

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0330.01 Alana Rosen x2606

HOUSE BILL 21-1058

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HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

Gonzales,

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House Committees

Business Affairs & Labor  
Finance

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO PROMOTE SOCIAL DISTANCING FOR LEGAL  
102 MARIJUANA, AND, IN CONNECTION THEREWITH, MODIFYING THE  
103 PHYSICAL EXAMINATION PROCEDURE TO OBTAIN A MEDICAL  
104 MARIJUANA CARD AND REPEALING THE PROHIBITION ON  
105 SELLING RETAIL MARIJUANA PRODUCTS ONLINE AND TO A  
106 PERSON NOT PHYSICALLY PRESENT IN THE RETAIL MARIJUANA  
107 STORE'S LICENSED PREMISES.

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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://leg.colorado.gov>.)*

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

Under current law, a physician is required to conduct an in-person physical examination of a person prior to certifying that the person would benefit from medical marijuana. The bill permits a physician to treat, counsel, and conduct appropriate personal physical examinations, in person or remotely via telephone or video conference, to establish a bona fide physician-patient relationship with a patient seeking a medical marijuana card.

Under current law, retail marijuana stores are prohibited from selling retail marijuana and retail marijuana products online and to a person not physically present in the retail marijuana store's licensed premises. The bill repeals this prohibition.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-106, **amend**  
3 (2)(a.5)(I) and (2)(a.5)(III); and **add** (5)(f) as follows:

4 **25-1.5-106. Medical marijuana program - powers and duties**  
5 **of state health agency - rules - medical review board - medical**  
6 **marijuana program cash fund - subaccount - created - "Ethan's**  
7 **Law" - definitions - repeal. (2) Definitions.** In addition to the  
8 definitions set forth in section 14 (1) of article XVIII of the state  
9 constitution, as used in this section, unless the context otherwise requires:

10 (a.5) "Bona fide physician-patient relationship", for purposes of  
11 the medical marijuana program, means:

12 (I) A physician and a patient have a treatment or counseling  
13 relationship, in the course of which the physician has completed a full  
14 assessment of the patient's medical history, including reviewing a  
15 previous diagnosis for a debilitating or disabling medical condition, and  
16 current medical condition, including an appropriate personal physical  
17 examination CONDUCTED IN PERSON OR REMOTELY VIA TELEPHONE OR  
18 VIDEO CONFERENCE;

19 (III) The physician is available to or offers to provide follow-up

1 care and treatment to the patient, including patient examinations,  
2 CONDUCTED IN PERSON OR REMOTELY VIA TELEPHONE OR VIDEO  
3 CONFERENCE, to determine the efficacy of the use of medical marijuana  
4 as a treatment of the patient's debilitating medical condition or disabling  
5 medical condition.

6 (5) **Physicians.** A physician who certifies a debilitating medical  
7 condition or disabling medical condition for an applicant to the medical  
8 marijuana program shall comply with all of the following requirements:

9 (f) A PHYSICIAN MAY TREAT, COUNSEL, AND CONDUCT  
10 APPROPRIATE PERSONAL PHYSICAL EXAMINATIONS, IN PERSON OR  
11 REMOTELY VIA TELEPHONE OR VIDEO CONFERENCE, TO ESTABLISH A BONA  
12 FIDE PHYSICIAN-PATIENT RELATIONSHIP WITH A PATIENT AS DEFINED IN  
13 SECTION 25-1.5-106 (2)(a.5).

14 **SECTION 2.** In Colorado Revised Statutes, 44-10-601, **repeal**  
15 (7)(c) as follows:

16 **44-10-601. Retail marijuana store license - rules - definitions.**  
17 (7) (c) ~~A licensed retail marijuana store shall not sell retail marijuana or~~  
18 ~~retail marijuana products over the internet nor deliver retail marijuana or~~  
19 ~~retail marijuana products to a person not physically present in the retail~~  
20 ~~marijuana store's licensed premises.~~

21 **SECTION 3. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.