

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0713.01 Michael Dohr x4347

HOUSE BILL 17-1034

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Baumgardner,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LICENSING CHANGES TO THE MEDICAL MARIJUANA CODE

102 TO CONFORM WITH THE RETAIL MARIJUANA CODE.

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>.)

The retail marijuana code requires a license for retail marijuana business operators. The bill creates a corresponding medical marijuana business operator license. Under current law, a medical marijuana licensee may move his or her location within the city or county where the business is licensed upon approval of the local and state licensing authority. Under the retail marijuana code, a licensee can move his or her

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.

business anywhere in Colorado upon approval of the state and local jurisdiction. The bill allows a medical marijuana licensee to move his or her business anywhere in Colorado upon approval of the state and local jurisdiction to conform with the retail marijuana code.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-104, **amend**
3 the introductory portion; and **add** (7.5) as follows:

4 **12-43.3-104. Definitions.** As used in this ~~article~~ ARTICLE 43.3,
5 unless the context otherwise requires:

6 (7.5) "MEDICAL MARIJUANA BUSINESS OPERATOR" MEANS AN
7 ENTITY OR PERSON WHO IS NOT AN OWNER AND WHO IS LICENSED TO
8 PROVIDE PROFESSIONAL OPERATIONAL SERVICES TO A MEDICAL
9 MARIJUANA ESTABLISHMENT FOR DIRECT REMUNERATION FROM THE
10 MEDICAL MARIJUANA ESTABLISHMENT.

11 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-401, **amend**
12 (1) introductory portion; and **add** (1)(f) as follows:

13 **12-43.3-401. Classes of licenses.** (1) For the purpose of
14 regulating the cultivation, manufacture, distribution, and sale of medical
15 marijuana, the state licensing authority in its discretion, upon application
16 in the prescribed form made to it, may issue and grant to the applicant a
17 license from any of the following classes, subject to the provisions and
18 restrictions provided by this ~~article~~ ARTICLE 43.3:

19 (f) MEDICAL MARIJUANA BUSINESS OPERATOR LICENSE.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43.3-407 as
21 follows:

22 **12-43.3-407. Medical marijuana business operator license.** A
23 MEDICAL MARIJUANA BUSINESS OPERATOR LICENSE MAY BE ISSUED TO AN

1 ENTITY OR PERSON WHO OPERATES A MEDICAL MARIJUANA
2 ESTABLISHMENT LICENSED PURSUANT TO THIS ARTICLE 43.3, FOR AN
3 OWNER LICENSED PURSUANT TO THIS ARTICLE 43.3, AND WHO MAY
4 RECEIVE A PORTION OF THE PROFITS AS COMPENSATION.

5 **SECTION 4.** In Colorado Revised Statutes, 12-43.3-310, **amend**
6 (13) as follows:

7 **12-43.3-310. Licensing in general.** (13)(a) A licensee may move
8 his or her permanent location to any other place in ~~the same municipality~~
9 ~~or city and county for which the license was originally granted, or in the~~
10 ~~same county if the license was granted for a place outside the corporate~~
11 ~~limits of a municipality or city and county, but it shall be unlawful to~~
12 ~~cultivate, manufacture, distribute, or sell medical marijuana at any such~~
13 ~~place until permission to do so is granted by the state and local licensing~~
14 ~~authorities provided for in this article~~ COLORADO ONCE PERMISSION TO DO
15 SO IS GRANTED BY THE STATE AND LOCAL JURISDICTION PROVIDED FOR IN
16 THIS ARTICLE 43.3. UPON RECEIPT OF AN APPLICATION FOR CHANGE OF
17 LOCATION, THE STATE LICENSING AUTHORITY SHALL, WITHIN SEVEN DAYS,
18 SUBMIT A COPY OF THE APPLICATION TO THE LOCAL JURISDICTION TO
19 DETERMINE WHETHER THE TRANSFER COMPLIES WITH ALL LOCAL
20 RESTRICTIONS ON CHANGE OF LOCATION.

21 (b) In permitting a change of location, the ~~state and local licensing~~
22 ~~authorities~~ JURISDICTION shall consider all reasonable restrictions that are
23 or may be placed upon the new location by the governing board ~~or local~~
24 ~~licensing authority~~ of the municipality, city and county, or county, and
25 any such change in location shall be in accordance with all requirements
26 of this ~~article~~ ARTICLE 43.3 and rules promulgated pursuant to this ~~article~~
27 ARTICLE 43.3.

1 **SECTION 5. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.