

## CHAPTER 252

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**PROFESSIONS AND OCCUPATIONS**

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## SENATE BILL 23-265

BY SENATOR(S) Van Winkle, Coleman, Cutter, Danielson, Exum, Fields, Gonzales, Jaquez Lewis, Kolker, Liston, Marchman, Moreno, Rodriguez, Smallwood, Sullivan, Winter F.;  
also REPRESENTATIVE(S) Snyder and Soper, Boesenecker, English, Herod, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, Sharbini, Valdez, Vigil.

**AN ACT****CONCERNING A PROHIBITION ON A REGULATOR IMPOSING DISCIPLINE AGAINST A PERSON BASED ON CERTAIN ACTIVITIES INVOLVING MARIJUANA.**

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

**SECTION 1.** In Colorado Revised Statutes, 12-20-404, **add** (8) as follows:

**12-20-404. Disciplinary actions - regulator powers - disposition of fines - mistreatment of at-risk adult - exceptions - definitions.** (8) **Discipline based solely on marijuana activity.** (a) **NOTWITHSTANDING** SUBSECTION (1) OF THIS SECTION OR ANY OTHER PROVISION IN THIS TITLE 12, A REGULATOR SHALL NOT DENY LICENSURE, CERTIFICATION, OR REGISTRATION TO AN APPLICANT OR IMPOSE DISCIPLINARY ACTION AGAINST A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT PURSUANT TO SUBSECTION (1) OF THIS SECTION BASED SOLELY ON:

(I) A CIVIL OR CRIMINAL JUDGMENT AGAINST THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT REGARDING THE CONSUMPTION, POSSESSION, CULTIVATION, OR PROCESSING OF MARIJUANA, IF THE UNDERLYING ACTION:

(A) WAS LAWFUL AND CONSISTENT WITH PROFESSIONAL CONDUCT AND STANDARDS OF CARE WITHIN COLORADO; AND

(B) DID NOT OTHERWISE VIOLATE COLORADO LAW;

(II) PREVIOUS PROFESSIONAL DISCIPLINARY ACTION CONCERNING THE APPLICANT'S, LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S PROFESSIONAL

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

LICENSURE IN THIS OR ANY OTHER STATE OR TERRITORY OF THE UNITED STATES, IF THE PROFESSIONAL DISCIPLINARY ACTION:

(A) WAS BASED SOLELY ON THE APPLICANT'S, LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S CONSUMPTION, POSSESSION, CULTIVATION, OR PROCESSING OF MARIJUANA; AND

(B) DID NOT OTHERWISE VIOLATE COLORADO LAW.

(b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "CIVIL JUDGMENT" MEANS A FINAL COURT DECISION AND ORDER RESULTING FROM A CIVIL LAWSUIT OR A SETTLEMENT IN LIEU OF A FINAL COURT DECISION.

(II) "CRIMINAL JUDGMENT" MEANS A GUILTY VERDICT, A PLEA OF GUILTY, A PLEA OF NOLO CONTENDERE, OR A DEFERRED JUDGMENT OR SENTENCE.

**SECTION 2. 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.

Approved: May 24, 2023