

COLORADO

MEDICAL CANNABIS ACCESS STATE REPORT CARD 2015



Issue	Possible Points		
PATIENT RIGHTS & CIVIL PROTECTION (total)	100	62	
Arrest protection	40	40	
Affirmative defense	15	15	
Child custody	10	0	
DUID protections	5	0	
Employment	5	0	
Explicit privacy standards.....	7	7	
Housing protections	5	0	
Does not create new criminal penalties for patients	5	0	
Organ transplants	5	0	
Reciprocity	3	0	
EASE OF NAVIGATION (total).....	100	84	
Comprehensive qualifying conditions.....	50	44	
Adding new conditions (total).....	10	7	
Law/Regs allow for new conditions	5	5	
System works for adding new conditions.....	5	2	
Reasonable access for minors.....	10	9	
Reasonable caregiver background check requirements..	4	4	
Number of caregivers	2	1	
Patient/Practitioner focused task force/advisory Board ..	2	0	
Reasonable fees (patients & caregivers).....	10	10	
Allows multiple-year registrations	2	0	
Reasonable physician requirements	5	4	
Does not classify cannabis as medicine of last resort.....	5	5	
ACCESS TO MEDICINE (total)	100	83	
Allows distribution programs (total).....	40	30	
Allows access to dried flowers.....	15	15	
Allows delivery	5	0	
No sales tax or reasonable sales tax	5	4	
Reasonable number of dispensing facilities	5	5	
Does not require vertical integration	2	2	
Ownership/Employment restrictions	2	2	
Provisions for labor standards	2	0	
Environmental impact regulations	2	0	
Unrestricted choice of dispensary	2	2	
Non-commercial cultivation (total)	20	15	
Personal cultivation.....	15	15	
Collective gardens	5	0	
Explicit right to edibles/concentrates/other forms	10	10	
Does not impose limits or bans on THC	10	10	
Does not impose minimum CBD requirements	10	10	
Municipal bans/zoning	10	8	
FUNCTIONALITY (total).....	100	93	
Patients are able to obtain medicine.....	50	50	
Free of significant administrative or supply problems..	15	15	
Legal protections within reasonable time frame	10	9	
Reasonable possession limit (ounces)	5	5	
Reasonable purchase limits.....	5	4	
Allows patients to medicate where they chose	5	4	
Covered by insurance/state health aide	3	0	
Financial hardship (fee waivers/discount medicine).....	7	6	
PRODUCT SAFETY (total - see back for details).....	100	74	
Dispensing	25	18	
Cultivation	25	19	
Manufacturing	25	17	
Lab.....	25	20	
Improvement Bonus.....		25	
Total out of 500.....		421	
Score percentage		84	

Final Grade = B

Areas for improvement: Colorado does well in most aspects of providing safe and legal access to its medical cannabis patients. In terms of the law, the biggest oversight is the lack of civil discrimination protection in the areas of housing, employment, and child custody. On the regulatory side of things, the state should improve its product safety requirements by having the state evenly enforce the regulations across the state instead of relying on city and county health officials to do so, which has resulted in the unequal enforcement of these regulations.

Background: Colorado has two medical cannabis laws. Colorado's original medical cannabis law, Amendment 20, is a citizens' initiative passed in 2000 that amends the state constitution to authorize patients to use and possess up to two ounces of medical cannabis, cultivate up to six plants (3 mature, 3 immature), and be assisted by a caregiver. Colorado's second medical cannabis law, the Colorado Medical Marijuana Code (C.R.S. 12-43.3-101 et seq.), was enacted by the legislature in the summer of 2010 to establish a dual licensing mechanism that regulates medical cannabis businesses at both the state and local level. Colorado allows local governments to adopt regulations regarding medical marijuana businesses and patient and caregiver conduct, which has led to unequal application of the law, selective enforcement, and different interpretations of the law. In addition, the Colorado Medical Marijuana Code permits various state agencies to continuously enact new regulations for the medical cannabis community. Two state agencies oversee different aspects of the program. The Department of Public Health and Environment oversees the patient and caregiver registry, while the Marijuana Enforcement Division of the Department of Revenue regulates dispensaries, cultivation, and manufacturing. The state continues to make periodic revisions to its medical cannabis regulations.

PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points		
DISPENSING (total)	25	18	
Dispensary training	5	5	
Operating Procedures and Protocols.....	5	5	
Facility sanitary conditions	Y or N	Y	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Inventory Control	Y or N	Y	
Recall protocol and adverse event reporting	5	0	
Product Labeling	5	3	
Product contents including source material ID	Y or N	N	
Allergens	Y or N	Y	
Potency/compound identification	Y or N	Y	
Required Testing	5	5	
Active ingredient identification	Y or N	Y	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
CULTIVATION (total).....	25	19	
Cultivation training.....	5	5	
Standard Operating Procedures and Protocols	5	5	
Facility and equipment sanitary conditions	Y or N	Y	
Workforce safety protocols	Y or N	Y	
Storage protocols (short and long term)	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Disposal/waste	Y or N	Y	
Water management	Y or N	Y	
Pesticide Guidance and Protocols	5	4	
Pesticide Guidance.....	Y or N	Y	
Product labeling	Y or N	N	
Required testing	5	5	
Active ingredient identification	Y or N	Y	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting.....	5	0	
MANUFACTURING (total).....	25	17	
Manufacturing training	5	5	
Standard Operating Procedures and Protocols.....	5	5	
Facility and equipment sanitary conditions	Y or N	Y	
Workforce safety protocols	Y or N	Y	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Product Labeling	3	3	
Product contents with source material ID	Y or N	N	
Allergens	Y or N	Y	
Potency/compound identification	Y or N	Y	
Required Testing	4	4	
Active ingredient identification	Y or N	Y	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Shelf life testing	Y or N	N	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting:	5	0	
LABORATORY (total).....	25	20	
Lab operations training.....	5	5	
Method validation in accordance with AHP guidelines ..	5	0	
Result reporting - disclose the type of testing used.....	5	5	
Independent or third party certification	5	5	
Standard Operating Procedures and Protocols	5	5	
Equipment and instrument calibration	Y or N	Y	
Sample tracking	Y or N	Y	
Facility and equipment sanitary conditions	Y or N	Y	
Disposal/waste protocols	Y or N	Y	
Storage protocols	Y or N	Y	
Workforce safety protocols	Y or N	Y	
Total out of 100		74	

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at <http://patientfocusedcertification.org/about/information-for-regulators/> and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.