

March 12, 2018

Dear Friends -

Upon review of the Proposed Amendments to 5 CCR 1006-2, Medical Use of Marijuana for the rulemaking hearing on March 21, 2018 sent to Medical Marijuana Stakeholders, I find a serious error in drafting. In section 2. Bona fide physician-patient relationship, proposed language for section 2.a.i reads:

2. a. "Bona fide physician-patient relationship", for purposes of the medical marijuana program, means:

- i. A physician and a patient have a treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient's medical history, including reviewing a previous diagnosis for a debilitating or disabling medical condition, and current medical condition, including an appropriate personal physical examination;

The only condition requiring a previous diagnosis – and thus a review of such diagnosis by the physician recommending cannabis - is the disabling condition of PTSD added by legislation rather than by voters. The voter approved amendment to the Colorado constitution regarding medical marijuana in place for 18 years does not require a review of a previous diagnosis for a debilitating condition. Thus, the proposed wording represents an unlawful change to the Colorado constitution and creates an undue burden of a second doctor visit on medical marijuana patients suffering from the eight debilitating conditions approved by the people.

Here is my proposed language to avoid a constitutional challenge:

a. "Bona fide physician-patient relationship", for purposes of the medical marijuana program, means:

A physician and a patient have a treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient's medical history, and current medical condition, including an appropriate personal physical examination; and reviewing a previous diagnosis for a disabling medical condition.

Thanks,

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