

**Statement of Basis and Purpose
And Specific Statutory Authority for**

**Amendments to Rules and Regulations Pertaining to
Medical Use of Marijuana (5 CCR 1006-2), Regulation 2 - Definitions and
Regulation 4 - Change in applicant information**

Adopted by the State Board of Health
on July 20, 2009

Basis and Purpose.

The department's proposal to amend the medical marijuana registry program rules consisted of the following five provisions:

- Requiring that signatures on application and related forms be notarized to insure authenticity and that the patient's rights be protected;
- Further defining the role of a primary care-giver to ensure that the requirements of the constitution are met in that the primary care-giver is providing more assistance to the patient than simply supplying medical marijuana to the patient;
- Limiting the number of patients per primary care-giver to five to insure each patient is receiving the significant care the law provides for them;
- Requiring that the application and related forms be accompanied by a verifiable identification document to comply with the recommendations of the Office of the State Auditor and to protect the integrity of the program; and
- Not issuing a new registry card to the patient after addition or change of primary care-giver. Continued issuance of new registry identification cards increases administrative costs, which cannot be covered by the program.

Based on written public comment received and testimony at the hearing, the Board adopted the following changes to the regulation:

- Requiring that signatures on application and related forms be notarized to insure authenticity and that the patient's rights be protected;
- Defining the phrase "significant responsibility for managing the well-being of a patient" to mean assisting a patient with daily activities, including but not limited to transportation or housekeeping or meal preparation or shopping or making any necessary arrangement for access to medical care or services or provision of medical marijuana;
- Defining a "primary care-giver" as set forth in the Colorado constitution;
- Requiring that the application and related forms be accompanied by a verifiable identification document to comply with the recommendations of the Office of the State Auditor and to protect the integrity of the program; and
- Not issuing a new registry card to the patient after addition or change of primary care-giver.

The Board did not adopt the provision that would have limited the number of patients a primary care-giver could serve to five.

Specific Statutory Authority.

These rules are promulgated pursuant to the following statutes:

C.R.S. § 25-1.5-106 and Colorado Constitution Article XVIII, section 14.