

Compliance Tip

August 15, 2022

Topic: Required Patient Documentation for Medical Marijuana Transfers (Sales) Over the Statutory Limits

Applicable Rules/Statutes: 44-10-501(10), 3-905, 5-110, 5-125

The Colorado Department of Revenue's Marijuana Enforcement Division (MED) is issuing this Compliance Tip to highlight certain regulations and provide guidance to Licensees regarding the documentation required when making Transfers to Medical Marijuana patients who purchase over the statutory limits of Medical Marijuana. This Compliance Tip is being released in addition to a prior [Industry Bulletin](#) (December 9, 2021) regarding statutory changes to Medical Marijuana Transfers, and [Metrc Support Bulletin](#) (January 25, 2022) regarding Medical Marijuana patient sales FAQs.

The statutory limits for Medical Marijuana Transfers (sales) to patients are:

- Two (2) ounces of Medical Marijuana flower; or
- Eight (8) grams of Medical Marijuana Concentrate for a patient 21 years of age or older, or two grams (2) of Medical Marijuana Concentrate for a patient between 18 and 20 years old; or
- Medical Marijuana Products containing a combined total of 20,000 mg.

When patients purchase individually or in any combination, more than the amounts listed above, these patients are required to provide the Medical Marijuana Store with the following information:

- **Identification:** A hard or electronic copy of the patient's proof of identification.
- **Medical Marijuana Registry Card:** A hard or electronic copy of the patient's registry card.
- **Primary Store Designation:** Written authorization from the patient showing the patient has elected to register with the Medical Marijuana Store.
- **Physician Recommendation/Certification Form:** A physician's recommendation showing the amount of Medical Marijuana recommended to the patient and maximum THC potency authorization.
- **Uniform Certification Form if one of the following apply:**
 - For patients 21 years of age or older, who are authorized to purchase more than eight (8) grams of Medical Marijuana Concentrate.
 - For patients 18-20 years of age, who are authorized to purchase more than two (2) grams of Medical Marijuana Concentrate.
 - For patients who have physician certifications recommending more than the statutory limit of Medical Marijuana flower, Medical Marijuana Product, or Medical Marijuana Concentrate whose registry card expires in the calendar year 2023 or later (2022 or later for Medical Marijuana Concentrates).

The Uniform Certification Form can be found on [MED's Resources webpage](#). The Physician Recommendation/Certification Form can be found on the [Colorado Department of Public Health and Environment's Medical Marijuana Registry Webpage](#).

This information must be digitally and/or physically maintained by the Medical Marijuana Store (six months of records must be maintained at the premises, three preceding calendar years may be maintained on or off the premises). In addition, for all Medical Marijuana transfers over the statutory limits, the

patient must be registered in the Marijuana Inventory Tracking System (Metrc) at the Medical Marijuana Store performing the Transfer.

*Beginning January 1, 2023 the transition to obtaining a Uniform Certification Form for all patients who have a recommendation over the statutory limit for any category of marijuana will be complete. Therefore, as of January 1, 2023, all Medical Marijuana Stores who sell over the statutory limit for any category of Medical Marijuana must have both a Uniform Certification Form AND a physician recommendation/certification form on file, in addition to the other listed documents noted above, for each patient making such a purchase. If a patient does not provide both a Uniform Certification Form and a physician recommendation/certification form, the patient cannot purchase more than the statutory limit.

Please refer to [Industry Bulletin 20-02](#) for more information regarding Medical Marijuana Sales Limitations and equivalencies.