

CHAPTER 382

HEALTH AND ENVIRONMENT

HOUSE BILL 14-1396

BY REPRESENTATIVE(S) Ryden, Rosenthal, Schafer, Fields, Ginal, Peniston;
also SENATOR(S) King, Crowder.

AN ACT

CONCERNING CLARIFICATION OF THE AUTHORITY OF PERSONS ACTING ON BEHALF OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ADMINISTER THE MEDICAL MARIJUANA REGISTRY.

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

SECTION 1. In Colorado Revised Statutes, 25-1.5-106, **amend** (2) (a); and **add** (2) (a.5) and (8) (g) as follows:

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - created - repeal. (2) Definitions. In addition to the definitions set forth in section 14 (1) of article XVIII of the state constitution, as used in this section, unless the context otherwise requires:

(a) ~~"Bona fide physician-patient relationship", for purposes of the medical marijuana program, means:~~ "AUTHORIZED EMPLOYEES OF THE STATE HEALTH AGENCY" INCLUDES INDEPENDENT CONTRACTORS OR OTHER AGENCIES WITH WHOM THE STATE HEALTH AGENCY CONTRACTS OR IS WORKING UNDER AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE SERVICES RELATED TO THE ADMINISTRATION OF THE MEDICAL MARIJUANA PROGRAM REGISTRY. THESE INDEPENDENT CONTRACTORS ARE NOT STATE EMPLOYEES FOR THE PURPOSES OF STATE EMPLOYEE BENEFITS, INCLUDING PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BENEFITS.

~~(f) A physician and a patient have a treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient's medical history and current medical condition, including an appropriate personal physical examination;~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(II) The physician has consulted with the patient with respect to the patient's debilitating medical condition before the patient applies for a registry identification card; and~~

~~(III) The physician is available to or offers to provide follow-up care and treatment to the patient, including but not limited to patient examinations, to determine the efficacy of the use of medical marijuana as a treatment of the patient's debilitating medical condition.~~

(a.5) "BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP", FOR PURPOSES OF THE MEDICAL MARIJUANA PROGRAM, MEANS:

(I) A PHYSICIAN AND A PATIENT HAVE A TREATMENT OR COUNSELING RELATIONSHIP, IN THE COURSE OF WHICH THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION, INCLUDING AN APPROPRIATE PERSONAL PHYSICAL EXAMINATION;

(II) THE PHYSICIAN HAS CONSULTED WITH THE PATIENT WITH RESPECT TO THE PATIENT'S DEBILITATING MEDICAL CONDITION BEFORE THE PATIENT APPLIES FOR A REGISTRY IDENTIFICATION CARD; AND

(III) THE PHYSICIAN IS AVAILABLE TO OR OFFERS TO PROVIDE FOLLOW-UP CARE AND TREATMENT TO THE PATIENT, INCLUDING PATIENT EXAMINATIONS, TO DETERMINE THE EFFICACY OF THE USE OF MEDICAL MARIJUANA AS A TREATMENT OF THE PATIENT'S DEBILITATING MEDICAL CONDITION.

(8) Patient - primary caregiver relationship. (g) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PRIMARY CAREGIVER SHALL NOT GROW, SELL, OR PROCESS MARIJUANA FOR ANY PERSON UNLESS:

(I) THE PERSON IS A PATIENT HOLDING A CURRENT AND VALID REGISTRY IDENTIFICATION CARD; AND

(II) THE PRIMARY CAREGIVER IS CURRENTLY IDENTIFIED ON THE MEDICAL MARIJUANA REGISTRY AS THAT PATIENT'S PRIMARY CAREGIVER.

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, and safety.

Approved: June 6, 2014