

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

REVISED

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

LLS NO. 17-0907.01 Michael Dohr x4347

SENATE BILL 17-187

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Ginal,

Senate Committees

Business, Labor, & Technology

House Committees

Business Affairs and Labor
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY FOR AN EXEMPTION TO THE RESIDENCY**
102 **REQUIREMENT FOR EDUCATION-RELATED MARIJUANA**
103 **OCCUPATIONAL LICENSES, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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>.)

Under current law, when an employee or manager of a retail business applies for an occupational license, the person must be a Colorado resident on the date of his or her application. The bill gives the

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.*

HOUSE
Amended 2nd Reading
April 13, 2017

SENATE
3rd Reading Unamended
March 6, 2017

SENATE
Amended 2nd Reading
March 3, 2017

state licensing authority the ability to create an exemption to the residency requirement for a person applying for an occupational license for participation in a marijuana-based workforce development or education program.

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 (6.5) as follows:**

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

6 (6.5) **"MARIJUANA-BASED WORKFORCE DEVELOPMENT OR**
7 **TRAINING PROGRAM" MEANS A PROGRAM DESIGNED TO TRAIN**
8 **INDIVIDUALS TO WORK IN THE LEGAL MEDICAL MARIJUANA INDUSTRY**
9 **OPERATED BY AN ENTITY LICENSED UNDER THIS ARTICLE 43.3 OR BY A**
10 **SCHOOL THAT IS AUTHORIZED BY THE DIVISION OF PRIVATE OCCUPATIONAL**
11 **SCHOOLS.**

12 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-401, **amend**
13 (1) introductory portion and (1)(d) as follows:

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

20 (d) Occupational licenses and registrations for owners, managers,
21 operators, employees, contractors, and other support staff employed by,
22 working in, or having access to restricted areas of the licensed premises,
23 as determined by the state licensing authority. **UPON RECEIPT OF AN**

1 AFFIRMATION UNDER PENALTY OF PERJURY THAT THE APPLICANT IS
2 ENROLLED IN A MARIJUANA-BASED WORKFORCE DEVELOPMENT OR
3 TRAINING PROGRAM OPERATED BY AN ENTITY LICENSED UNDER THIS
4 ARTICLE 43.3 OR BY A SCHOOL THAT IS AUTHORIZED BY THE DIVISION OF
5 PRIVATE OCCUPATIONAL SCHOOLS IN COLORADO THAT WILL REQUIRE
6 ACCESS OR EMPLOYMENT WITHIN A PREMISES LICENSED PURSUANT TO THIS
7 ARTICLE 43.3 OR ARTICLE 43.4 OF THIS TITLE 12, THE STATE LICENSING
8 AUTHORITY MAY EXEMPT FOR UP TO TWO YEARS BASED ON THE LENGTH
9 OF THE PROGRAM THE RESIDENCY REQUIREMENT IN SECTION 12-43.3-310
10 (6) FOR A PERSON APPLYING FOR AN OCCUPATIONAL LICENSE FOR
11 PARTICIPATION IN A MARIJUANA-BASED WORKFORCE DEVELOPMENT OR
12 TRAINING PROGRAM. The state licensing authority may take any action
13 with respect to a registration pursuant to this ~~article~~ ARTICLE 43.3 as it
14 may with respect to a license pursuant to this ~~article~~ ARTICLE 43.3, in
15 accordance with the procedures established pursuant to this ~~article~~
16 ARTICLE 43.3.

17 **SECTION 3.** In Colorado Revised Statutes, 12-43.4-103, **amend**
18 **the introductory portion; and add (9.5) as follows:**

19 **12-43.4-103. Definitions.** As used in this ~~article~~ ARTICLE 43.4,
20 **unless the context otherwise requires:**

21 **(9.5) "MARIJUANA-BASED WORKFORCE DEVELOPMENT OR**
22 **TRAINING PROGRAM" MEANS A PROGRAM DESIGNED TO TRAIN INDIVIDUALS**
23 **TO WORK IN THE LICENSED RETAIL MARIJUANA INDUSTRY OPERATED BY AN**
24 **ENTITY LICENSED UNDER THIS ARTICLE 43.4 OR BY A SCHOOL THAT IS**
25 **AUTHORIZED BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS.**

26 **SECTION 4.** In Colorado Revised Statutes, 12-43.4-401, **amend**
27 (1) introductory portion and (1)(e) as follows:

1 **12-43.4-401. Classes of licenses.** (1) For the purpose of
2 regulating the cultivation, manufacture, distribution, sale, and testing of
3 retail marijuana and retail marijuana products, the state licensing
4 authority in its discretion, upon receipt of an application in the prescribed
5 form, may issue and grant to the applicant a license from any of the
6 following classes, subject to the provisions and restrictions provided by
7 this ~~article~~ ARTICLE 43.4:

8 (e) Occupational licenses and registrations for owners, managers,
9 operators, employees, contractors, and other support staff employed by,
10 working in, or having access to restricted areas of the licensed premises,
11 as determined by the state licensing authority. UPON RECEIPT OF AN
12 AFFIRMATION UNDER PENALTY OF PERJURY THAT THE APPLICANT IS
13 ENROLLED IN A MARIJUANA-BASED WORKFORCE DEVELOPMENT OR
14 TRAINING PROGRAM OPERATED BY AN ENTITY LICENSED UNDER THIS
15 ARTICLE 43.4 OR BY A SCHOOL THAT IS AUTHORIZED BY THE DIVISION OF
16 PRIVATE OCCUPATIONAL SCHOOLS IN COLORADO THAT WILL REQUIRE
17 ACCESS OR EMPLOYMENT WITHIN A PREMISES LICENSED PURSUANT TO THIS
18 ARTICLE 43.4 OR ARTICLE 43.3 OF THIS TITLE 12, THE STATE LICENSING
19 AUTHORITY MAY EXEMPT FOR UP TO TWO YEARS BASED ON THE LENGTH
20 OF THE PROGRAM THE RESIDENCY REQUIREMENT IN SECTION 12-43.4-309
21 (5) FOR A PERSON APPLYING FOR AN OCCUPATIONAL LICENSE FOR
22 PARTICIPATION IN A MARIJUANA-BASED WORKFORCE DEVELOPMENT OR
23 TRAINING PROGRAM. The state licensing authority may take any action
24 with respect to a registration pursuant to this ~~article~~ ARTICLE 43.4 as it
25 may with respect to a license pursuant to this ~~article~~ ARTICLE 43.4, in
26 accordance with the procedures established pursuant to this ~~article~~
27 ARTICLE 43.4.

1 **SECTION 5. Appropriation.** (1) For the 2017-18 state fiscal
2 year, \$1,159 is appropriated to the department of revenue. This
3 appropriation is from the marijuana cash fund created in section
4 12-43.3-501 (1)(a), C.R.S. To implement this act, the department may use
5 this appropriation for the purchase of criminal history record checks.

6 (2) For the 2017-18 state fiscal year, \$1,159 is appropriated to the
7 department of public safety for use by the biometric identification and
8 records unit. This appropriation is from reappropriated funds received
9 from the department of revenue under subsection (1) of this section. To
10 implement this act, the unit may use this appropriation to provide criminal
11 history record checks for the department of revenue.

12 **SECTION 6. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.