

An Act

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.

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

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.

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 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.



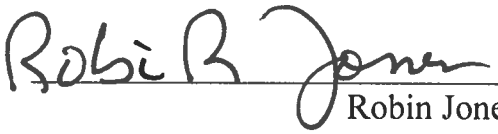
Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES




Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Wednesday May 24th 2023 at 11:00 am
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO