

STATE OF COLORADO

Bill Ritter, Jr., Governor
Martha E. Rudolph, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

NOTICE OF PUBLIC RULE-MAKING HEARING BEFORE THE COLORADO BOARD OF HEALTH

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., and 25-1.5-106(4), C.R.S. that the Colorado Board of Health will conduct a public rule-making hearing on **October 20, 2010** in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, to consider the promulgation of proposed amendments to **Regulation 6, 5 CCR 1006-2, Rules and Regulations Pertaining to Medical Use of Marijuana-Establishing Criteria for Indigence and Waiver of Annual Registry Fee**. The Board meeting commences in the morning. For the specific time this hearing is scheduled, please consult the meeting agenda on the Board's Web site at <http://www.cdphe.state.co.us/op/bh/index.html> on or after Friday, October 8, 2010 or call (303) 692-3464.

Hearing Subjects/Issues Involved

The purpose of the hearing is to receive public comment on proposed amendments to 5 CCR 1006-2, Medical Use of Marijuana to: 1) allow a medical marijuana patient to claim indigence as it relates to paying the annual medical marijuana registry program fee; 2) establish the standards for indigence; 3) establish a process for the department to determine whether a patient meets the standard for indigence; 4) establish a process for granting a waiver if the patient meets the indigence standard; and 5) make any necessary conforming amendments. The proposed rules have been developed by the Colorado Department of Public Health and Environment pursuant to Section 25-1.5-106, C.R.S.

Contact for more information and/or copies of the proposed rules: Colorado Department of Public Health and Environment, Center for Health and Environmental Information and Statistics Division, CHEIS-ADM-A1, 4300 Cherry Creek Drive S., Denver, CO 80246, (303) 692-2184. The proposed amendments will also be available on the Board's Web site at <http://www.cdphe.state.co.us/op/bh/index.html> under "Notices of Upcoming Public Rulemaking Hearings and Draft Proposed Rules."

Participation in Public Rule-Making Hearing

The Board encourages all interested persons to provide their opinions or recommendations regarding the matters to be addressed in this rulemaking hearing, either orally at the hearing or in writing prior to or at the hearing. The Board is establishing procedures regarding the taking of written and oral comment from interested persons and/or organizations. These procedures are intended to facilitate the rulemaking hearing by allowing participation by all interested persons

in a fair and responsible manner. The hearing will include the Board asking questions of interested persons and organizations.

Public Participation Through Written Comments Encouraged:

The Board STRONGLY encourages all interested persons and organizations to provide written data, views or comments regarding the proposed rules prior to the hearing. Information submitted by the deadline listed below will be distributed to the Board for review and consideration prior to the hearing. Submission of written comments prior to the rulemaking hearing will facilitate the Board members' identification of outstanding issues and allow for questioning of interested persons and organizations regarding written submissions.

Written comments shall be submitted by Tuesday, September 21, 2010 at 5:00 p.m. to:

Colorado Board of Health
C/O Jamie Thornton, Program Assistant
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South EDO-A5
Denver, CO 80246-1530
FAX: 303-691-7702
E-mail: cdphe.edobohcomments_indigencystandards@state.co.us

Oral Comment and Testimony May Be Limited

Persons appearing before the Board who wish to make oral comments are encouraged to make well-planned presentations that use clear and concise language to explain their points of view. Abusive tactics, misrepresentations, and personal attacks on the motivation of others will not be tolerated. The oral comment and testimony at the hearing may be limited as stated below.

Because of necessary time limitations, the **Board requires the following:**

1. Recognized organizations or entities that submit written comments as described above, may fax a request for a time allocation to address the Board regarding the proposed rule, not to exceed 10 minutes, to the Board of Health Administrator at 303-691-7702 by **5:00 p.m., Tuesday, September 21, 2010**. The request must include the name of the organization, entity or person requesting a time allocation, a contact person, contact person's mailing address, phone number, fax number and email address, if available, and the amount of time requested. **The recognized organization or entity MUST submit written comments and its request for a time allocation by the September 21, 2010 deadline to receive a time allocation.** Depending upon the number of requests received, and in consultation with the Hearing Chair, the Administrator will notify the requestor of the amount of time allocated on or before Friday, October 8, 2010.
2. **Recognized organizations or entities that do not submit written comments by September 21, 2010 will be limited to the time restrictions described in paragraph 4 below.**
3. **Individuals that share the same perspective or position regarding the proposed rule that are not representatives of a recognized organization or entity are encouraged to identify one spokesperson to testify at the hearing.**

4. At the discretion of the Hearing Chair, persons or groups choosing not to request a time allocation as outlined in 1 above, may be limited. The time allocated for each such person or group to comment on the proposal will be based on the number of persons wishing to comment and the time allocated for the hearing. Additionally, the Chair shall limit duplicative or repetitive testimony.

The proposed rules, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis, will be available for inspection at the above address by any person at least five working days prior to the hearing.

Dated this ____ day of August 2010.

Martha E. Rudolph
Executive Director