

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0579.01 Michael Dohr x4347

HOUSE BILL 13-1061

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

(None),

House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR RESPONSIBLE MEDICAL MARIJUANA**
102 **VENDORS.**

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.

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 PROGRAM
18 VENDOR AFTER SUCCESSFULLY COMPLETING A RESPONSIBLE MEDICAL
19 MARIJUANA VENDOR SERVER AND SELLER TRAINING PROGRAM APPROVED
20 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 MAINTAIN DOCUMENTATION OF COMPLETION OF THE PROGRAM BY
8 NEW EMPLOYEES, MANAGERS, OR OWNERS.

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

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

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2014 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.