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FINAL TEXT

**ELECTIONS  
SECRETARY OF STATE**

**PROPOSED INITIATIVE MEASURE #43**

Be it enacted by the people of the state of Colorado

Article XVIII, Section 14, of the constitution of the state of Colorado is amended by the addition of a new subsection to read:

(12) (A) TO ENSURE THAT EACH PATIENT HAS A SAFE AND RELIABLE SOURCE OF MARIJUANA, A PERSON SHALL HAVE THE RIGHT TO OPERATE AND TO OBTAIN A LICENSE TO OPERATE A MEDICAL MARIJUANA DISPENSING FACILITY OR A MEDICAL MARIJUANA PRODUCTION FACILITY AS PROVIDED IN THIS SECTION.

(B) NOT LATER THAN MARCH 1, 2011, THE GENERAL ASSEMBLY SHALL ENACT LEGISLATION NECESSARY FOR IMPLEMENTATION OF THIS SECTION. SUCH LEGISLATION SHALL INCLUDE:

(I) AN EXCEPTION FROM THE STATE'S CRIMINAL LAWS FOR ENGAGING OR ASSISTING IN THE MEDICAL USE OF MARIJUANA AND FOR THE SALE OR TRANSFER OF MARIJUANA TO A PATIENT, PRIMARY CARE-GIVER, OR MEDICAL MARIJUANA DISPENSING FACILITY BY ANY MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY IN LAWFUL POSSESSION OF A LICENSE TO PRODUCE OR TO DISTRIBUTE MEDICAL MARIJUANA AND FOR ANY AGENT OR EMPLOYEE OF SUCH FACILITY;

(II) PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE TO OPERATE A MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY;

(III) A SCHEDULE OF LICENSING FEES;

(IV) MINIMUM SECURITY REQUIREMENTS THAT ARE INTENDED TO PREVENT DIVERSION OF MEDICAL MARIJUANA FROM A DISPENSING OR PRODUCTION FACILITY;

(V) MINIMUM LABELING REQUIREMENTS FOR MEDICAL MARIJUANA DISTRIBUTED BY A MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY; AND

(VI) CIVIL PENALTIES FOR THE FAILURE TO COMPLY WITH LEGISLATION, ORDINANCES, OR REGULATIONS MADE PURSUANT TO THIS SECTION.

(C) NOT LATER THAN MARCH 1, 2011, EACH LOCALITY SHALL ENACT AN ORDINANCE OR REGULATION SPECIFYING THE ENTITY WITHIN THE LOCALITY THAT IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO OPERATE A MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY WITHIN THE BOUNDARIES OF THE LOCALITY AND FOR THE ISSUANCE OF SUCH LICENSES IF ISSUANCE BY THE LOCALITY BECOMES NECESSARY BECAUSE OF A FAILURE BY THE GENERAL ASSEMBLY TO ENACT LEGISLATION PURSUANT TO PARAGRAPH 12(B) OR BECAUSE OF A FAILURE BY THE

DEPARTMENT OF REGULATORY AGENCIES TO PROCESS AND ISSUE LICENSES AS REQUIRED BY THIS SECTION.

(D) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS NOT IN CONFLICT WITH THIS SECTION OR WITH LEGISLATION ENACTED PURSUANT TO THIS SECTION GOVERNING THE TIME, PLACE, AND MANNER OF MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY OPERATIONS, ESTABLISHING PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY IN ACCORDANCE WITH PARAGRAPH (F) OR (G) OF THIS SECTION, AND ESTABLISHING PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING THE TIME, PLACE, AND MANNER OF A MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY THAT MAY OPERATE IN SUCH LOCALITY, PROVIDED THAT NO LOCALITY MAY PROHIBIT THE OPERATION OF SUCH A FACILITY, EITHER EXPRESSLY OR THROUGH ENACTMENT OF ORDINANCES OR REGULATIONS WHICH MAKE THEIR OPERATION UNREASONABLY IMPRACTICABLE.

(E) EACH APPLICATION FOR AN ANNUAL LICENSE TO OPERATE A MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY SHALL BE SUBMITTED TO THE DEPARTMENT OF REGULATORY AGENCIES. THE DEPARTMENT OF REGULATORY AGENCIES SHALL:

(I) BEGIN PROCESSING APPLICATIONS ON MAY 1, 2011;

(II) IMMEDIATELY FORWARD A COPY OF EACH APPLICATION TO THE LOCALITY IN WHICH THE APPLICANT DESIRES TO OPERATE THE MEDICAL MARIJUANA DISPENSING OR PRODUCTION FACILITY;

(III) ISSUE AN ANNUAL LICENSE TO THE APPLICANT WITHIN 90 DAYS OF RECEIPT OF AN APPLICATION UNLESS IT FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH LEGISLATION ENACTED PURSUANT TO SUBSECTION (B) OR IT IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO SUBSECTION (D) AND IN EFFECT AT THE TIME OF APPLICATION; AND

(IV) UPON DENIAL OF AN APPLICATION, NOTIFY THE APPLICANT OF THE SPECIFIC REASON FOR ITS DENIAL.

(F) IF THE DEPARTMENT OF REGULATORY AGENCIES DOES NOT ISSUE A LICENSE TO AN APPLICANT WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION FILED IN ACCORDANCE WITH SUBSECTION (E) AND DOES NOT NOTIFY THE APPLICANT OF THE SPECIFIC REASON FOR ITS DENIAL, THE APPLICANT MAY SUBMIT ITS APPLICATION DIRECTLY TO THE LOCALITY AND THE LOCALITY SHALL ISSUE AN ANNUAL LICENSE TO THE APPLICANT WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION UNLESS IT FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO SUBSECTION (D) IN EFFECT AT THE TIME OF APPLICATION AND SHALL NOTIFY THE DEPARTMENT OF REGULATORY AGENCIES IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. IF AN APPLICATION IS SUBMITTED TO A LOCALITY UNDER THIS PARAGRAPH, THE DEPARTMENT OF REGULATORY

AGENCIES SHALL FORWARD THE APPLICATION FEE PAID BY THE APPLICANT TO THE LOCALITY UPON REQUEST BY THE LOCALITY AND THE DEPARTMENT OF REGULATORY AGENCIES SHALL BE PRECLUDED FROM DENYING SUCH APPLICATION AND FROM TAKING ENFORCEMENT ACTION AGAINST AN ANNUAL LICENSE GRANTED PURSUANT TO SUCH APPLICATION.

(G) IF THE GENERAL ASSEMBLY DOES NOT ENACT LEGISLATION REQUIRED BY SUBSECTION (B), THE APPLICANT MAY SUBMIT ITS APPLICATION DIRECTLY TO THE LOCALITY AFTER MAY 1, 2011 AND THE LOCALITY SHALL ISSUE AN ANNUAL LICENSE TO THE APPLICANT WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION UNLESS IT FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO SUBSECTION (D) IN EFFECT AT THE TIME OF APPLICATION AND SHALL NOTIFY THE DEPARTMENT OF REGULATORY AGENCIES IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. AN APPLICANT LICENSED PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ARREST OR PROSECUTION FOR ENGAGING OR ASSISTING IN THE MEDICAL USE OF MARIJUANA AND FOR THE SALE OR TRANSFER OF MARIJUANA TO A PATIENT, PRIMARY CARE-GIVER, OR MEDICAL MARIJUANA DISPENSING FACILITY.

(H) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES,

(I) "LOCALITY" MEANS A HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY OR A COUNTY IF THE PROPOSED LOCATION OF THE FACILITY IS NOT WITHIN THE BOUNDARIES OF A HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY.

(II) "MEDICAL MARIJUANA DISPENSING FACILITY" MEANS AN ENTITY ESTABLISHED FOR THE PURPOSE OF SELLING OR OTHERWISE TRANSFERRING MARIJUANA TO ANY NUMBER OF PATIENTS OR PRIMARY CARE-GIVERS.

(III) "MEDICAL MARIJUANA PRODUCTION FACILITY" MEANS AN ENTITY ESTABLISHED FOR THE PURPOSE OF PRODUCING AND PREPARING ANY AMOUNT OF MARIJUANA AND FOR SELLING OR OTHERWISE TRANSFERRING THAT MARIJUANA TO MEDICAL MARIJUANA DISPENSING FACILITIES.

(IV) "UNREASONABLY IMPRACTICABLE" MEANS THAT OPERATION IS POSSIBLE, BUT THAT THE MEASURES NECESSARY TO COMPLY WITH THE ORDINANCES OR REGULATIONS REQUIRE SUCH A HIGH INVESTMENT OF RISK, MONEY, TIME, OR ANY OTHER RESOURCE THAT THE OPERATION OF A FACILITY IS NOT WORTHY OF BEING CARRIED OUT IN PRACTICE.

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