

**MEDICAL MARIJUANA ("MMJ") IN COLORADO:
A "CONSTITUTIONAL CONUNDRUM"**

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SUMMARY OF COLORADO'S MMJ LAWS:

- Development of Medical Marijuana in Colorado
- Medical Marijuana has a "constitutional" focus
- Originally permitted possession and use; now also includes sale
- Only 3 classes of people can use, possess, sell or grow MJ: with card
- Possession limits: MMJ Patient vs. Primary Caregiver
- No other state's card is valid in Colorado
- Must be a Colorado resident for 2 years preceding application for MMJ cards
- Waiver system for homebound MMJ patients
- Affirmative Defenses

COLORADO STATE PATROL ENFORCEMENT ISSUES: “DILEMMA”

- Traditional enforcement against illegal marijuana possession/use
- Identification Cards/Applications for MMJ
- Record information sparse to unavailable for Troopers
- Preservation of evidence seized in a MMJ case
- Weathering conflicting legal opinions from prosecutors: plus lack of final Administrative Rules
- Absence of significant case law in our state on MJ
- Increased toxicity levels in the THC in Marijuana: present health dangers

WHAT DOES THE FUTURE HOLD FOR MMJ IN OUR STATE?

- High political “theater” among state legislators and local governmental officials
- Lots of “ideas” floating around right now: Legislature
 - to establish a separate DUI statute for MMJ users: **HB 1261 (proposed)**
 - to allow Primary Caregivers to exchange MJ with other Caregivers
 - to drop the 2 year Colorado residency requirement for those who “work” in MMJ dispensaries and cultivation operations, but retain the 2 year limit for patients, caregivers, MJ center owners/operators
 - to eliminate the requirement that a person may not possess MMJ if that individual has ever been convicted of a felony drug offense.

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