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December 10, 2015

Deanna Maiolo
Administrative Rules Program Manager
Colorado Secretary of State
Licensing and Enforcement Division, Administrative Rules Program
1700 Broadway, Suite 200
Denver, CO 80290

RE: Colorado Department of Revenue Regulations
R 1308M 231.5(B)(1), 1 CCR 212-1 (Medical Marijuana); and
R 231.5(B)(1), 1 CCR 212-2 (Retail Marijuana)

Dear Ms. Maiolo:

The State Licensing Authority, Marijuana Enforcement Division, adopted numerous rules in October through the permanent rulemaking process. One of those rules was Rule R 1308 – Confidential Information and Former State Licensing Authority Employees. Rule R 1308(A) says:

- A. Misdemeanor if Disclosed. Disclosure of confidential records or information in violation of the **Retail Code** constitutes a class 1 misdemeanor pursuant to **12-43.3-201(5), C.R.S.** (emphasis added).

The rule's reference to the *Retail Code* (sections 12-43.4-101 *et seq.*, C.R.S.), is incorrect and was inadvertently used. Instead, the correct reference should be to the *Medical Code* (sections 12-43.3-101 *et seq.*, C.R.S.). The statutory reference in the rule, section 12-43.3-201(5), C.R.S., is a reference to the Medical Code.

The Marijuana Enforcement Division corrected the clerical error and resubmitted the rule to the Secretary of State. The tracking number is 2015-00831.

In my opinion, the change (switching “Retail” Code to “Medical” Code) is non-substantive. The likely reason for the error is that the rule refers to portions of the *Medical Code* that govern aspects of the regulation of *retail* marijuana licensees. On behalf of the agency, we request that the requested change be made pursuant to section 24-4-103(11)(d)(II), C.R.S. Correcting this reference

will not change the substantive content of the rule, which is already in effect.

Thank you for your assistance. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/ Kelly A. Rosenberg

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