

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2 Health and Environmental Information and Statistics Division

3 **MEDICAL USE OF MARIJUANA**

4 5 CCR 1006-2

5 **Regulation 2: Application for a registry identification card**

6 **A. DEFINITIONS**

7 i) An "adult applicant" is defined as a patient eighteen years of age or older. A "minor
8 applicant" is defined as a patient less than eighteen years of age.

9 ii) "Primary care-giver" means a person other than the patient and the patient's physician,
10 who is eighteen years of age or older and has significant responsibility for managing the well-
11 being of a patient who has a debilitating medical condition. A PERSON SHALL BE LISTED AS A
12 PRIMARY CARE-GIVER FOR NO MORE THAN FIVE PATIENTS IN THE MEDICAL
13 MARIJUANA PROGRAM REGISTRY AT ANY GIVEN TIME UNLESS A WAIVER HAS BEEN
14 GRANTED FOR EXCEPTIONAL CIRCUMSTANCES, AS PER REGULATION NINE BELOW.

15 iii) "Significant responsibility for managing the well-being of a patient" means, IN ADDITION
16 TO THE ABILITY TO PROVIDE MEDICAL MARIJUANA, REGULARLY assisting a patient with
17 daily activities OF DAILY LIVING, including but not limited to transportation or housekeeping or
18 meal preparation or shopping or making any necessary arrangement for access to medical care
19 or NON-MEDICAL MARIJUANA services or provision of medical marijuana. THE ACT OF
20 SUPPLYING MEDICAL MARIJUANA OR MARIJUANA PARAPHERNALIA, BY ITSELF, IS
21 INSUFFICIENT TO CONSTITUTE "SIGNIFICANT RESPONSIBILITY FOR MANAGING THE
22 WELL-BEING OF A PATIENT.

23 B. In order to be placed in the registry and to receive a registry identification card, an adult applicant
24 must reside in Colorado and submit an application form supplied by the department, completed and
25 notarized. The adult applicant must provide the following information with the application:

26 i) The applicant's name, address, date of birth, and social security number;

27 ii) The name and address of the applicant's primary care-giver, if one is designated at the
28 time of application;

29 iii) Written documentation from the applicant's physician that the applicant has been
30 diagnosed with a debilitating medical condition as defined in regulation six and the physician's
31 conclusion that the applicant might benefit from the medical use of marijuana; and

32 iv) The name, address, and telephone number of the physician who has concluded the
33 applicant might benefit from the medical use of marijuana; and

34 v) A copy of a secure and verifiable identity document, in compliance with the Secure and
35 Verifiable Document Act, C.R.S. §24-72.1-101 et seq., for the patient and primary care-giver, if
36 any is designated.

37 C. In order for a minor applicant to be placed in the registry and to receive a registry identification card,
38 the minor applicant must reside in Colorado and a parent residing in Colorado must consent in
39 writing to serve as the minor applicant's primary care-giver. Such parent must submit an application

form supplied by the department. The parent of the minor applicant must provide the following information with the application:

- i) The applicant's name, address, date of birth, and social security number,
- ii) Written documentation from two of the applicant's physicians that the applicant has been diagnosed with a debilitating medical condition as defined in regulation six and each physician's conclusion that the applicant might benefit from the medical use of marijuana;
- iii) The name, address, and telephone number of the two physicians who have concluded the applicant might benefit from the medical use of marijuana;
- iv) Consent from each of the applicant's parents residing in Colorado that the applicant may engage in the medical use of marijuana; and
- v) Documentation that one of the physicians referred to in (iii) has explained the possible risks and benefits of medical use of marijuana to the applicant and each of the applicant's parents residing in Colorado.

D. To maintain an effective registry identification card, a patient must annually resubmit to the department, at least thirty days prior to the expiration date, updated written documentation of the information required in paragraphs B and C of this regulation. In addition, the patient must provide the name and address of the primary care-giver, if any is designated at such time.

E. A PATIENT MAY CHANGE HIS OR HER PRIMARY CARE-GIVER BY SUBMITTING SUCH INFORMATION ON THE FORM AND IN THE MANNER AS DIRECTED BY THE DEPARTMENT. A PATIENT MAY CHANGE HIS OR HER PRIMARY CARE-GIVER NO MORE THAN ONCE PER MONTH

Regulation 9: Primary care-giver-patient relationship and primary care-giver rules

A. A PATIENT WHO DESIGNATES A PRIMARY CARE-GIVER FOR HIM OR HERSELF CANNOT ALSO BE A PRIMARY CARE-GIVER TO ANOTHER PATIENT.

B. A PERSON SHALL BE LISTED AS A PRIMARY CARE-GIVER FOR NO MORE THAN FIVE PATIENTS IN THE MEDICAL MARIJUANA REGISTRY AT ANY GIVEN TIME UNLESS A WAIVER AS SET FORTH IN REGULATION 10 HAS BEEN GRANTED FOR EXCEPTIONAL CIRCUMSTANCES.

C. AN EXISTING PRIMARY CARE-GIVER MAY INDICATE TO THE DEPARTMENT AT THE TIME OF REGISTRATION ON A FORM TO BE DEVELOPED BY THE DEPARTMENT IF THE PRIMARY CARE-GIVER IS AVAILABLE TO SERVE MORE PATIENTS. AN INDIVIDUAL WHO IS NOT A REGISTERED PRIMARY CARE-GIVER, BUT WHO WOULD LIKE TO BECOME ONE MAY SUBMIT CONTACT INFORMATION TO THE REGISTRY. THE PRIMARY CARE-GIVER OR PROSPECTIVE PRIMARY CARE-GIVER SHALL WAIVE CONFIDENTIALITY TO ALLOW RELEASE OF CONTACT INFORMATION TO PHYSICIANS OR REGISTERED PATIENTS ONLY. THE DEPARTMENT MAY PROVIDE THE INFORMATION BUT SHALL NOT ENDORSE OR VOUCH FOR ANY PRIMARY CARE-GIVER OR PROSPECTIVE PRIMARY CARE-GIVER.

D. A PRIMARY CARE-GIVER IF ASKED BY LAW ENFORCEMENT SHALL PROVIDE A LIST OF REGISTRY IDENTIFICATION NUMBERS FOR EACH PATIENT. IF A WAIVER HAS BEEN GRANTED FOR THE PRIMARY CARE-GIVER TO SERVE MORE THAN FIVE PATIENTS, THIS WILL BE NOTED ON THE DEPARTMENT RECORD OF PRIMARY CARE-GIVERS AND WILL BE AVAILABLE FOR VERIFICATION TO LAW ENFORCEMENT UPON INQUIRY TO THE DEPARTMENT.

- 1 E. A PRIMARY CARE-GIVER SHALL HAVE HIS/HER PRIMARY REGISTRATION CARD
2 AVAILABLE ON HIS/HER PERSON AT ALL TIMES WHEN IN POSSESSION MARIJUANA AND
3 PRODUCE IT AT THE REQUEST OF LAW ENFORCEMENT. THE ONLY EXCEPTION TO
4 THIS SHALL BE WHEN IT HAS BEEN MORE THAN THIRTY-FIVE DAYS SINCE THE DATE
5 THE PATIENT FILED HIS OR HER MEDICAL MARIJUANA APPLICATION AND THE
6 DEPARTMENT HAS NOT YET ISSUED OR DENIED A REGISTRY IDENTIFICATION CARD, A
7 COPY OF THE PATIENT'S APPLICATION ALONG WITH PROOF OF THE DATE OF
8 SUBMISSION SHALL BE IN THE PRIMARY CARE-GIVER'S POSSESSION AT ALL TIMES
9 THAT THE PRIMARY CARE-GIVER IS IN POSSESSION OF MARIJUANA. THE PRIMARY
10 CARE-GIVER MAY REDACT ALL CONFIDENTIAL PATIENT INFORMATION FROM THE
11 APPLICATION OTHER THAN THE PATIENT'S NAME AND DATE OF BIRTH.
- 12 F. A PATIENT MAY ONLY HAVE ONE PRIMARY CARE-GIVER AT A TIME.
- 13 G. DESIGNATED PRIMARY CARE-GIVER SHALL NOT DELEGATE THE RESPONSIBILITY OF
14 PROVISION OF MEDICAL MARIJUANA FOR A PATIENT TO ANOTHER PERSON.
- 15 H. A PRIMARY CARE-GIVER SHALL NOT JOIN TOGETHER WITH ANOTHER PRIMARY CARE-
16 GIVER FOR THE PURPOSE OF GROWING MARIJUANA. ANY MARIJUANA GROWS BY A
17 CARE-GIVER SHALL BE PHYSICALLY SEPARATE FROM GROWS BY OTHER PRIMARY
18 CARE-GIVERS AND LICENSED GROWERS OR MEDICAL MARIJUANA CENTERS, AND A
19 PRIMARY CARE-GIVER SHALL NOT GROW MARIJUANA FOR ANOTHER PRIMARY CARE-
20 GIVER. IF TWO OR MORE CARE-GIVERS RESIDE IN THE SAME HOUSEHOLD AND EACH
21 GROWS MARIJUANA FOR THEIR REGISTERED PATIENTS, THE MARIJUANA GROWS
22 MUST BE MAINTAINED IN SUCH A WAY THAT THE PLANTS AND/OR OUNCES GROWN
23 AND OR MAINTAINED BY EACH PRIMARY CARE-GIVER ARE SEPARATELY IDENTIFIED
24 FROM ANY OTHER PRIMARY CARE-GIVERS PLANTS AND/OR OUNCES.
- 25 I. A PRIMARY CARE-GIVER SHALL NOT ESTABLISH A BUSINESS TO PERMIT PATIENTS TO
26 CONGREGATE AND SMOKE OR OTHERWISE CONSUME MEDICAL MARIJUANA.
- 27 J. A PRIMARY CARE-GIVER SHALL NOT:
- 28 1. ENGAGE IN THE MEDICAL USE OF MARIJUANA IN A WAY THAT ENDANGERS THE
 - 29 HEALTH AND WELL-BEING OF A PERSON;
 - 30 2. ENGAGE IN THE MEDICAL USE OF MARIJUANA IN PLAIN VIEW OF OR IN A PLACE
 - 31 OPEN TO THE GENERAL PUBLIC;
 - 32 3. UNDERTAKE ANY TASK WHILE UNDER THE INFLUENCE OF MEDICAL MARIJUANA,
 - 33 WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL
 - 34 MALPRACTICE;
 - 35 4. POSSESS MEDICAL MARIJUANA OR OTHERWISE ENGAGE IN THE USE OF MEDICAL
 - 36 MARIJUANA IN OR ON THE GROUNDS OF A SCHOOL OR IN A SCHOOL BUS;
 - 37 5. ENGAGE IN THE USE OF MEDICAL MARIJUANA WHILE:
 - 38 a. IN A CORRECTIONAL FACILITY OR A COMMUNITY CORRECTIONS FACILITY;
 - 39 b. SUBJECT TO A SENTENCE TO INCARCERATION; OR
 - 40 c. IN A VEHICLE, AIRCRAFT, OR MOTORBOAT;
 - 41 6. OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL OF ANY VEHICLE,
 - 42 AIRCRAFT, OR MOTORBOAT WHILE UNDER THE INFLUENCE OF MEDICAL
 - 43 MARIJUANA; OR
 - 44 7. PROVIDE MEDICAL MARIJUANA IF THE PATIENT DOES NOT HAVE A DEBILITATING
 - 45 MEDICAL CONDITION AS DIAGNOSED BY THE PERSON'S PHYSICIAN IN THE COURSE
 - 46 OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP AND FOR WHICH THE
 - 47 PHYSICIAN HAS RECOMMENDED THE USE OF MEDICAL MARIJUANA.
 - 48
- 49 K. A PRIMARY CARE-GIVER MAY CHARGE A PATIENT NO MORE THAN THE COST OF
50 CULTIVATING OR PURCHASING THE MEDICAL MARIJUANA, AND MAY ALSO CHARGE

FOR CARE-GIVER SERVICES. SUCH CARE-GIVER CHARGES SHALL BE APPROPRIATE FOR THE CARE-GIVER SERVICES RENDERED AND REFLECT MARKET RATES FOR SIMILAR CARE-GIVER SERVICES AND NOT COSTS ASSOCIATED WITH PROCURING THE MARIJUANA.

- L. A PRIMARY CARE-GIVER SHALL HAVE SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF A PATIENT WITH A DEBILITATING CONDITION. THE RELATIONSHIP BETWEEN A PRIMARY CARE-GIVER AND PATIENT IS TO BE A SIGNIFICANT RELATIONSHIP THAT IS MORE THAN PROVISION OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA PARAPHENALIA. SERVICES BEYOND THE PROVISION OF MEDICAL MARIJUANA THAT MAY BE PROVIDED BY THE PRIMARY CARE-GIVER INCLUDE, BUT SHALL NOT BE LIMITED TO, CONSULTATION AND EDUCATION ON ITS USE IN RELATION TO THE PATIENT'S CONDITION, TRANSPORTATION, HOUSEKEEPING, MEAL PREPARATION, SHOPPING, OR MAKING ARRANGMENTS FOR ACCESS TO MEDICAL CARE OR NON-MEDICAL MARIJUANA SERVICES. IF PATIENTS DO NOT REQUIRE CARE-GIVER SERVICE OTHER THAN THE PROVISION OF MEDICAL MARIJUANA, THEN THE PATIENTS SHALL NOT DESIGNATE A PRIMARY CARE-GIVER.

Regulation 10: Waiver for primary care-givers to serve more than five patients

- A. IN EXCEPTIONAL CIRCUMSTANCES, A WAIVER MAY BE GRANTED BY THE DEPARTMENT FOR THE PURPOSE OF ALLOWING A PRIMARY CARE-GIVER TO SERVE MORE THAN FIVE PATIENTS. A SEPARATE WAIVER APPLICATION WILL BE REQUIRED BY EACH PATIENT SEEKING TO USE A PRIMARY CARE-GIVER WHO IS ALREADY AT THE FIVE PATIENT LIMIT. IF THE DEPARTMENT DOES NOT ACT UPON THE WAIVER APPLICATION WITHIN 35 DAYS, THE WAIVER SHALL BE DEEMED APPROVED UNTIL ACTED UPON BY THE DEPARTMENT.
- B. WAIVER APPLICATIONS SHALL BE SUBMITTED TO THE DEPARTMENT ON THE FORM AND IN THE MANNER REQUIRED BY THE DEPARTMENT.
- C. THE PATIENT AND PRIMARY CARE-GIVER SHALL PROVIDE THE DEPARTMENT SUCH INFORMATION AND DOCUMENTATION AS THE DEPARTMENT MAY REQUIRE VALIDATING THE CONDITIONS UNDER WHICH THE WAIVER IS BEING SOUGHT.
- D. IN ACTING ON THE WAIVER APPLICATION, THE DEPARTMENT SHALL CONSIDER AT A MINIMUM ALL OF THE FOLLOWING:
1. THE INFORMATION SUBMITTED BY THE PATIENT APPLICANT;
 2. THE INFORMATION SUBMITTED BY THE PRIMARY CARE-GIVER;
 3. THE PROXIMITY OF MEDICAL MARIJUANA CENTERS TO THE PATIENT;
 4. WHETHER GRANTING THE WAIVER WOULD EITHER BENEFIT OR ADVERSELY AFFECT THE HEALTH, SAFETY OR WELFARE OF THE PATIENT; AND
 5. WHAT SERVICES BEYOND PROVIDING MEDICAL MARIJUANA THE APPLICANT NEEDS FROM THE PROPOSED PRIMARY CARE-GIVER.
- E. THE DEPARTMENT MAY SPECIFY TERMS AND CONDITIONS UNDER WHICH ANY WAIVER IS GRANTED, AND WHICH TERMS AND CONDITIONS MUST BE MET IN ORDER FOR THE WAIVER TO REMAIN IN EFFECT.

1 F. THE TERM FOR THE WAIVER SHALL BE A YEAR UNLESS THE CARE-GIVER REDUCES
2 THE NUMBER OF PATIENTS HE OR SHE SERVES DURING THAT YEAR TO FIVE OR
3 FEWER, AT WHICH TIME THE WAIVER SHALL EXPIRE. THE CARE-GIVER SHALL NOTIFY
4 THE DEPARTMENT IN WRITING WHEN HE OR SHE NO LONGER PROVIDES CARE-GIVER
5 SERVICES TO A PATIENT.

6 G. AT ANY TIME, UPON REASONABLE CAUSE, THE DEPARTMENT MAY REVIEW ANY
7 EXISTING WAIVER TO ENSURE THAT THE TERMS AND CONDITIONS OF THE WAIVER
8 ARE BEING OBSERVED AND OR THAT THE CONTINUED EXISTENCE OF THE WAIVER IS
9 APPROPRIATE.

10 H. THE DEPARTMENT MAY REVOKE A WAIVER IF IT DETERMINES THAT ANY ONE OF THE
11 FOLLOWING IS MET:

12 1. THE WAIVER JEOPARDIZES THE HEALTH, SAFETY AND WELFARE OF PATIENTS;

13 2. THE APPLICANT OR CARE-GIVER HAS PROVIDED FALSE OR MISLEADING
14 INFORMATION IN THE APPLICATION;

15 3. THE APPLICANT OR CARE-GIVER HAS FAILED TO COMPLY WITH THE TERMS OR
16 CONDITIONS OF THE WAIVER;

17 4. THE CONDITIONS UNDER WHICH A WAIVER WAS GRANTED NO LONGER EXIST
18 OR HAVE MATERIALLY CHANGED; OR

19 5. A CHANGE IN STATE LAW OR REGULATION PROHIBITS OR IS INCONSISTENT
20 WITH THE CONTINUATION OF THE WAIVER.

21 I. THE DEPARTMENT WILL PROVIDE NOTICE OF THE REVOCATION OF THE WAIVER TO
22 THE REGISTERED PATIENT AND THE CARE-GIVER AT THE TIME THE WAIVER IS
23 REVOKED.
24

25 J. APPEALS. IF THE DEPARTMENT PROPOSES TO DENY, CONDITION, REVOKE OR
26 SUSPEND A WAIVER FOR A PRIMARY CARE-GIVER TO SERVE MORE THAN FIVE
27 PATIENTS, THE DEPARTMENT SHALL PROVIDE THE PATIENT WITH NOTICE OF THE
28 GROUNDS FOR THE ACTION AND SHALL INFORM THE PATIENT OF THE PATIENT'S
29 RIGHT TO REQUEST A HEARING.
30

31 1. A REQUEST FOR HEARING SHALL BE SUBMITTED TO THE DEPARTMENT IN
32 WRITING WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE
33 POSTMARK ON THE NOTICE.
34

35 2. IF A HEARING IS REQUESTED, THE PATIENT SHALL FILE AN ANSWER WITHIN
36 THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE POSTMARK ON THE
37 NOTICE.
38

39 3. IF A REQUEST FOR A HEARING IS MADE, THE HEARING SHALL BE CONDUCTED
40 IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURES ACT, § 24-4-
41 101 *ET SEQ.*, C.R.S.

42 4. IF THE PATIENT DOES NOT REQUEST A HEARING IN WRITING WITHIN THIRTY
43 (30) CALENDAR DAYS FROM THE DATE OF THE NOTICE, THE PATIENT IS
44 DEEMED TO HAVE WAIVED THE OPPORTUNITY FOR A HEARING.

Regulation 11: Waiver for primary care-givers to deliver medical marijuana products from a medical marijuana center.

- A. IF THE PHYSICIAN RECOMMENDING THE MARIJUANA CHECKS ON THE RECOMMENDING FORM THAT THE PATIENT IS HOMEBOUND, A WAIVER WILL BE GRANTED ALLOWING A DESIGNATED PRIMARY CARE-GIVER TO TRANSPORT MARIJUANA FROM A DISPENSARY TO THE PATIENT.
- B. THE TERM FOR THE WAIVER SHALL BE THE SAME AS THE EFFECTIVE DATES OF THE PATIENT'S REGISTRY IDENTIFICATION CARD.
- C. AT ANY TIME, UPON REASONABLE CAUSE, THE DEPARTMENT MAY REVIEW ANY EXISTING WAIVER TO ENSURE THAT THE TERMS AND CONDITIONS OF THE WAIVER ARE BEING OBSERVED AND OR THAT THE CONTINUED EXISTENCE OF THE WAIVER IS APPROPRIATE.
- D. THE DEPARTMENT MAY REVOKE A WAIVER IF IT DETERMINES THAT ANY OF THE FOLLOWING ARE MET:
1. THE WAIVER JEOPARDIZES THE HEALTH, SAFETY AND WELFARE OF PATIENTS;
 2. THE APPLICANT HAS PROVIDED FALSE OR MISLEADING INFORMATION IN THE APPLICATION;
 3. THE APPLICANT HAS FAILED TO COMPLY WITH THE TERMS OR CONDITIONS OF THE WAIVER;
 4. THE CONDITIONS UNDER WHICH A WAIVER WAS GRANTED NO LONGER EXIST OR HAVE MATERIALLY CHANGED; OR
 5. A CHANGE IN STATE LAW OR REGULATION PROHIBITS OR IS INCONSISTENT WITH THE CONTINUATION OF THE WAIVER.
- E. PRIMARY CARE-GIVERS FOR MINORS SHALL HAVE A WAIVER FOR TRANSPORTATION AUTOMATICALLY GRANTED AS PART OF A SUCCESSFUL APPLICATION PROCESS IF THE PATIENT APPLICATION INDICATES THAT THE MINOR'S PRIMARY CARE-GIVER WILL BE PURCHASING MEDICAL MARIJUANA FROM A MEDICAL MARIJUANA CENTER. THE TERM OF THE WAIVER WILL COINCIDE WITH THE TERM OF THE CERTIFICATE.
- F. THE DEPARTMENT WILL PROVIDE NOTICE OF THE REVOCATION OF THE WAIVER TO THE PATIENT AND THE PRIMARY CARE-GIVER AT THE TIME THE WAIVER IS REVOKED.
- G. APPEALS. IF THE DEPARTMENT PROPOSES TO DENY, CONDITION, REVOKE OR SUSPEND A WAIVER FOR A PRIMARY CARE-GIVER TO DELIVER MEDICAL MARIJUANA PRODUCTS TO A HOMEBOUND PATIENT, THE DEPARTMENT SHALL PROVIDE THE PATIENT WITH NOTICE OF THE GROUNDS FOR THE ACTION AND SHALL INFORM THE PATIENT OF THE PATIENT'S RIGHT TO REQUEST A HEARING.
1. A REQUEST FOR HEARING SHALL BE SUBMITTED TO THE DEPARTMENT IN WRITING WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE POSTMARK ON THE NOTICE.

- 1 2. IF A HEARING IS REQUESTED, THE PATIENT SHALL FILE AN ANSWER WITHIN
2 THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE POSTMARK ON THE
3 NOTICE.
4
- 5 3. IF A REQUEST FOR A HEARING IS MADE, THE HEARING SHALL BE CONDUCTED
6 IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURES ACT, § 24-4-
7 101 *ET SEQ.*, C.R.S.
- 8 4. IF THE PATIENT DOES NOT REQUEST A HEARING IN WRITING WITHIN THIRTY
9 (30) CALENDAR DAYS FROM THE DATE OF THE NOTICE, THE PATIENT IS
10 DEEMED TO HAVE WAIVED THE OPPORTUNITY FOR A HEARING.