

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0713.01 Michael Dohr x4347

**HOUSE BILL 17-1034**

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**HOUSE SPONSORSHIP**

**Pabon,**

**SENATE SPONSORSHIP**

**Baumgardner,**

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**House Committees**

Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING LICENSING CHANGES TO THE MEDICAL MARIJUANA CODE**

102 **TO CONFORM WITH THE RETAIL MARIJUANA CODE.**

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**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 retail marijuana code requires a license for retail marijuana business operators. The bill creates a corresponding medical marijuana business operator license. Under current law, a medical marijuana licensee may move his or her location within the city or county where the business is licensed upon approval of the local and state licensing authority. Under the retail marijuana code, a licensee can move his or her

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

business anywhere in Colorado upon approval of the state and local jurisdiction. The bill allows a medical marijuana licensee to move his or her business anywhere in Colorado upon approval of the state and local jurisdiction to conform with the retail marijuana code.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-104, **amend**  
3 the introductory portion; and **add** (7.5) as follows:

4 **12-43.3-104. Definitions.** As used in this ~~article~~ ARTICLE 43.3,  
5 unless the context otherwise requires:

6 (7.5) "MEDICAL MARIJUANA BUSINESS OPERATOR" MEANS AN  
7 ENTITY OR PERSON WHO IS NOT AN OWNER AND WHO IS LICENSED TO  
8 PROVIDE PROFESSIONAL OPERATIONAL SERVICES TO A MEDICAL  
9 MARIJUANA ESTABLISHMENT FOR DIRECT REMUNERATION FROM THE  
10 MEDICAL MARIJUANA ESTABLISHMENT.

11 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-401, **amend**  
12 (1) introductory portion; and **add** (1)(f) as follows:

13 **12-43.3-401. Classes of licenses.** (1) For the purpose of  
14 regulating the cultivation, manufacture, distribution, and sale of medical  
15 marijuana, the state licensing authority in its discretion, upon application  
16 in the prescribed form made to it, may issue and grant to the applicant a  
17 license from any of the following classes, subject to the provisions and  
18 restrictions provided by this ~~article~~ ARTICLE 43.3:

19 (f) MEDICAL MARIJUANA BUSINESS OPERATOR LICENSE.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43.3-407 as  
21 follows:

22 **12-43.3-407. Medical marijuana business operator license.** A  
23 MEDICAL MARIJUANA BUSINESS OPERATOR LICENSE MAY BE ISSUED TO AN

1 ENTITY OR PERSON WHO OPERATES A MEDICAL MARIJUANA  
2 ESTABLISHMENT LICENSED PURSUANT TO THIS ARTICLE 43.3, FOR AN  
3 OWNER LICENSED PURSUANT TO THIS ARTICLE 43.3, AND WHO MAY  
4 RECEIVE A PORTION OF THE PROFITS AS COMPENSATION.

5 **SECTION 4.** In Colorado Revised Statutes, 12-43.3-310, **amend**  
6 (13) as follows:

7 **12-43.3-310. Licensing in general.** (13)(a) A licensee may move  
8 his or her permanent location to any other place in ~~the same municipality~~  
9 ~~or city and county for which the license was originally granted, or in the~~  
10 ~~same county if the license was granted for a place outside the corporate~~  
11 ~~limits of a municipality or city and county, but it shall be unlawful to~~  
12 ~~cultivate, manufacture, distribute, or sell medical marijuana at any such~~  
13 ~~place until permission to do so is granted by the state and local licensing~~  
14 ~~authorities provided for in this article~~ COLORADO ONCE PERMISSION TO DO  
15 SO IS GRANTED BY THE STATE AND LOCAL LICENSING AUTHORITIES  
16 PROVIDED FOR IN THIS ARTICLE 43.3. UPON RECEIPT OF AN APPLICATION  
17 FOR CHANGE OF LOCATION, THE STATE LICENSING AUTHORITY SHALL,  
18 WITHIN SEVEN DAYS, SUBMIT A COPY OF THE APPLICATION TO THE LOCAL  
19 LICENSING AUTHORITY TO DETERMINE WHETHER THE TRANSFER COMPLIES  
20 WITH ALL LOCAL RESTRICTIONS ON CHANGE OF LOCATION.

21 (b) In permitting a change of location, the ~~state and local licensing~~  
22 ~~authorities~~ shall consider all reasonable restrictions that are or may be  
23 placed upon the new location by the governing board ~~or local licensing~~  
24 ~~authority~~ of the municipality, city and county, or county, and any such  
25 change in location shall be in accordance with all requirements of this  
26 ~~article~~ ARTICLE 43.3 and rules promulgated pursuant to this ~~article~~  
27 ARTICLE 43.3.

1           **SECTION 5. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.