSING AUTHORITY DOCUMENTATION OF  
8 COMPLETION OF THE PROGRAM BY NEW EMPLOYEES, MANAGERS, OR  
9 OWNERS WITHIN FIFTEEN DAYS AFTER THE NEW EMPLOYEE, MANAGER, OR  
10 OWNER COMPLETES THE COURSE.

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

20 (3) IF A LOCAL OR STATE LICENSING AUTHORITY INITIATES AN  
21 ADMINISTRATIVE ACTION AGAINST A LICENSEE WHO HAS COMPLIED WITH  
22 THE REQUIREMENTS OF THIS SECTION AND HAS BEEN DESIGNATED A  
23 RESPONSIBLE VENDOR, THE LICENSING AUTHORITY SHALL CONSIDER THE  
24 DESIGNATION AS A MITIGATING FACTOR WHEN IMPOSING SANCTIONS OR  
25 PENALTIES ON THE LICENSEE.

26 **SECTION 2. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2014 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.