First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

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UNEDITED
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2.8.21

LLS NO. 21-0238.02 Michael Dohr x4347 **HOUSE BILL**

HOUSE SPONSORSHIP

Caraveo,

SENATE SPONSORSHIP

Lundeen,

BILL TOPIC: "Regulate Marijuana"
DEADLINES: Finalize by: JAN 14, 2021 File by: JAN 19, 2021

A BILL FOR AN ACT

CONCERNING MEASURES TO PROTECT THE PUBLIC HEALTH RELATED TO REGULATED MARIJUANA.

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.)

Under current law, the marijuana enforcement division has rulemaking authority for standardized marijuana serving size amounts for edible retail marijuana products. The bill extends that authority to all regulated marijuana products. All medical marijuana, medical marijuana concentrate, and medical marijuana products sold by a medical marijuana store must be formulated and sold in clearly discernable, divisible, and

distinct standardized dosage units. The standard dosage for a liquid medical marijuana product is 5 milligrams of THC; for all other medical marijuana, medical marijuana concentrate, and medical marijuana products the standard dosage is 10 milligrams of THC. This provision also applies to retail marijuana.

Under current law, there is a seed-to-sale tracking system in the regulated marijuana field program. The bill requires that the system to also record and track medical marijuana recommendations and orders to prevent misuse.

The bill prohibits a licensed medical marijuana store or retail marijuana store from selling:

- Any medical or retail marijuana, medical or retail marijuana concentrate, or medical or retail marijuana product that contains butane, propane, or a known human carcinogen;
- Medical or retail marijuana shatter, medical or retail marijuana wax;
- Medical or retail marijuana, medical or retail marijuana concentrate, or a medical or retail marijuana product that contains greater than 15% THC; and
- Medical or retail marijuana, medical or retail marijuana concentrate, or a medical or retail marijuana product that uses a nationally recognized brand name or trade name of a non-regulated marijuana item.

Under current law, a medical marijuana store can sell medical marijuana using an automated machine. The bill repeals that authority.

In addition to the labeling provisions required by rule, all medical and retail marijuana, medical and retail marijuana concentrate, and medical and retail marijuana products sold by a medical or retail marijuana store must include a label that lists all ingredients, including all active constituents, inert ingredients, preservatives, pesticides, and other compounds.

When a practitioner makes a medical marijuana authorization, the practitioner must certify that authorization to the department of public health and environment. The bill requires the certification to include:

- The date of issue and the effective date of the recommendation;
- The patient's name and address;
- The recommending physician's name, address, and federal drug enforcement agency number;
- The potency level of medical marijuana being recommended;
- The dosage form;
- The quantity recommended;
- Directions for use;

- The number of refills; and
- The recommending physician's signature.

The practitioner shall provide a copy of the certification to the patient and to the seed-to-sale tracking system.

The bill requires the department of public health and environment to create a report from emergency room intake and coding data of patient's presenting with conditions or a diagnosis that reflect marijuana use and provide that report at the department's annual S.M.A.R.T. act hearing.

The bill requires the coroner in each case of a suicide, overdose death, or accidental death to order a toxicology screen. The coroner shall report the disaggregated results of the toxicology screen to the department of public heath and environment within 30 days of receiving the results in a form approved by the department. The department then produces an annual report of the disaggregated information beginning January 2, 2022, and annually each year thereafter.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that the provisions of HB 21-____ do not limit or change the ability of a person under age eighteen to access medical marijuana pursuant to current law.

SECTION 2. In Colorado Revised Statutes, 44-10-103, **add** (39.5), (41.5), (62.5), and (65.5) as follows:

44-10-103. Definitions. As used in this article 10, unless the context otherwise requires:

(39.5) "MEDICAL MARIJUANA SHATTER" MEANS A MEDICAL MARIJUANA PRODUCT THAT CONTAINS CONCENTRATED EXTRACT WITH A TRANSLUCENT APPEARANCE AND BREAKS OR SHATTERS LIKE GLASS.

(41.5) "MEDICAL MARIJUANA WAX" MEANS A HASH OIL CONCENTRATE MEDICAL MARIJUANA PRODUCT THAT HAS A WAX-LIKE APPEARANCE.

(62.5) "RETAIL MARIJUANA SHATTER" MEANS A RETAIL

MARIJUANA PRODUCT THAT CONTAINS CONCENTRATED EXTRACT WITH A TRANSLUCENT APPEARANCE AND BREAKS OR SHATTERS LIKE GLASS.

(65.5) "RETAIL MARIJUANA WAX" MEANS A HASH OIL CONCENTRATE RETAIL MARIJUANA PRODUCT THAT HAS A WAX-LIKE APPEARANCE.

SECTION 3. In Colorado Revised Statutes, 44-10-203, **amend** (3)(d) and **add** (3)(i) as follows:

44-10-203. State licensing authority - rules. (3) In promulgating rules pursuant to this section, the state licensing authority may seek the assistance of the department of public health and environment when necessary before promulgating rules on the following subjects:

(d) A SINGLE standardized marijuana serving ~~size~~ amount for ~~edible retail~~ REGULATED marijuana products that ~~does not contain~~ CONTAINS NO more than ten milligrams of ~~active~~ THC; ~~designed only to provide consumers with information about the total number of servings of active THC in a particular retail marijuana product, not as a limitation on the total amount of THC in any particular item;~~ labeling requirements regarding servings for ~~edible retail~~ REGULATED marijuana products; and limitations on the total amount of ~~active~~ THC in a sealed internal package that is no more than one hundred milligrams of active THC;

(i) A REQUIREMENT THAT REGULATED MARIJUANA, REGULATED MARIJUANA CONCENTRATE, AND REGULATED MARIJUANA PRODUCTS MUST BE FORMULATED IN INDIVIDUAL STANDARDIZED SERVINGS. A SINGLE STANDARDIZED MARIJUANA SERVING SHALL NOT REQUIRE CUTTING, BREAKING, DIVIDING, SEPARATING, OR MEASUREMENT.

SECTION 4. In Colorado Revised Statutes, **add** 44-10-205 as follows:

44-10-205. Seed-to-sale tracking system - medical marijuana recommendation information. (1) (a) THE SEED-TO-SALE TRACKING SYSTEM DEVELOPED AND MAINTAINED PURSUANT TO SECTION 44-10-202 (1)(a) SHALL TRACK INFORMATION REGARDING MEDICAL MARIJUANA RECOMMENDATIONS IN COLORADO INCLUDING THE FOLLOWING INFORMATION:

(I) THE INFORMATION CONTAINED IN THE CERTIFICATION RECEIVED PURSUANT TO SECTION 25-1.5-106 (5)(b)(II);

(II) THE NAME OF THE PATIENT'S MEDICAL MARIJUANA STORE; AND

(III) ANY OTHER DATA ELEMENTS NECESSARY TO DETERMINE WHETHER A PATIENT IS VISITING MULTIPLE MEDICAL MARIJUANA STORES TO PURCHASE MEDICAL MARIJUANA.

(b) THE SEED-TO-SALE TRACKING SYSTEM SHALL ENSURE THAT A PATIENT DOES NOT PURCHASE THE PATIENT'S CERTIFIED DOSAGE FROM MORE THAN ONE LOCATION UNLESS ONE LOCATION DOES NOT HAVE A SUFFICIENT QUANTITY.

(2) (a) BY JANUARY 1, 2022, OR BY AN EARLIER DATE DETERMINED BY THE DIRECTOR, EVERY PRACTITIONER WHO MAKES MEDICAL MARIJUANA RECOMMENDATIONS AND EVERY MEDICAL MARIJUANA STORE SHALL REGISTER AND MAINTAIN A USER ACCOUNT WITH THE SEED-TO-SALE TRACKING SYSTEM.

(b) WHEN REGISTERING WITH THE SEED-TO-SALE TRACKING SYSTEM OR AT ANY TIME THEREAFTER, A PRACTITIONER AND MEDICAL MARIJUANA STORE MAY AUTHORIZE UP TO THREE DESIGNEES TO ACCESS THE SEED-TO-SALE TRACKING SYSTEM, AS APPLICABLE, ON BEHALF OF THE PRACTITIONER OR MEDICAL MARIJUANA STORE IF:

(I) (A) THE AUTHORIZED DESIGNEE OF THE PRACTITIONER IS

EMPLOYED BY, OR IS UNDER CONTRACT WITH, THE SAME PROFESSIONAL PRACTICE AS THE PRACTITIONER; OR

(B) THE AUTHORIZED DESIGNEE OF THE MEDICAL MARIJUANA STORE IS EMPLOYED BY THE MEDICAL MARIJUANA STORE;

(II) THE PRACTITIONER OR MEDICAL MARIJUANA STORE TAKES REASONABLE STEPS TO ENSURE THAT THE DESIGNEE IS SUFFICIENTLY COMPETENT IN THE USE OF THE PROGRAM; AND

(III) THE PRACTITIONER OR MEDICAL MARIJUANA STORE REMAINS RESPONSIBLE FOR:

(A) ENSURING THAT ACCESS TO THE PROGRAM BY THE PRACTITIONER'S DESIGNEE IS LIMITED TO THE PURPOSES AUTHORIZED IN SUBSECTION (4) OF THIS SECTION OR THAT ACCESS TO THE PROGRAM BY THE MEDICAL MARIJUANA STORE'S DESIGNEE IS LIMITED TO THE PURPOSES AUTHORIZED IN SECTION SUBSECTION (4) OF THIS SECTION, AS THE CASE MAY BE, AND THAT ACCESS TO THE PROGRAM OCCURS IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF THE INFORMATION OBTAINED FROM THE PROGRAM; AND

(B) ANY NEGLIGENT BREACH OF CONFIDENTIALITY OF INFORMATION OBTAINED FROM THE PROGRAM BY THE DESIGNEE.

(c) A PRACTITIONER OR MEDICAL MARIJUANA STORE THAT VIOLATES THE REQUIREMENTS OF SUBSECTION (2)(b) OF THIS SECTION MAYBE PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION. FINES PAID ARE DEPOSITED IN THE GENERAL FUND IN ACCORDANCE WITH SECTION 12-20-404 (6)..

(d) ANY INDIVIDUAL AUTHORIZED AS A DESIGNEE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION SHALL REGISTER AS A DESIGNEE WITH

THE SEED-TO-SALE TRACKING SYSTEM.

(3) EACH PRACTITIONER AND EACH MEDICAL MARIJUANA STORE SHALL DISCLOSE TO A PATIENT THAT HIS OR HER IDENTIFYING RECOMMENDATION INFORMATION WILL BE ENTERED INTO THE THE SEED-TO-SALE TRACKING SYSTEM AND MAY BE ACCESSED FOR LIMITED PURPOSES BY SPECIFIED INDIVIDUALS.

(4) THE SEED-TO-SALE TRACKING SYSTEM IS AVAILABLE FOR QUERY ONLY TO THE FOLLOWING PERSONS OR GROUPS OF PERSONS:

(a) STATE LICENSING AUTHORITY STAFF RESPONSIBLE FOR ADMINISTERING THE SYSTEM;

(b) ANY PRACTITIONER WITH THE STATUTORY AUTHORITY TO PRESCRIBE CONTROLLED SUBSTANCES, OR AN INDIVIDUAL DESIGNATED BY THE PRACTITIONER TO ACT ON HIS OR HER BEHALF IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, TO THE EXTENT THE QUERY RELATES TO A CURRENT PATIENT OF THE PRACTITIONER. THE PRACTITIONER OR HIS OR HER DESIGNEE SHALL IDENTIFY HIS OR HER AREA OF HEALTH CARE SPECIALTY OR PRACTICE UPON THE INITIAL QUERY OF THE PROGRAM.

(c) A PRACTITIONER, OR AN INDIVIDUAL DESIGNATED BY THE PRACTITIONER TO ACT ON HIS OR HER BEHALF IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, ENGAGED IN A LEGITIMATE PROGRAM TO MONITOR A PATIENT'S DRUG USE;

(d) THE MEDICAL DIRECTOR, OR HIS OR HER DESIGNEE, AT A FACILITY THAT TREATS SUBSTANCE USE DISORDERS WITH CONTROLLED SUBSTANCES, IF AN INDIVIDUAL IN TREATMENT AT THE FACILITY GIVES PERMISSION TO THE FACILITY TO ACCESS HIS OR HER PROGRAM RECORDS;

(e) LAW ENFORCEMENT OFFICIALS, SO LONG AS THE INFORMATION RELEASED IS SPECIFIC TO A MEDICAL MARIJUANA STORE OR PRACTITIONER

AND IS PART OF A BONA FIDE INVESTIGATION, AND THE REQUEST FOR INFORMATION IS ACCOMPANIED BY AN OFFICIAL COURT ORDER OR SUBPOENA;

(f) STATE REGULATORY BOARDS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, SO LONG AS THE INFORMATION RELEASED IS SPECIFIC TO AN INDIVIDUAL PRACTITIONER AND IS PART OF A BONA FIDE INVESTIGATION, AND THE REQUEST FOR INFORMATION IS ACCOMPANIED BY AN OFFICIAL COURT ORDER OR SUBPOENA;

(g) A RESIDENT PHYSICIAN WITH AN ACTIVE PHYSICIAN TRAINING LICENSE ISSUED BY THE COLORADO MEDICAL BOARD PURSUANT TO SECTION 12-240-128 WHO IS UNDER THE SUPERVISION OF A LICENSED PHYSICIAN;

(h) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, FOR PURPOSES OF POPULATION-LEVEL ANALYSIS. ANY USE OF PROGRAM DATA BY THE DEPARTMENT IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS AMENDED, AND IMPLEMENTING FEDERAL REGULATIONS, INCLUDING THE REQUIREMENT TO REMOVE ANY IDENTIFYING DATA UNLESS EXEMPTED FROM THE REQUIREMENT.

(i) A MEDICAL EXAMINER WHO IS A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12, WHOSE LICENSE IS IN GOOD STANDING, AND WHO IS LOCATED AND EMPLOYED IN THE STATE OF COLORADO, OR A CORONER ELECTED PURSUANT TO SECTION 30-10-601, IF:

(I) THE INFORMATION RELEASED IS SPECIFIC TO AN INDIVIDUAL WHO IS THE SUBJECT OF AN AUTOPSY CONDUCTED BY THE MEDICAL EXAMINER OR CORONER;

(II) THE MEDICAL EXAMINER OR THE CORONER HAS LEGITIMATE ACCESS TO THE INDIVIDUAL'S MEDICAL RECORD; AND

(III) THE INDIVIDUAL'S DEATH OR INJURY OCCURRED UNDER UNUSUAL, SUSPICIOUS, OR UNNATURAL CIRCUMSTANCES.

(5) THE STATE LICENSING AUTHORITY SHALL NOT CHARGE A PRACTITIONER OR MEDICAL MARIJUANA STORE WHO TRANSMITS DATA IN COMPLIANCE WITH THE OPERATION AND MAINTENANCE OF THE SYSTEM A FEE FOR THE TRANSMISSION OF THE DATA.

(6) THE STATE LICENSING AUTHORITY, THE DEPARTMENT, OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, PURSUANT TO A WRITTEN AGREEMENT THAT ENSURES COMPLIANCE WITH THIS SECTION, MAY PROVIDE DATA TO QUALIFIED PERSONNEL OF A PUBLIC OR PRIVATE ENTITY FOR THE PURPOSE OF BONA FIDE RESEARCH OR EDUCATION, SO LONG AS THE DATA DOES NOT IDENTIFY A RECIPIENT OF OR A PRACTITIONER WHO RECOMMENDED MEDICAL MARIJUANA.

(7) THE STATE LICENSING AUTHORITY SHALL PROVIDE A MEANS OF SHARING INFORMATION ABOUT INDIVIDUALS WHOSE INFORMATION IS RECORDED IN THE PROGRAM WITH OUT-OF-STATE HEALTH CARE PRACTITIONERS AND LAW ENFORCEMENT OFFICIALS THAT MEET THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION.

(8) (a) THE STATE LICENSING AUTHORITY MAY SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY FOR THE PURPOSES OF IMPLEMENTING AND MAINTAINING THE PROVISIONS OF THIS SECTION. THE STATE LICENSING AUTHORITY SHALL TRANSMIT ANY MONEY IT RECEIVES TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE MEDICAL MARIJUANA USE MONITORING PROGRAM FUND, WHICH FUND IS HEREBY CREATED. THE MONEY IN THE FUND IS SUBJECT TO

ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE SOLE PURPOSE OF IMPLEMENTING AND MAINTAINING THE PROVISIONS OF THIS SECTION. THE MONEY IN THE FUND MUST NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

(b) AFTER IMPLEMENTING THE PROVISIONS OF THIS SECTION, THE STATE LICENSING AUTHORITY SHALL SEEK GIFTS, GRANTS, AND DONATIONS ON AN ANNUAL BASIS FOR THE PURPOSE OF MAINTAINING THE PROVISIONS OF THIS SECTION. THE STATE LICENSING AUTHORITY SHALL REPORT ANNUALLY TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE GIFTS, GRANTS, AND DONATIONS REQUESTED, OF WHOM THEY WERE REQUESTED, AND THE AMOUNTS RECEIVED.

(c) IF, BASED UPON THE APPROPRIATIONS, THERE IS INSUFFICIENT MONEY TO MAINTAIN THE PROGRAM, THE STATE LICENSING AUTHORITY MAY COLLECT AN ANNUAL FEE FROM EACH MEDICAL MARIJUANA STORE REGISTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION IN AN AMOUNT SUFFICIENT TO MAINTAIN THE PROGRAM. MONEY COLLECTED PURSUANT TO THIS SUBSECTION (8)(d) OF THIS SECTION IS CREDITED TO THE MEDICAL MARIJUANA USE MONITORING PROGRAM FUND CREATED IN SUBSECTION (8)(a) OF THIS SECTION.

(9) A PERSON WHO KNOWINGLY RELEASES, OBTAINS, OR ATTEMPTS TO OBTAIN INFORMATION IN VIOLATION OF THIS SECTION IS PUNISHED BY A CIVIL FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION. FINES PAID ARE DEPOSITED IN THE GENERAL FUND IN ACCORDANCE WITH SECTION 12-20-404 (6).

SECTION 5. In Colorado Revised Statutes, 44-10-501, **amend** (4) and (5); and **add** (13), (14), and (15) as follows:

44-10-501. Medical marijuana store license. (4) Prior to initiating a sale, the employee of the medical marijuana store making the sale shall verify that the purchaser has a valid registry identification card issued pursuant to section 25-1.5-106 or a copy of a current and complete new application for the medical marijuana registry administered by the department of public health and environment that is documented by proof as having been submitted to the department of public health and environment within the preceding thirty-five days, A COPY OF THE RECOMMENDING PHYSICIAN'S CERTIFICATION, and a valid picture identification card that matches the name on the registry identification card. A purchaser may not provide a copy of a renewal application in order to make a purchase at a medical marijuana store. A purchaser may only make a purchase using a copy of his or her application from 8 a.m. to 5 p.m., Monday through Friday. If the purchaser presents a copy of his or her application at the time of purchase, the employee must contact the department of public health and environment to determine whether the purchaser's application has been denied. The employee shall not complete the transaction if the purchaser's application has been denied. If the purchaser's application has been denied, the employee is authorized to confiscate the purchaser's copy of the application and the documentation of proof of submittal, if possible, and shall, within seventy-two hours after the confiscation, turn it over to the department of public health and environment or a local law enforcement agency. The failure to confiscate the copy of the application and document of proof of submittal or to turn it over to the state health department or a state or local law enforcement

agency within seventy-two hours after the confiscation is not a criminal offense. THE MEDICAL MARIJUANA STORE SHALL ONLY SELL MEDICAL MARIJUANA, MEDICAL MARIJUANA CONCENTRATE, OR MEDICAL MARIJUANA PRODUCTS IN CONFORMANCE WITH THE RECOMMENDATIONS CONTAINED IN THE PHYSICIAN'S CERTIFICATION.

(5) Transactions for the sale of medical marijuana or a medical marijuana product at a medical marijuana store ~~may~~ SHALL NOT be completed by using an automated machine. ~~that is in a restricted access area of the store if the machine complies with the rules promulgated by the state licensing authority regarding the transaction of sale of product at a medical marijuana store and the transaction complies with subsection (4) of this section.~~

(13) A MEDICAL MARIJUANA STORE SHALL NOT SELL:

(a) ANY MEDICAL MARIJUANA, MEDICAL MARIJUANA CONCENTRATE, OR MEDICAL MARIJUANA PRODUCT THAT CONTAINS BUTANE, PROPANE, OR ANY KNOWN HUMAN CARCINOGEN;

(b) MEDICAL MARIJUANA SHATTER OR MEDICAL MARIJUANA WAX; AND

(c) MEDICAL MARIJUANA, MEDICAL MARIJUANA CONCENTRATE, OR A MEDICAL MARIJUANA PRODUCT THAT CONTAINS GREATER THAN FIFTEEN PERCENT TETRAHYDROCANNABINOL.

(14) IN ADDITION TO THE LABELING PROVISIONS REQUIRED BY RULE, ALL MEDICAL MARIJUANA, MEDICAL MARIJUANA CONCENTRATE, AND MEDICAL MARIJUANA PRODUCTS SOLD BY A MEDICAL MARIJUANA STORE MUST INCLUDE A LABEL THAT LISTS ALL INGREDIENTS, INCLUDING

ALL ACTIVE CONSTITUENTS, INERT INGREDIENTS, PRESERVATIVES, PESTICIDES, AND OTHER COMPOUNDS.

(15) A MEDICAL MARIJUANA STORE SHALL NOT SELL MEDICAL MARIJUANA, MEDICAL MARIJUANA CONCENTRATE, OR A MEDICAL MARIJUANA PRODUCT THAT USES A NATIONALLY RECOGNIZED BRAND NAME OR TRADE NAME OF A NON-REGULATED MARIJUANA ITEM.

SECTION 6. In Colorado Revised Statutes, 44-10-502, **add** (9) as follows:

44-10-502. Medical marijuana cultivation facility license - rules - definitions. (9) A LICENSED MEDICAL MARIJUANA CULTIVATION FACILITY SHALL NOT USE BUTANE, PROPANE, OR A KNOWN HUMAN CARCINONGEN IN THE CULTIVATION OR PRODUCTION OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA CONCENTRATE.

SECTION 7. In Colorado Revised Statutes, 44-10-503, **add** (12) as follows:

44-10-503. Medical marijuana products manufacturer license - rules - definition. (12) A LICENSED MEDICAL MARIJUANA PRODUCTS MANUFACTURER SHALL NOT USE BUTANE, PROPANE, OR A KNOWN HUMAN CARCINOGEN IN THE PRODUCTION OF A MEDICAL MARIJUANA PRODUCT.

SECTION 8. In Colorado Revised Statutes, 44-10-601, **add** (17), (18), (19), (20), as follows:

44-10-601. Retail marijuana store license - rules - definitions. (17) A LICENSED RETAIL MARIJUANA STORE SHALL NOT SELL:

(a) ANY RETAIL MARIJUANA, RETAIL MARIJUANA CONCENTRATE, OR RETAIL MARIJUANA PRODUCT THAT CONTAINS BUTANE, PROPANE, OR

ANY KNOWN HUMAN CARCINOGEN;

(b) RETAIL MARIJUANA SHATTER, RETAIL MARIJUANA WAX, AN ANAL SUPPOSITORY THAT CONTAINS RETAIL MARIJUANA, OR A VAGINAL SUPPOSITORY THAT CONTAINS RETAIL MARIJUANA; AND

(c) RETAIL MARIJUANA, RETAIL MARIJUANA CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT THAT CONTAINS GREATER THAN FIFTEEN PERCENT TETRAHYDROCANNABINOL.

(18) IN ADDITION TO THE LABELING PROVISIONS REQUIRED BY RULE, ALL RETAIL MARIJUANA, RETAIL MARIJUANA CONCENTRATE, AND RETAIL MARIJUANA PRODUCTS SOLD BY A RETAIL MARIJUANA STORE MUST INCLUDE A LABEL THAT LISTS ALL INGREDIENTS, INCLUDING ALL ACTIVE CONSTITUENTS, INERT INGREDIENTS, PRESERVATIVES, PESTICIDES, AND OTHER COMPOUNDS.

(19) A LICENSED RETAIL MARIJUANA STORE SHALL NOT SELL RETAIL MARIJUANA, RETAIL MARIJUANA CONCENTRATE, OR A RETAIL MARIJUANA PRODUCT THAT USES A NATIONALLY RECOGNIZED BRAND NAME OR TRADE NAME OF A NON-REGULATED MARIJUANA ITEM.

(20) TRANSACTIONS FOR THE SALE OF RETAIL MARIJUANA OR A RETAIL MARIJUANA PRODUCT AT A MEDICAL MARIJUANA STORE SHALL NOT BE COMPLETED BY USING AN AUTOMATED MACHINE.

SECTION 9. In Colorado Revised Statutes, 25-1.5-106, **amend** (5)(b) and (5)(c) as follows:

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical

marijuana program cash fund - subaccount - created - "Ethan's Law" - definitions - repeal. (5) **Physicians.** A physician who certifies a debilitating medical condition or disabling medical condition for an applicant to the medical marijuana program shall comply with all of the following requirements:

(b) (I) After a physician, who has a bona fide physician-patient relationship with the patient applying for the medical marijuana program, determines, for the purposes of making a recommendation, that the patient has a debilitating medical condition or disabling medical condition and that the patient may benefit from the use of medical marijuana, the physician shall certify to the state health agency that the patient has a debilitating medical condition or disabling medical condition and that the patient may benefit from the use of medical marijuana. If the physician certifies that the patient would benefit from the use of medical marijuana based on a chronic or debilitating disease or medical condition or disabling medical condition, the physician shall specify the chronic or debilitating disease or medical condition or disabling medical condition and, if known, the cause or source of the chronic or debilitating disease or medical condition or disabling medical condition. THE PHYSICIAN MAY ONLY AUTHORIZE MEDICAL MARIJUANA WITHIN THE SCOPE OF THE PHYSICIAN'S PRACTICE OR SPECIALITY.

(II) THE CERTIFICATION MUST INCLUDE THE FOLLOWING:

(A) THE DATE OF ISSUE AND THE EFFECTIVE DATE OF THE RECOMMENDATION;

(B) THE PATIENT'S NAME AND ADDRESS;

(C) THE AUTHORIZING PHYSICIAN'S NAME, ADDRESS, AND FEDERAL DRUG ENFORCEMENT AGENCY NUMBER;

(D) THE POTENCY LEVEL OF MEDICAL MARIJUANA BEING RECOMMENDED;

(E) THE DOSAGE FORM;

(F) THE QUANTITY AUTHORITY;

(G) DIRECTIONS FOR USE;

(H) THE NUMBER OF REFILLS; AND

(I) THE AUTHORIZING PHYSICIAN'S SIGNATURE.

(III) THE AUTHORIZING PHYSICIAN SHALL PROVIDE THE PATIENT WITH A COPY OF THE CERTIFICATION AND SEND A COPY TO THE MEDICAL MARIJUANA USE MONITORING PROGRAM.

(c) The physician shall maintain a record-keeping system, INCLUDING A COPY OF THE CERTIFICATION, and for all patients for whom the physician has AUTHORIZED the medical use of marijuana, and, pursuant to an investigation initiated pursuant to section 12-240-125, the physician shall produce such medical records to the Colorado medical board after redacting any patient or primary caregiver identifying information. THE PHYSICIAN SHALL MAINTAIN THE MEDICAL RECORDS OF THE PATIENT'S VISIT AND THE PHYSICIAN SHALL RESPOND TO A TREATING PHYSICIAN'S REQUEST FOR MEDICAL RECORDS TO TREAT THE PATIENT WITH THE CERTIFICATION WITH THE PATIENT'S PERMISSION.

SECTION 10. In Colorado Revised Statutes, **add** 25-3-126 as follows:

25-3-126. Emergency room intake data marijuana use- annual report. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL CREATE A REPORT FROM EMERGENCY ROOM INTAKE AND CODING DATA OF PATIENT'S PRESENTING WITH CONDITIONS OR A DIAGNOSIS THAT REFLECT MARIJUANA USE AND PROVIDE THAT REPORT AT THE DEPARTMENT'S

PRESENTATIONS TO LEGISLATIVE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203 IN 2022, AND ANNUALLY EACH YEAR THEREAFTER. THE REPORT CAN BE PRODUCED IN CONJUNCTION WITH THE REPORT REQUIRED PURSUANT TO SECTION 30-10-624 (2).

SECTION 11. In Colorado Revised Statutes, **add** 30-10-624 as follows:

30-10-624. Required toxicology screening for a suicide, overdose death, and accidental deaths - annual report. (1) (a) THE CORONER SHALL ORDER A TOXICOLOGY SCREEN IN EACH CASE OF A SUICIDE, OVERDOSE DEATH, OR ACCIDENTAL DEATH.

(b) THE CORONER SHALL REPORT THE DISAGGREGATED RESULTS OF THE TOXICOLOGY SCREEN TO THE DEPARTMENT OF PUBLIC HEATH AND ENVIRONMENT WITHIN THIRTY DAYS OF RECEIVING THE RESULTS IN A FORM APPROVED BY THE DEPARTMENT. THE CORONER MAY PROVIDE THIS INFORMATION WHEN PROVIDING OTHER STANDARD REPORTS TO THE DEPARTMENT.

(2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL PRODUCE AN ANNUAL REPORT OF THE DISAGGREGATED INFORMATION BEGINNING JANUARY 2, 2022, AND ANNUALLY EACH YEAR THEREAFTER. THE REPORT CAN BE PRODUCED IN CONJUNCTION WITH THE REPORT REQUIRED PURSUANT TO SECTION 25-3-126.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.