

§ 12-43.3-901. Unlawful acts - exceptions.

Colorado Statutes

Title 12. PROFESSIONS AND OCCUPATIONS

HEALTH CARE

Article 43.3. Medical Marijuana

Part 9. UNLAWFUL ACTS - ENFORCEMENT

Current through Chapter 158 and Chapters 500 through 522

§ 12-43.3-901. Unlawful acts - exceptions

- (1) Except as otherwise provided in this article, it is unlawful for a person:
 - (a) To consume medical marijuana in a licensed medical marijuana center, and it shall be unlawful for a medical marijuana licensee to allow medical marijuana to be consumed upon its licensed premises;
 - (b) With knowledge, to permit or fail to prevent the use of his or her registry identification by any other person for the unlawful purchasing of medical marijuana.
 - (c) (Deleted by amendment, L. 2011, (HB 11-1043), ch. 266, p. 1210, § 16, effective and July 1, 2011.)
 - (d)
- (2) It is unlawful for a person to buy, sell, transfer, give away, or acquire medical marijuana except as allowed pursuant to this article.
- (3) It is unlawful for a person licensed pursuant to this article:
 - (a) To be within a limited-access area unless the person's license badge is displayed as required by this article, except as provided in section 12-43.3-701 ;
 - (b) To fail to designate areas of ingress and egress for limited-access areas and post signs in conspicuous locations as required by this article;
 - (c) To fail to report a transfer required by section 12-43.3-310(11) ; or
 - (d) To fail to report the name of or a change in managers as required by section 12-43.3-310(12).
- (4) It is unlawful for any person licensed to sell medical marijuana pursuant to this article:

- (a) To display any signs that are inconsistent with local laws or regulations;
- (b) To use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors;
- (c) To provide public premises, or any portion thereof, for the purpose of consumption of medical marijuana in any form;
- (d)
 - (I) To sell medical marijuana to a person not licensed pursuant to this article or to a person not able to produce a valid patient registry identification card, unless the person has a copy of a current and complete new application for the medical marijuana registry administered by the department of public health and environment that is documented by a certified mail return receipt as having been submitted to the department of public health and environment within the preceding thirty-five days and the employee assisting the person has contacted the department of public health and environment and, as a result, determined the person's application has not been denied. Notwithstanding any provision in this subparagraph (I) to the contrary, a person under twenty-one years of age shall not be employed to sell or dispense medical marijuana at a medical marijuana center or grow or cultivate medical marijuana at an optional premises cultivation operation.
 - (II) If a licensee or a licensee's employee has reasonable cause to believe that a person is exhibiting a fraudulent patient registry identification card in an attempt to obtain medical marijuana, the licensee or employee shall be authorized to confiscate the fraudulent patient registry identification card, if possible, and shall, within seventy-two hours after the confiscation, turn it over to the state health department or local law enforcement agency. The failure to confiscate the fraudulent patient registry identification card or to turn it over to the state health department or a state or local law enforcement agency within seventy-two hours after the confiscation shall not constitute a criminal offense.
- (e) To possess more than six medical marijuana plants and two ounces of medical marijuana for each patient who has registered the center as his or her primary center pursuant to section 25-1.5-106(8) (f), C.R.S.; except that a medical marijuana center may have an amount that exceeds the six-plant and two-ounce product per patient limit if the center sells to patients that are authorized to have more than six plants and two ounces of product. In the case of a patient authorized to exceed the six-plant and two-ounce limit, the center shall obtain documentation from the patient's physician that the patient needs more than six plants and two ounces of product.

- (f) To offer for sale or solicit an order for medical marijuana in person except within the licensed premises;
 - (g) To have in possession or upon the licensed premises any medical marijuana, the sale of which is not permitted by the license;
 - (h) To buy medical marijuana from a person not licensed to sell as provided by this article;
 - (i) To sell medical marijuana except in the permanent location specifically designated in the license for sale;
 - (j) To have on the licensed premises any medical marijuana or marijuana paraphernalia that shows evidence of the medical marijuana having been consumed or partially consumed;
 - (k) To require a medical marijuana center or medical marijuana center with an optional premises cultivation license to make delivery to any premises other than the specific licensed premises where the medical marijuana is to be sold;
 - (l) To sell, serve, or distribute medical marijuana at any time other than between the hours of 8 a.m. and 7 p.m. Monday through Sunday;
 - (m) To violate the provisions of section 6-2-103 or 6-2-105, C.R.S.;
 - (n) To burn or otherwise destroy marijuana or any substance containing marijuana for the purpose of evading an investigation or preventing seizure; or
 - (o) To abandon a licensed premises or otherwise cease operation without notifying the state and local licensing authorities at least forty-eight hours in advance and without accounting for and forfeiting to the state licensing authority for destruction all marijuana or products containing marijuana.
- (5) Except as provided in sections 12-43.3-402(4), 12-43.3-403, and 12-43.3-404, it is unlawful for a medical marijuana center, medical marijuana-infused products manufacturing operation with an optional premises cultivation license, or medical marijuana center with an optional premises cultivation license to sell, deliver, or cause to be delivered to a licensee any medical marijuana not grown upon its licensed premises, or for a licensee or medical marijuana center with an optional premises cultivation license or medical marijuana-infused products manufacturing operation with an optional premises cultivation license to sell, possess, or permit sale of medical marijuana not grown upon its licensed premises. A violation of the provisions of this subsection (5) by a licensee shall be grounds for the immediate revocation of the license granted under this article.
- (6) It shall be unlawful for a physician who makes patient referrals to a licensed medical marijuana center to receive anything of value from the medical marijuana center licensee

or its agents, servants, officers, or owners or anyone financially interested in the licensee, and it shall be unlawful for a licensee licensed pursuant to this article to offer anything of value to a physician for making patient referrals to the licensed medical marijuana center.

- (6.5) A peace officer or a law enforcement agency shall not use any patient information to make traffic stops pursuant to section 42-4-1302, C.R.S.
- (7) A person who commits any acts that are unlawful pursuant to this article or the rules authorized and adopted pursuant to this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., except for violations that would also constitute a violation of title 18, C.R.S., which violation shall be charged and prosecuted pursuant to title 18, C.R.S.

Cite as C.R.S. § 12-43.3-901

History. L. 2010: Entire article added, (HB10-1284), ch. 355, p. 1675, §1, effective July 1. L. 2011: (1)(c), (1)(d), (4)(d)(l), (4)(l), and (7) amended and (4)(n), (4)(o), and (6.5) added, (HB 11-1043), ch. 266, pp. 1210, 1211, §§ 16, 17, effective July 1.