

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0993.01 Yelana Love x2295

SENATE BILL 23-265

SENATE SPONSORSHIP

Van Winkle,

HOUSE SPONSORSHIP

Snyder,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON A REGULATOR IMPOSING DISCIPLINE**
102 **AGAINST A PERSON BASED ON CERTAIN ACTIVITIES INVOLVING**
103 **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>.)

The bill protects an individual applying for licensure, certification, or registration in a profession or occupation in Colorado (applicant), as well as a professional who is currently licensed, certified, or registered in a profession or occupation in Colorado (licensee), from having the license, certification, or registration denied to the applicant, or from

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

SENATE
Amended 2nd Reading
April 19, 2023

discipline being imposed against the licensee, based solely on:

- A civil or criminal judgment against the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana, if the underlying actions were lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law; or
- Previous professional disciplinary action concerning an applicant's or a licensee's professional licensure in this or any other state or U.S. territory, if the professional disciplinary action was based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and the applicant or licensee did not otherwise violate Colorado law.

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

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

4 **12-20-404. Disciplinary actions - regulator powers -**
5 **disposition of fines - mistreatment of at-risk adult - exceptions -**
6 **definitions. (8) Discipline based solely on marijuana activity.**

7 (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION OR ANY OTHER
8 PROVISION IN THIS TITLE 12, A REGULATOR SHALL NOT DENY LICENSURE,
9 CERTIFICATION, OR REGISTRATION TO AN APPLICANT OR IMPOSE
10 DISCIPLINARY ACTION AGAINST A LICENSEE, CERTIFICATE HOLDER, OR
11 REGISTRANT PURSUANT TO SUBSECTION (1) OF THIS SECTION BASED
12 SOLELY ON:

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

17 (A) WAS LAWFUL AND CONSISTENT WITH PROFESSIONAL CONDUCT

1 AND STANDARDS OF CARE WITHIN COLORADO; AND

2 (B) DID NOT OTHERWISE VIOLATE COLORADO LAW;

3 (II) PREVIOUS PROFESSIONAL DISCIPLINARY ACTION CONCERNING
4 THE APPLICANT'S, LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S
5 PROFESSIONAL LICENSURE IN THIS OR ANY OTHER STATE OR TERRITORY OF
6 THE UNITED STATES, IF THE PROFESSIONAL DISCIPLINARY ACTION:

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

10 (B) DID NOT OTHERWISE VIOLATE COLORADO LAW.

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

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

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

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