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TO: Senate Judiciary Committee

FROM: John Hollar
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RE: Colorado and Oregon statutes

Below are the Oregon and Colorado statutes that I referenced in my testimony yesterday:

Oregon

Oregon gave existing dispensaries a 12-month head start, allowing them to begin sales on October 1, 2015 while new recreational retailers were not issued licenses until October 1, 2016.

SB 460:

(2) Notwithstanding any other provision of law, on and after October 1, 2015, a medical marijuana dispensary may sell limited marijuana retail product to a person who is 21 years of age or older if: (a) The person presents proof of age to the medical marijuana dispensary before entering into the medical marijuana dispensary; (b) The medical marijuana dispensary verifies that the person is 21 years of age or older at the time of the sale; (c) The medical marijuana dispensary sells no more than one-quarter ounce of limited marijuana retail product to the person per day if the person is purchasing the dried leaves and flowers of marijuana; and (d) The medical marijuana dispensary sells no more than four units of limited marijuana retail product to the person if the person is purchasing a marijuana plant that is not flowering.

Colorado

Colorado gave existing dispensaries a 9-month head start. The following is excerpted from House Bill 13-1317:

12-43.4-104. Applicability - retail marijuana - repeal.

(1) (a) (I) ON OR AFTER OCTOBER 1, 2013, A PERSON, WHO IS OPERATING IN GOOD STANDING A LICENSED MEDICAL MARIJUANA CENTER, AN OPTIONAL PREMISES CULTIVATION LICENSE, OR A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS BUSINESS OR A PERSON WHO HAD A PENDING APPLICATION WITH THE STATE LICENSING AUTHORITY PRIOR TO DECEMBER 10, 2012, HAS PAID ALL APPLICABLE LICENSING FEES, AND HAS NOT YET HAD THAT APPLICATION APPROVED, MAY APPLY FOR A RETAIL MARIJUANA ESTABLISHMENT LICENSE UNDER THIS ARTICLE.

(II) AN APPLICANT PURSUANT TO THIS PARAGRAPH (a) SHALL INDICATE WHETHER HE OR SHE WANTS TO SURRENDER THE CURRENT MEDICAL MARIJUANA LICENSE ISSUED PURSUANT TO PART 4 OF ARTICLE 43.3 OF THIS TITLE, OR INTENDS TO RETAIN THE LICENSE IN ADDITION TO THE RETAIL MARIJUANA ESTABLISHMENT LICENSE.

(III) IF THE APPLICANT INDICATES A DESIRE TO SURRENDER THE MEDICAL MARIJUANA LICENSE, THE APPLICANT SHALL CONTINUE TO OPERATE UNDER THAT LICENSE SO LONG AS THE LICENSE REMAINS IN EFFECT UNTIL A RETAIL MARIJUANA ESTABLISHMENT LICENSE IS APPROVED. IF THE RETAIL MARIJUANA ESTABLISHMENT LICENSE IS GRANTED, THE APPLICANT SHALL HAVE FOURTEEN DAYS FROM THE EFFECTIVE DATE OF THE LICENSE TO SURRENDER THE MEDICAL MARIJUANA LICENSE TO THE STATE LICENSING AUTHORITY. IF THE RETAIL MARIJUANA LICENSE IS GRANTED, ON THE EFFECTIVE DATE OF THE LICENSE ALL MEDICAL MARIJUANA PLANTS AND INVENTORY SHALL BECOME RETAIL MARIJUANA PLANTS AND INVENTORY ON THE DATE OF THE RETAIL MARIJUANA ESTABLISHMENT LICENSE.

(IV) AN APPLICANT PURSUANT TO THIS PARAGRAPH (a) MAY APPLY FOR A RETAIL MARIJUANA ESTABLISHMENT LICENSE AND RETAIN THE MEDICAL MARIJUANA LICENSE. THE APPLICANT MAY APPLY TO HAVE THE MEDICAL MARIJUANA LICENSED OPERATION AND THE RETAIL MARIJUANA ESTABLISHMENT AT THE SAME LOCATION ONLY IF THE LOCAL JURISDICTION PERMITS THE MEDICAL MARIJUANA LICENSED OPERATION AND THE RETAIL MARIJUANA ESTABLISHMENT TO BE OPERATED AT THE SAME LOCATION. AT THE TIME THAT THE RETAIL MARIJUANA ESTABLISHMENT LICENSE BECOMES EFFECTIVE, THE APPLICANT SHALL IDENTIFY THE MEDICAL MARIJUANA INVENTORY THAT WILL BECOME RETAIL MARIJUANA INVENTORY.

(V) AN APPLICANT PURSUANT TO THIS PARAGRAPH (a) WHO RETAINS A MEDICAL MARIJUANA LICENSE AND OBTAINS A RETAIL MARIJUANA ESTABLISHMENT LICENSE FOR THE TWO LICENSED PREMISES MUST MAINTAIN ACTUAL PHYSICAL SEPARATION BETWEEN THE TWO OR ONLY SELL MEDICAL MARIJUANA TO PERSONS TWENTY-ONE YEARS OF AGE OR OLDER.

(VI) (A) NO RETAIL MARIJUANA LICENSE SHALL BE EFFECTIVE UNTIL JANUARY 1, 2014. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), AN APPLICANT MAY CONTINUE TO OPERATE UNDER THE MEDICAL MARIJUANA LICENSE AND ALL PLANTS AND INVENTORY REMAIN MEDICAL MARIJUANA UNTIL THAT DATE.

(B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1, 10 2014.

(b) (I) (A) AFTER JANUARY 1, 2014, PERSONS WHO DID NOT MEET REQUIREMENTS OF SUBSECTION (I) OF PARAGRAPH (a) OF THIS SECTION MAY SUBMIT NOTICE OF INTENT TO APPLY FOR LICENSURE PURSUANT TO THIS ARTICLE. THE STATE LICENSING AUTHORITY SHALL ESTABLISH A FORM FOR THE NOTICE AND MAY

COLLECT A NOTICE FEE THAT SHALL BE APPLIED TO THE AMOUNT OF THE APPLICATION FEE. THE STATE LICENSING AUTHORITY SHALL FORWARD TO THE LOCAL JURISDICTION THE NOTICE OF INTENT TO APPLY AND ONE-HALF OF THE NOTICE FEE UNLESS THE LOCAL JURISDICTION HAS PROHIBITED THE OPERATION OF RETAIL MARIJUANA ESTABLISHMENTS PURSUANT TO SECTION 16 (5) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(B) THIS SUBPARAGRAPH (I)ISREPEALED,EFFECTIVEJULY1,2015. 23 (II) ON AND AFTER JULY 1, 2014, PERSONS WHO DID NOT MEET THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (1) MAY APPLY FOR LICENSURE PURSUANT TO THIS ARTICLE. A LICENSE ISSUED TO A PERSON PURSUANT TO THIS SUBPARAGRAPH (II) IS NOT EFFECTIVE UNTIL OCTOBER 1, 2014.

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