

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

HB21-1216 be amended as follows:

1 Amend reengrossed bill, page 2, line 2, after "(9)" insert "and (10)".

2 Page 3, after line 5 insert:

3 "(10) (a) AFTER OBTAINING PASSING TEST RESULTS, A MEDICAL
4 MARIJUANA CULTIVATION FACILITY MAY TRANSFER MEDICAL MARIJUANA
5 TO A CO-LOCATED RETAIL MARIJUANA CULTIVATION FACILITY WITH AT
6 LEAST ONE IDENTICAL CONTROLLING BENEFICIAL OWNER AND CHANGE THE
7 DESIGNATION OF THE MEDICAL MARIJUANA TO RETAIL MARIJUANA.
8 PURSUANT TO SECTION 44-10-602 (14)(a), AFTER THE RETAIL MARIJUANA
9 CULTIVATION FACILITY ENTERS THE DESIGNATION CHANGE INTO THE
10 SEED-TO-SALE TRACKING SYSTEM, THE MARIJUANA IS RETAIL MARIJUANA
11 AND IS THE PROPERTY OF THE RETAIL MARIJUANA CULTIVATION FACILITY.
12 THE MARIJUANA THAT CHANGED DESIGNATION PURSUANT TO THIS
13 SUBSECTION (10)(a) SHALL NOT BE TRANSFERRED TO THE ORIGINATING
14 MEDICAL MARIJUANA CULTIVATION FACILITY OR ANY MEDICAL
15 MARIJUANA LICENSEE, HAVE ITS DESIGNATION CHANGED FROM RETAIL
16 MARIJUANA TO MEDICAL MARIJUANA, OR OTHERWISE BE TREATED AS
17 MEDICAL MARIJUANA.

18 (b) (I) NOTWITHSTANDING SUBSECTION (10)(a) OF THIS SECTION
19 TO THE CONTRARY, A MEDICAL MARIJUANA CULTIVATION FACILITY MAY
20 TRANSFER MEDICAL MARIJUANA TO A RETAIL MARIJUANA CULTIVATION
21 FACILITY THAT IS NOT CO-LOCATED WITH THE MEDICAL MARIJUANA
22 CULTIVATION FACILITY TO CHANGE THE DESIGNATION OF THE MEDICAL
23 MARIJUANA TO RETAIL MARIJUANA IF:

24 (A) THE MEDICAL MARIJUANA CULTIVATION FACILITY AND RETAIL
25 MARIJUANA CULTIVATION FACILITY HAVE AT LEAST ONE IDENTICAL
26 CONTROLLING BENEFICIAL OWNER; AND

27 (B) THE MEDICAL MARIJUANA CULTIVATION FACILITY AND RETAIL
28 MARIJUANA CULTIVATION FACILITY CANNOT BE CO-LOCATED BECAUSE THE
29 LOCAL JURISDICTION WHERE THE MEDICAL MARIJUANA CULTIVATION
30 FACILITY IS LOCATED PROHIBITS THE OPERATION OF A RETAIL MARIJUANA
31 CULTIVATION FACILITY.

32 (II) PRIOR TO MAKING A TRANSFER PURSUANT TO THIS SUBSECTION
33 (10)(b), THE MEDICAL MARIJUANA CULTIVATION FACILITY MUST RECEIVE
34 APPROVAL FROM THE STATE LICENSING AUTHORITY THAT THE MEDICAL
35 MARIJUANA CULTIVATION FACILITY AND THE RETAIL MARIJUANA
36 CULTIVATION FACILITY SATISFY THE REQUIREMENTS OF THIS SUBSECTION
37 (10)(b). THE STATE LICENSING AUTHORITY MUST NOT REQUIRE AN
38 APPROVAL FOR EACH TRANSFER THAT OCCURS PURSUANT TO THIS
39 SUBSECTION (10)(b) BUT MUST ONLY REQUIRE ONE APPROVAL FOR

1 TRANSFERS TO OCCUR FROM THE MEDICAL MARIJUANA CULTIVATION
2 FACILITY TO THE RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO
3 THIS SUBSECTION (10)(b).

4 (c) BOTH THE MEDICAL MARIJUANA CULTIVATION FACILITY AND
5 RETAIL MARIJUANA CULTIVATION FACILITY MUST REMAIN AT OR UNDER
6 THEIR RESPECTIVE REGULATED INVENTORY LIMITS BEFORE AND AFTER THE
7 DESIGNATION IS CONDUCTED PURSUANT TO THIS SUBSECTION (10).

8 (d) THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL PAY
9 ANY RETAIL MARIJUANA EXCISE TAX PURSUANT TO SECTION 39-28.8-302.".

10 Page 4, line 8, after "(13)" insert "and (14)".

11 Page 5, after line 9 insert:

12 "(14) (a) AFTER OBTAINING PASSING TESTING RESULTS, A RETAIL
13 MARIJUANA CULTIVATION FACILITY MAY RECEIVE A TRANSFER OF
14 MEDICAL MARIJUANA FROM A CO-LOCATED MEDICAL MARIJUANA
15 CULTIVATION FACILITY WITH AT LEAST ONE IDENTICAL CONTROLLING
16 BENEFICIAL OWNER AND CHANGE THE DESIGNATION OF THE MEDICAL
17 MARIJUANA TO RETAIL MARIJUANA. THE RETAIL MARIJUANA CULTIVATION
18 FACILITY SHALL ENTER THE DESIGNATION CHANGE INTO THE
19 SEED-TO-SALE TRACKING SYSTEM AND, AFTER THE CHANGE IS ENTERED
20 INTO THE SYSTEM, THE MARIJUANA IS RETAIL MARIJUANA AND IS THE
21 PROPERTY OF THE RETAIL MARIJUANA CULTIVATION FACILITY. THE
22 MARIJUANA THAT CHANGED DESIGNATION PURSUANT TO THIS SUBSECTION
23 (14)(a) SHALL NOT BE TRANSFERRED TO THE ORIGINATING MEDICAL
24 MARIJUANA CULTIVATION FACILITY OR ANY MEDICAL MARIJUANA
25 LICENSEE, HAVE ITS DESIGNATION CHANGED FROM RETAIL MARIJUANA TO
26 MEDICAL MARIJUANA, OR OTHERWISE BE TREATED AS MEDICAL
27 MARIJUANA.

28 (b) (I) NOTWITHSTANDING SUBSECTION (14)(a) OF THIS SECTION
29 TO THE CONTRARY, A RETAIL MARIJUANA CULTIVATION FACILITY MAY
30 RECEIVE A TRANSFER OF MEDICAL MARIJUANA FROM A MEDICAL
31 MARIJUANA CULTIVATION FACILITY THAT IS NOT CO-LOCATED WITH THE
32 RETAIL MARIJUANA CULTIVATION FACILITY TO CHANGE THE DESIGNATION
33 OF THE MEDICAL MARIJUANA TO RETAIL MARIJUANA IF:

34 (A) THE RETAIL MARIJUANA CULTIVATION FACILITY AND MEDICAL
35 MARIJUANA CULTIVATION FACILITY HAVE AT LEAST ONE IDENTICAL
36 CONTROLLING BENEFICIAL OWNER; AND

37 (B) THE RETAIL MARIJUANA CULTIVATION FACILITY AND MEDICAL
38 MARIJUANA CULTIVATION FACILITY CANNOT BE CO-LOCATED BECAUSE THE
39 LOCAL JURISDICTION WHERE THE MEDICAL MARIJUANA CULTIVATION
40 FACILITY IS LOCATED PROHIBITS THE OPERATION OF A RETAIL MARIJUANA

1 CULTIVATION FACILITY.

2 (II) PRIOR TO MAKING A TRANSFER PURSUANT TO THIS SUBSECTION
3 (14)(b), THE RETAIL MARIJUANA CULTIVATION FACILITY MUST RECEIVE
4 APPROVAL FROM THE STATE LICENSING AUTHORITY THAT THE RETAIL
5 MARIJUANA CULTIVATION FACILITY AND THE MEDICAL MARIJUANA
6 CULTIVATION FACILITY SATISFY THE REQUIREMENTS OF THIS SUBSECTION
7 (14)(b). THE STATE LICENSING AUTHORITY MUST NOT REQUIRE AN
8 APPROVAL FOR EACH TRANSFER THAT OCCURS PURSUANT TO THIS
9 SUBSECTION (14)(b), BUT MUST ONLY REQUIRE ONE APPROVAL FOR
10 TRANSFERS TO OCCUR FROM THE MEDICAL MARIJUANA CULTIVATION
11 FACILITY TO THE RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO
12 THIS SUBSECTION (14)(b).

13 (c) BOTH THE RETAIL MARIJUANA CULTIVATION FACILITY AND
14 MEDICAL MARIJUANA CULTIVATION FACILITY MUST REMAIN AT OR UNDER
15 THEIR RESPECTIVE REGULATED INVENTORY LIMITS BEFORE AND AFTER THE
16 DESIGNATION IS CONDUCTED PURSUANT TO THIS SUBSECTION (14).

17 (d) THE RETAIL MARIJUANA CULTIVATION FACILITY SHALL PAY
18 ANY RETAIL MARIJUANA EXCISE TAX PURSUANT TO SECTION 39-28.8-302.".

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