

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0993.02 Michael Dohr x4347

SENATE BILL 13-283

SENATE SPONSORSHIP

Jahn and Baumgardner, Schwartz, Carroll, Grantham, Kerr, Newell, Todd, Ulibarri

HOUSE SPONSORSHIP

May,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF AMENDMENT 64.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)

Section 1. The bill permits a local government to prohibit the use of a compressed flammable gas as a solvent in residential marijuana cultivation.

Sections 2 and 3. The bill allows retail marijuana businesses to participate in the medical marijuana responsible vendor program.

Section 4. The bill declares that it is public policy of the state that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a contract related to a marijuana business is not void.

Section 5. The bill creates the crime of illegal possession of retail marijuana by an underage person to mirror the same crime for alcohol.

Sections 6 through 10. The bill amends the offenses related to marijuana and drug paraphernalia to conform to the legal structure of amendment 64 and creates crimes for the gaps not covered by current law based the legal quantity and age limit for marijuana.

Section 11. The bill authorizes the governor to designate the appropriate state agency to:

- ! Create a list of banned substances in marijuana cultivation;
- ! Work with a private organization to develop good cultivation and handling practices;
- ! Work with a private organization to develop good laboratory practices;
- ! Establish an educational oversight committee for marijuana issues;

Section 12. The bill requires peace officer training to include advanced roadside impairment driving enforcement training.

Section 13. The bill requires the division of criminal justice in the department of public safety to undertake or contract for a scientific study of law enforcement activities related to retail marijuana implementation.

Section 14. The bill requires the department of public health and environment to create a marijuana destruction program for marijuana that cannot be legally sold by licensed businesses.

The department of public health and environment must monitor the emerging science and medical information regarding marijuana through a panel of health care experts. The panel must report its findings every 2 years.

Section 15. Current law prohibits the use of all tobacco products on school property. The bill adds lawful retail marijuana products to the prohibition.

Sections 16 through 18. The bill adds marijuana to the Colorado clean indoor air act.

Section 19. The bill allows the license of a child care center, children's resident camp, cradle house, day treatment center, family child care home, foster care home, guest child care facility, homeless youth shelter, medical foster care, neighborhood youth organization, public services short-term child care facility, residential child care facility, secure residential treatment center, and specialized group facilities to be denied, suspended, or revoked if retail marijuana is consumed or cultivated onsite.

Sections 20 and 21. The bill prohibits the cultivation, use, or consumption of marijuana at a community residential home or regional center.

Sections 22 and 23. Federal law prohibits deducting certain

business expenses related to the sale of marijuana to calculate the federal tax owed. The bill would permit those deductions to be used to calculate the state tax owed.

Section 24. The bill creates an open container offense for marijuana to mirror the open container offense for alcohol.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 9-7-113 as follows:

9-7-113. Use of flammable gases in home marijuana cultivation - prohibited. A LOCAL GOVERNMENT MAY BAN THE USE OF A COMPRESSED, FLAMMABLE GAS AS A SOLVENT IN THE EXTRACTION OF THC OR OTHER CANNABINIODES IN A RESIDENTIAL SETTING.

SECTION 2. In Colorado Revised Statutes, 12-43.3-1101, **amend as amended by House Bill 13-1061** (1) as follows:

12-43.3-1101. Responsible vendor program - standards - designation - program. (1) A person who wants to offer a responsible medical OR RETAIL marijuana vendor server and seller training program must submit an application to the state licensing authority for approval, which program is referred to in this part 11 as an "approved training program". The state licensing authority, in consultation with the department of public health and environment, shall approve the submitted program if the submitted program meets the minimum criteria described in subsection (2) of this section. The department of public health and environment shall review each submitted program and shall provide the state licensing authority with the department's analysis of whether the portions of the program related to the department's oversight meet the minimum criteria described in this section.

SECTION 3. In Colorado Revised Statutes, 12-43.3-1102,

1 **amend as amended by House Bill 13-1061** (1) and (2) as follows:

2 **12-43.3-1102. Responsible vendor - designation.** (1) (a) A
3 medical marijuana business licensed pursuant to this article OR A RETAIL
4 MARIJUANA BUSINESS LICENSED PURSUANT TO ARTICLE 43.4 OF THIS TITLE
5 may receive a responsible vendor designation from the program vendor
6 after successfully completing a responsible medical OR RETAIL marijuana
7 vendor server and seller training program approved by the state licensing
8 authority. A responsible vendor designation is valid for two years from
9 the date of issuance.

10 (b) Successful completion of an approved training program is
11 achieved when the program has been attended by and, as determined by
12 the program provider, satisfactorily completed by all employees selling
13 and handling medical OR RETAIL marijuana, all managers, and all resident
14 on-site owners, if any.

15 (c) In order to maintain the responsible vendor designation, the
16 licensed medical OR RETAIL marijuana business must have each new
17 employee who sells or handles medical OR RETAIL marijuana, manager,
18 or resident on-site owner attend and satisfactorily complete a responsible
19 medical OR RETAIL marijuana vendor server and seller training program
20 within ninety days after being employed or becoming an owner. The
21 licensed medical marijuana business shall maintain documentation of
22 completion of the program by new employees, managers, or owners.

23 (2) A licensed medical OR RETAIL marijuana business that receives
24 a responsible vendor designation from the program vendor shall maintain
25 information on all persons licensed pursuant to this article who are in its
26 employment and who have been trained in an approved training program.
27 The information includes the date, place, time, and duration of training

1 and a list of all licensed persons attending each specific training class,
2 which class includes a training examination or assessment that
3 demonstrates proficiency.

4 **SECTION 4.** In Colorado Revised Statutes, **add** part 6 to article
5 22 of title 13 as follows:

6 PART 6

7 MARIJUANA CONTRACTS ENFORCEABLE

8 **13-22-601. Contracts pertaining to marijuana enforceable.** IT
9 IS THE PUBLIC POLICY OF THE STATE OF COLORADO THAT A CONTRACT IS
10 NOT VOID OR VOIDABLE ON THE BASIS THAT IT PERTAINS TO LAWFUL
11 ACTIVITIES AUTHORIZED BY SECTION 16 OF ARTICLE XVIII OF THE STATE
12 CONSTITUTION AND ARTICLE 43.4 OF TITLE 12, C.R.S.

13 **SECTION 5.** In Colorado Revised Statutes, **add** 18-13-122.5 as
14 follows:

15 **18-13-122.5. Illegal possession or use of marijuana by an**
16 **underage person - adolescent substance abuse prevention and**
17 **treatment fund - legislative declaration - definitions.** (1) AS USED IN
18 THIS SECTION:

19 (a) "FIRST OFFENSE" MEANS THAT THE PERSON HAS NOT HAD A
20 PREVIOUS CONVICTION, ADJUDICATION, DEFERRED PROSECUTION,
21 DEFERRED JUDGMENT, OR NONJUDICIAL DIVERSION OF CIVIL CITATION FOR
22 A VIOLATION OF THIS SECTION;

23 (b) "OPEN AND PUBLIC" HAS THE SAME MEANING AS IN SECTION
24 18-18-102 (20.5) AND

25 (c) "SECOND OR SUBSEQUENT OFFENSE" MEANS ANY OFFENSE
26 AFTER THE PERSON IS SUBJECT TO A FIRST OFFENSE.

27 (2) (a) (I) EXCEPT AS DESCRIBED BY SECTION 18-1-711 AND

1 SUBSECTIONS (3) AND (4) OF THIS SECTION, A PERSON UNDER TWENTY-ONE
2 YEARS OF AGE WHO POSSESSES, USES, OR OPENLY AND PUBLICLY DISPLAYS
3 MARIJUANA OR MARIJUANA CONCENTRATE ANYWHERE IN THE STATE OF
4 COLORADO FOR A FIRST OFFENSE IS SUBJECT TO A CIVIL FINE OF ONE
5 HUNDRED DOLLARS OR LESS AND ANY TREATMENT PROGRAM OR
6 CONDITIONS ORDERED BY THE COURT.

7 (II) IF THE DEFENDANT FAILS TO COMPLY WITH ANY
8 COURT-ORDERED TREATMENT PROGRAM OR COURT-ORDERED CONDITIONS,
9 THE COURT MAY START CONTEMPT OF COURT PROCEEDINGS AGAINST THE
10 DEFENDANT. IF THE DEFENDANT IS FOUND IN CONTEMPT OF COURT, THE
11 DISTRICT ATTORNEY MAY FILE CRIMINAL CHARGES AGAINST THE
12 DEFENDANT. THE CHARGES FILED PURSUANT TO THIS SECTION WILL BE
13 CONSIDERED A SECOND OFFENSE.

14 (b) EXCEPT AS DESCRIBED BY SECTION 18-1-711 AND SUBSECTIONS
15 (3) AND (4) OF THIS SECTION, A PERSON UNDER TWENTY-ONE YEARS OF
16 AGE WHO POSSESSES, USES, OR OPENLY AND PUBLICLY DISPLAYS
17 MARIJUANA OR MARIJUANA CONCENTRATE ANYWHERE IN THE STATE OF
18 COLORADO COMMITS FOR A SECOND OFFENSE A CLASS 2 PETTY OFFENSE.

19 (c) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS
20 SUBJECT TO AN ADDITIONAL PENALTY SURCHARGE OF TWENTY-FIVE
21 DOLLARS THAT MUST BE TRANSFERRED TO THE ADOLESCENT SUBSTANCE
22 ABUSE PREVENTION AND TREATMENT FUND.

23 (3) THE POSSESSION OR USE OF MARIJUANA SHALL NOT
24 CONSTITUTE A VIOLATION OF THIS SECTION IF SUCH POSSESSION OR USE:

25 (a) TAKES PLACE FOR RELIGIOUS PURPOSES PROTECTED BY THE
26 FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION; OR

27 (b) IS LAWFUL UNDER ARTICLE 43.3 OF TITLE 12, C.R.S.

1 (4) AN UNDERAGE PERSON SHALL BE IMMUNE FROM CRIMINAL
2 PROSECUTION UNDER THIS SECTION IF HE OR SHE ESTABLISHES THE
3 FOLLOWING:

4 (a) THE UNDERAGE PERSON, OR ANOTHER UNDERAGE PERSON WITH
5 THE UNDERAGE PERSON, CALLED 911 AND REPORTED IN GOOD FAITH THAT
6 ANOTHER UNDERAGE PERSON WAS IN NEED OF MEDICAL ASSISTANCE DUE
7 TO MARIJUANA CONSUMPTION;

8 (b) THE UNDERAGE PERSON WHO CALLED 911 PROVIDED HIS OR
9 HER NAME TO THE 911 OPERATOR;

10 (c) AN UNDERAGE PERSON WAS THE FIRST PERSON TO MAKE THE
11 911 REPORT; AND

12 (d) THE UNDERAGE PERSON REMAINED ON THE SCENE WITH THE
13 UNDERAGE PERSON IN NEED OF MEDICAL ASSISTANCE UNTIL ASSISTANCE
14 ARRIVED AND COOPERATED WITH MEDICAL ASSISTANCE OR LAW
15 ENFORCEMENT PERSONNEL ON THE SCENE.

16 (5) PRIMA FACIE EVIDENCE OF A VIOLATION OF SUBSECTION (2) OF
17 THIS SECTION SHALL CONSIST OF:

18 (a) EVIDENCE THAT THE DEFENDANT WAS UNDER TWENTY-ONE
19 YEARS OF AGE AND POSSESSED OR USED MARIJUANA OR MARIJUANA
20 CONCENTRATE ANYWHERE IN THIS STATE; OR

21 (b) EVIDENCE THAT THE DEFENDANT WAS UNDER TWENTY-ONE
22 YEARS OF AGE AND MANIFESTED ANY OF THE CHARACTERISTICS
23 COMMONLY ASSOCIATED WITH MARIJUANA INTOXICATION OR IMPAIRMENT
24 WHILE PRESENT ANYWHERE IN THIS STATE.

25 (6) DURING ANY TRIAL FOR A VIOLATION OF SUBSECTION (1) OF
26 THIS SECTION, ANY CONTAINER WITH LABELING INDICATING THE CONTENTS
27 OF THE CONTAINER IS ADMISSIBLE INTO EVIDENCE, AND THE INFORMATION

1 CONTAINED ON ANY LABEL ON THE CONTAINER IS ADMISSIBLE INTO
2 EVIDENCE AND IS NOT HEARSAY. A JURY OR A JUDGE, WHICHEVER IS
3 APPROPRIATE, MAY CONSIDER THE INFORMATION UPON THE LABEL IN
4 DETERMINING WHETHER THE CONTENTS OF THE CONTAINER WERE
5 COMPOSED IN WHOLE OR IN PART OF MARIJUANA OR MARIJUANA
6 CONCENTRATE.

7 (7) THIS SECTION MUST NOT BE CONSTRUED TO PROHIBIT ANY
8 STATUTORY OR HOME RULE MUNICIPALITY FROM ENACTING ANY
9 ORDINANCE THAT PROHIBITS PERSONS UNDER TWENTY-ONE YEARS OF AGE
10 FROM POSSESSING OR CONSUMING MARIJUANA, WHICH ORDINANCE IS AT
11 LEAST AS RESTRICTIVE OR MORE RESTRICTIVE THAN THIS SECTION.

12 (8) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR
13 PRECLUDE PROSECUTION FOR ANY OFFENSE PURSUANT TO ARTICLE 43.3 OR
14 43.4 OF TITLE 12, C.R.S., EXCEPT AS PROVIDED IN SUCH ARTICLE.

15 (9) UPON THE EXPIRATION OF ONE YEAR FROM THE DATE OF A
16 CONVICTION, DISMISSAL, COMPLETION OF DEFERRED JUDGMENT, OR
17 CONCLUSION OF DEFERRED PROSECUTION FOR A VIOLATION OF SUBSECTION
18 (1) OF THIS SECTION, THE PERSON CONVICTED OF SUCH VIOLATION MAY
19 PETITION THE COURT IN WHICH THE CONVICTION WAS ASSIGNED FOR AN
20 ORDER SEALING THE RECORD OF SUCH CONVICTION. THE COURT SHALL
21 GRANT SUCH PETITION IF THE PETITIONER HAS NOT BEEN ARRESTED FOR,
22 CHARGED WITH, OR CONVICTED OF ANY FELONY, MISDEMEANOR, OR PETTY
23 OFFENSE DURING THE PERIOD OF ONE YEAR FOLLOWING THE DATE OF SUCH
24 PETITIONER'S CONVICTION FOR A VIOLATION OF SUBSECTION (1) OF THIS
25 SECTION.

26 (10) THE QUALITATIVE RESULT OF A DRUG TEST OR TESTS
27 PERFORMED BY OR ON BEHALF OF A LAW ENFORCEMENT AGENCY WITH

1 RELEVANT JURISDICTION SHALL BE ADMISSIBLE AT THE TRIAL OF ANY
2 PERSON CHARGED WITH A VIOLATION OF SUBSECTION (1) OF THIS SECTION
3 UPON A SHOWING THAT THE DEVICE OR DEVICES USED TO CONDUCT SUCH
4 TEST OR TESTS HAVE BEEN APPROVED AS ACCURATE IN DETECTING DRUGS
5 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH
6 AND ENVIRONMENT.

7 (11) IN ANY JUDICIAL PROCEEDING IN ANY COURT OF THIS STATE
8 CONCERNING A CHARGE UNDER SUBSECTION (1) OF THIS SECTION, THE
9 COURT SHALL TAKE JUDICIAL NOTICE OF METHODS OF TESTING A PERSON'S
10 BLOOD OR URINE FOR THE PRESENCE OF MARIJUANA AND OF THE DESIGN
11 AND OPERATION OF DEVICES CERTIFIED BY THE DEPARTMENT OF PUBLIC
12 HEALTH AND ENVIRONMENT FOR TESTING A PERSON'S BLOOD OR URINE FOR
13 THE PRESENCE OF MARIJUANA. THIS SUBSECTION (10) DOES NOT PREVENT
14 THE NECESSITY OF ESTABLISHING DURING A TRIAL THAT THE TESTING
15 DEVICES WERE WORKING PROPERLY AND THAT SUCH TESTING DEVICES
16 WERE PROPERLY OPERATED. NOTHING IN THIS SUBSECTION (10)
17 PRECLUDES A DEFENDANT FROM OFFERING EVIDENCE CONCERNING THE
18 ACCURACY OF TESTING DEVICES.

19 **SECTION 6.** In Colorado Revised Statutes, 18-18-102, **add**
20 (14.5), (16.5), (20.5), (20.7), (30.5), and (35.5) as follows:

21 **18-18-102. Definitions.** As used in this article:

22 (14.5) "ENCLOSED" MEANS A PERMANENT OR SEMI-PERMANENT
23 AREA COVERED AND SURROUNDED ON ALL SIDES. TEMPORARY OPENING OF
24 WINDOWS OR DOORS OR THE TEMPORARY REMOVAL OF WALL OR CEILING
25 PANELS DOES NOT COVERT THE AREA INTO AN UNENCLOSED SPACE.

26 (16.5) "LOCKED SPACE" MEANS THE AREA WHERE MEDICAL
27 MARIJUANA OR RETAIL MARIJUANA IS CULTIVATED PURSUANT TO SECTIONS

1 14 AND 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION AND THAT IS
2 SECURED AT ALL POINTS OF INGRESS OR EGRESS WITH A LOCKING
3 MECHANISM SUCH AS A KEY OR COMBINATION LOCK DESIGNED TO LIMIT
4 ACCESS.

5 (20.5) "OPEN AND PUBLIC" MEANS A PLACE OPEN TO THE GENERAL
6 PUBLIC, WHICH INCLUDES A PLACE TO WHICH THE PUBLIC OR A
7 SUBSTANTIAL NUMBER OF THE PUBLIC HAS ACCESS WITHOUT RESTRICTION
8 INCLUDING BUT NOT LIMITED TO HIGHWAYS, TRANSPORTATION FACILITIES,
9 PLACES OF AMUSEMENT, PARKS, PLAYGROUNDS, AND THE COMMON AREAS
10 OF PUBLIC BUILDINGS AND FACILITIES THAT ARE GENERALLY OPEN OR
11 ACCESSIBLE TO MEMBERS OF THE PUBLIC WITHOUT RESTRICTION.

12 (20.7) "OPENLY" MEANS NOT PROTECTED FROM UNAIDED
13 OBSERVATION LAWFULLY MADE FROM OUTSIDE ITS PERIMETER NOT
14 INVOLVING PHYSICAL INTRUSION.

15 (30.5) "PUBLICLY" MEANS AN AREA THAT IS OPEN TO GENERAL
16 ACCESS WITHOUT RESTRICTION.

17 (35.5) "TRANSFER" MEANS TO DELIVER OR CONVEY IN A MANNER
18 NOT PERMISSIBLE PURSUANT TO SECTION 16 OF ARTICLE XVIII OF THE
19 STATE CONSTITUTION.

20 **SECTION 7.** In Colorado Revised Statutes, 18-18-406, **amend**
21 (1), (3), (5), (6) (a) (I), and (7.5); and **add** (5.5) as follows:

22 **18-18-406. Offenses relating to marijuana and marijuana**
23 **concentrate - definitions.** (1) Except as described in section 18-1-711,
24 a person who possesses MORE THAN ONE OUNCE BUT NO MORE THAN two
25 ounces ~~or less~~ of marijuana commits a class 2 petty offense and, upon
26 conviction thereof, shall be punished by a fine of not more than one
27 hundred dollars.

1 (3) (a) (I) Except as described in section 18-1-711, a person who
2 openly and publicly displays ~~consumes~~, or uses MORE THAN ONE OUNCE
3 BUT NO MORE THAN two ounces ~~or less~~ of marijuana OR MARIJUANA
4 CONCENTRATE commits a class 2 petty offense and, upon conviction
5 thereof, shall be punished, at a minimum, by a fine of not less than one
6 hundred dollars or, at a maximum, by a fine of not more than one hundred
7 dollars and, notwithstanding the provisions of section 18-1.3-503, by
8 fifteen days in the county jail.

9 (II) Open and public display, consumption, or use of more than
10 two ounces of marijuana or ~~any amount of~~ marijuana concentrate shall be
11 deemed possession thereof, and violations shall be punished as provided
12 for in subsection (4) of this section.

13 (b) Except as is otherwise provided for in paragraph (a) of this
14 subsection (3), consumption or use of marijuana or marijuana concentrate
15 shall be deemed possession thereof, and violations shall be punished as
16 provided for in subsections (1), (2), and (4) of this section.

17 (5) Transferring or dispensing MORE THAN ONE OUNCE BUT NO
18 MORE THAN two ounces ~~or less~~ of marijuana from one person
19 TWENTY-ONE YEARS OF AGE OR OLDER to another PERSON TWENTY-ONE
20 YEARS OF AGE OR OLDER for no consideration is a class 2 petty offense
21 and shall not be deemed dispensing or sale thereof.

22 (5.5) A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER
23 WHO TRANSFERS ANY AMOUNT OF MARIJUANA TO A PERSON WHO IS LESS
24 THAN TWENTY-ONE YEARS OF AGE COMMITS A CLASS 2 MISDEMEANOR.

25 (6) (a) (I) A person shall not knowingly process or manufacture
26 any marijuana or marijuana concentrate or knowingly allow to be
27 processed or manufactured on land owned, occupied, or controlled by him

1 or her any marijuana or marijuana concentrate except as authorized
2 pursuant to SECTION 16 OF TITLE XVIII OF THE STATE CONSTITUTION, part
3 1 of article 42.5 of title 12, C.R.S., or part 2 of article 80 of title 27,
4 C.R.S.

5 (7.5) (a) ~~Except for a person who lawfully cultivates medical~~
6 ~~marijuana pursuant to the authority granted in section 14 of article XVIII~~
7 ~~of the state constitution~~ AS PROVIDED IN PARAGRAPH (b) OF THIS
8 SUBSECTION (7.5), a person shall not knowingly cultivate, grow, or
9 produce a marijuana plant or knowingly allow a marijuana plant to be
10 cultivated, grown, or produced on land that the person owns, occupies, or
11 controls. A person who violates the provisions of this subsection (7.5)
12 commits:

13 (a) (I) A class 1 misdemeanor, if the offense involves six or fewer
14 plants; or

15 (b) (II) A class 5 felony if the offense involves more than six but
16 fewer than thirty plants; or

17 (c) (III) A class 4 felony if the offense involves thirty or more
18 plants.

19 (b) IT IS NOT A VIOLATION OF THIS SUBSECTION (7.5) IF:

20 (I) THE PERSON IS LAWFULLY CULTIVATING MEDICAL MARIJUANA
21 PURSUANT TO THE AUTHORITY GRANTED IN SECTION 14 OF ARTICLE XVIII
22 OF THE STATE CONSTITUTION; OR

23 (II) THE PERSON IS LAWFULLY CULTIVATING MARIJUANA IN AN
24 ENCLOSED AND LOCKED SPACE PURSUANT TO THE AUTHORITY GRANTED
25 IN SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION; EXCEPT
26 THAT, IF THE CULTIVATION AREA IS LOCATED IN A RESIDENCE AND:

27 (A) A PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE

1 RESIDENCE, THE CULTIVATION AREA ITSELF MUST BE ENCLOSED AND
2 LOCKED; AND

3 (B) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT
4 THE RESIDENCE, THE EXTERNAL LOCKS OF THE RESIDENCE CONSTITUTES
5 AN ENCLOSED AND LOCKED SPACE BUT IF A PERSON UNDER TWENTY-ONE
6 YEARS OF AGE ENTERS THE RESIDENCE, THE PERSON MUST ENSURE THAT
7 ACCESS TO THE CULTIVATION SITE IS REASONABLY RESTRICTED FOR THE
8 DURATION OF THAT PERSON'S PRESENCE IN THE RESIDENCE.

9 **SECTION 8.** In Colorado Revised Statutes, 18-18-406, **amend**
10 **as amended by Senate Bill 13-250** (1), (2) (a), (2) (b) (I), (2) (b) (II), (3)
11 introductory portion, and (5) as follows:

12 **18-18-406. Offenses relating to marijuana and marijuana**
13 **concentrate - definitions.** (1) (a) The sale, transfer, or dispensing of
14 more than six ounces, but not more than two and one-half pounds, of
15 marijuana or more than three ounces, but not more than one pound, of
16 marijuana concentrate to a ~~minor~~ PERSON UNDER TWENTY-ONE YEARS OF
17 AGE if the person is an adult and MORE THAN two years older than the
18 ~~minor~~ UNDERAGE PERSON is a level 2 drug felony.

19 (b) The sale, transfer, or dispensing of more than one ounce, but
20 not more than six ounces, of marijuana or more than one-half ounce, but
21 not more than three ounces, of marijuana concentrate to a ~~minor~~ PERSON
22 UNDER TWENTY-ONE YEARS OF AGE if the person is an adult and MORE
23 THAN two years older than the ~~minor~~ UNDERAGE PERSON is a level 3 drug
24 felony.

25 (c) The sale, transfer, or dispensing of not more than one ounce
26 of marijuana or not more than one-half ounce of marijuana concentrate
27 to a ~~minor~~ PERSON UNDER TWENTY-ONE YEARS OF AGE if the person is an

1 adult and MORE THAN two years older than the ~~minor~~ UNDERAGE PERSON
2 is a level 4 drug felony.

3 (2) (a) (I) It is unlawful for a person to knowingly process or
4 manufacture any marijuana or marijuana concentrate or knowingly allow
5 to be processed or manufactured on land owned, occupied, or controlled
6 by him or her any marijuana or marijuana concentrate except as
7 authorized pursuant to SECTION 16 OF ARTICLE XVIII OF THE STATE
8 CONSTITUTION, part 1 of article 42.5 of title 12, C.R.S., or part 2 of article
9 80 of title 27, C.R.S.

10 (II) A person who violates the provisions of subparagraph (I) of
11 this paragraph (a) commits a level 3 drug felony.

12 (b) (I) Except as otherwise provided in subsection (7) of this
13 section and except as authorized by SECTION 16 OF ARTICLE XVIII OF THE
14 STATE CONSTITUTION, part 1 of article 42.5 of title 12, C.R.S., part 2 of
15 article 80 of title 27, C.R.S., or part 2 or 3 of this article, it is unlawful for
16 a person to knowingly dispense, sell, distribute, or possess with intent to
17 manufacture, dispense, sell, or distribute marijuana or marijuana
18 concentrate; or attempt, induce, attempt to induce, or conspire with one
19 or more other persons, to dispense, sell, distribute, or possess with intent
20 to manufacture, dispense, sell, or distribute marijuana or marijuana
21 concentrate.

22 (II) As used in subparagraph (I) of this paragraph (b):

23 (A) "Dispense" does not include labeling, as defined in section
24 12-42.5-102 (18), C.R.S.; AND

25 (B) "DISPENSE" OR "DISTRIBUTE" DOES NOT INCLUDE A TRANSFER
26 WITHOUT CONSIDERATION BETWEEN TWO PERSONS TWENTY-ONE YEARS
27 OF AGE OR OLDER AS AUTHORIZED BY SECTION 16 OF ARTICLE XVIII OF

1 THE STATE CONSTITUTION.

2 (3) ~~Except as provided for in section 16 of article XVIII of the~~
3 ~~state constitution, it is unlawful~~ for a person to WHO LAWFULLY
4 CULTIVATES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY
5 GRANTED IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION
6 OR A PERSON WHO CULTIVATES MARIJUANA IN AN ENCLOSED, LOCKED
7 SPACE PURSUANT TO THE AUTHORITY GRANTED IN SECTION 16 OF ARTICLE
8 XVIII OF THE STATE CONSTITUTION, A PERSON SHALL NOT knowingly
9 cultivate, grow, or produce a marijuana plant; or knowingly allow a
10 marijuana plant to be cultivated, grown, or produced on land that the
11 person owns, occupies, or controls. A person who violates the provisions
12 of this subsection (3) commits:

13 (5) (a) (I) Except as provided in section 16 of article XVIII of the
14 state constitution and as described in section 18-1-711, a person
15 TWENTY-ONE YEARS OF AGE OR OLDER who possesses not more than two
16 ounces of marijuana commits a drug petty offense and, upon conviction
17 thereof, shall be punished by a fine of not more than one hundred dollars.

18 (II) Whenever a person is arrested or detained for a violation of
19 subparagraph (I) of this paragraph (a), the arresting or detaining officer
20 shall prepare a written notice or summons for the person to appear in
21 court. The written notice or summons must contain the name and address
22 of the arrested or detained person, the date, time, and place where such
23 person shall appear, and a place for the signature of the person indicating
24 the person's written promise to appear on the date and at the time and
25 place indicated on the notice or summons. One copy of the notice or
26 summons must be given to the person arrested or detained, one copy must
27 be sent to the court where the arrested or detained person is to appear, and

1 such other copies as may be required by the law enforcement agency
2 employing the arresting or detaining officer must be sent to the places
3 designated by such law enforcement agency. The date specified in the
4 notice or summons to appear must be at least seven days after the arrest
5 or detention unless the person arrested or detained demands an earlier
6 hearing. The place specified in the notice or summons to appear must be
7 before a judge having jurisdiction of the drug petty offense within the
8 county in which the drug petty offense charged is alleged to have been
9 committed. The arrested or detained person, in order to secure release
10 from arrest or detention, must promise in writing to appear in court by
11 signing the notice or summons prepared by the arresting or detaining
12 officer. Any person who does not honor the written promise to appear
13 commits a class 3 misdemeanor.

14 (III) FOR PURPOSES OF THIS PARAGRAPH (a):

15 (A) "FIRST OFFENSE" MEANS THAT THE DEFENDANT HAS NOT HAD
16 A PREVIOUS CONVICTION, ADJUDICATION, DEFERRED PROSECUTION,
17 DEFERRED JUDGMENT, NONJUDICIAL DIVERSION, OR CIVIL CITATION FOR A
18 VIOLATION OF THIS ARTICLE.

19 (B) "SECOND OFFENSE" MEANS ANY OFFENSE AFTER THE
20 DEFENDANT IS SUBJECT TO A FIRST OFFENSE.

21 (b) (I) Except as described in section 18-1-711, a person
22 TWENTY-ONE YEARS OF AGE OR OLDER who openly and publicly displays
23 ~~consumes~~, or uses MORE THAN ONE OUNCE BUT NO MORE THAN two
24 ounces ~~or less~~ of marijuana commits a drug petty offense and, upon
25 conviction thereof, shall be punished by a fine of up to one hundred
26 dollars and up to twenty-four hours of community service.

27 (II) Open and public display ~~consumption~~, or use of more than

1 two ounces of marijuana or ~~any amount of~~ marijuana concentrate is
2 deemed possession thereof, and violations shall be punished as provided
3 for in subsection (4) of this section.

4 (III) Except as otherwise provided for in subparagraph (I) of this
5 paragraph (b), consumption or use of marijuana or marijuana concentrate
6 is deemed possession thereof, and violations must be punished as
7 provided for in paragraph (a) of this subsection (5) and subsection (4) of
8 this section.

9 (c) Transferring or dispensing MORE THAN ONE OUNCE BUT not
10 more than two ounces of marijuana from one person TWENTY-ONE YEARS
11 OF AGE OR OLDER to another PERSON TWENTY-ONE YEARS OF AGE OR
12 OLDER for no consideration is a ~~drug petty offense and is not~~ CLASS 2
13 PETTY OFFENSE AND SHALL NOT BE deemed dispensing or sale thereof.

14 **SECTION 9.** In Colorado Revised Statutes, 18-18-425, **amend**
15 (1) introductory portion as follows:

16 **18-18-425. Drug paraphernalia - legislative declaration.**

17 (1) The general assembly hereby finds and declares that the possession,
18 sale, manufacture, delivery, or advertisement of drug paraphernalia results
19 in the legitimization and encouragement of the illegal use of controlled
20 substances by making the drug culture more visible and enticing and that
21 the ready availability of drug paraphernalia tends to promote, suggest, or
22 increase the public acceptability of the illegal use of controlled
23 substances. THE GENERAL ASSEMBLY ALSO FINDS AND DECLARES THAT A
24 PERSON TWENTY-ONE YEARS OF AGE OR OLDER HAS A CONSTITUTIONAL
25 RIGHT TO POSSESS, USE, DISPLAY, PURCHASE, TRANSPORT, SELL, AND
26 MANUFACTURE DRUG PARAPHERNALIA THAT IS LIMITED TO THE USE AND
27 CONSUMPTION OF MARIJUANA AND MARIJUANA ACCESSORIES AS DEFINED

1 IN SECTION 16 (2) (g) OF ARTICLE XVIII OF THE STATE CONSTITUTION.
2 Therefore, the purposes of the provisions controlling drug paraphernalia
3 are:

4 **SECTION 10.** In Colorado Revised Statutes, 18-18-428, **amend**
5 (1); and **add** (3) as follows:

6 **18-18-428. Possession of drug paraphernalia - penalty -**
7 **definitions.** (1) Except as described in section 18-1-711 AND PROVIDED
8 FOR IN SECTIONS 14 AND 16 OF ARTICLE XVIII OF THE STATE
9 CONSTITUTION, a person commits possession of drug paraphernalia if he
10 or she possesses drug paraphernalia and knows or reasonably should
11 know that the drug paraphernalia could be used under circumstances in
12 violation of the laws of this state.

13 (3) (a) (I) EXCEPT AS DESCRIBED IN SECTION 18-1-711, A PERSON
14 WHO IS UNDER TWENTY-ONE YEARS OF AGE WHO POSSESSES DRUG
15 PARAPHERNALIA FOR A FIRST OFFENSE IS SUBJECT TO A CIVIL FINE OF ONE
16 HUNDRED DOLLARS OR LESS AND ANY TREATMENT PROGRAM OR
17 CONDITIONS ORDERED BY THE COURT.

18 (II) IF THE DEFENDANT FAILS TO COMPLY WITH ANY
19 COURT-ORDERED TREATMENT PROGRAM OR COURT-ORDERED CONDITIONS,
20 THE COURT MAY START CONTEMPT OF COURT PROCEEDINGS AGAINST THE
21 DEFENDANT. IF THE DEFENDANT IS FOUND IN CONTEMPT OF COURT, THE
22 DISTRICT ATTORNEY MAY FILE CRIMINAL CHARGES AGAINST THE
23 DEFENDANT. THE CHARGES FILED PURSUANT TO THIS SECTION WILL BE
24 CONSIDERED A SECOND OFFENSE.

25 (b) EXCEPT AS DESCRIBED IN SECTION 18-1-711, A PERSON WHO IS
26 UNDER TWENTY-ONE YEARS OF AGE WHO POSSESSES DRUG
27 PARAPHERNALIA FOR A SECOND OFFENSE COMMITS A CLASS 2 PETTY

1 OFFENSE.

2 (c) FOR PURPOSES OF THIS SUBSECTION (3):

3 (I) "FIRST OFFENSE" MEANS THAT THE DEFENDANT HAS NOT HAD
4 A PREVIOUS CONVICTION, ADJUDICATION, DEFERRED PROSECUTION,
5 DEFERRED JUDGMENT, NONJUDICIAL DIVERSION, OR CIVIL CITATION FOR A
6 VIOLATION OF THIS ARTICLE.

7 (II) "SECOND OFFENSE" MEANS ANY OFFENSE AFTER THE
8 DEFENDANT IS SUBJECT TO A FIRST OFFENSE.

9 **SECTION 11.** In Colorado Revised Statutes, **add** 24-20-111 as
10 follows:

11 **24-20-111. Implementation of section 16 of article XVIII of the**
12 **Colorado constitution - list of banned substances - cultivation and**
13 **laboratory practices - education oversight and materials.** (1) THE
14 GOVERNOR SHALL DESIGNATE A STATE AGENCY TO CREATE A LIST OF
15 SUBSTANCES THAT MAY NOT BE USED IN THE CULTIVATION OF MARIJUANA
16 AS AUTHORIZED PURSUANT TO ARTICLE 43.4 OF TITLE 12, C.R.S. THE
17 DESIGNATED AGENCY MAY CONSULT WITH OTHER STATE AGENCIES IN
18 COMPILING THE LIST. THE STATE AGENCY SHALL PROMULGATE RULES FOR
19 THE LIST OF SUBSTANCES THAT MAY NOT BE USED IN THE CULTIVATION OF
20 MARIJUANA.

21 (2) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY TO WORK
22 WITH A PRIVATE ADVISORY GROUP TO DEVELOP GOOD CULTIVATION AND
23 HANDLING PRACTICES FOR THE MARIJUANA INDUSTRY. THE DESIGNATED
24 AGENCY IS ENCOURAGED TO ASSIST IN THE FORMATION OF A PRIVATE
25 ADVISORY GROUP. IF A PRIVATE ADVISORY GROUP DEVELOPS GOOD
26 CULTIVATION AND HANDLING PRACTICES, AN ENTITY LICENSED PURSUANT
27 TO ARTICLE 43.3 OF TITLE 12, C.R.S., THAT FOLLOWS THOSE PRACTICES

1 MAY INCLUDE A STATEMENT OF COMPLIANCE ON ITS LABEL AFTER
2 RECEIVING CERTIFICATION OF COMPLIANCE. THE DESIGNATED AGENCY
3 MAY CONSULT WITH OTHER STATE AGENCIES TO RECEIVE TECHNICAL
4 ASSISTANCE.

5 (3) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY TO WORK
6 WITH A PRIVATE ADVISORY GROUP TO DEVELOP GOOD LABORATORY
7 PRACTICES FOR THE RETAIL MARIJUANA INDUSTRY. THE DESIGNATED
8 AGENCY IS STRONGLY ENCOURAGED TO ASSIST IN THE FORMATION OF A
9 PRIVATE ADVISORY GROUP. THE DESIGNATED AGENCY MAY CONSULT WITH
10 OTHER STATE AGENCIES TO RECEIVE TECHNICAL ASSISTANCE.

11 (4) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY THAT
12 MUST ESTABLISH AN EDUCATIONAL OVERSIGHT COMMITTEE COMPOSED OF
13 MEMBERS WITH MARIJUANA INDUSTRY EXPERTISE. THE COMMITTEE SHALL
14 DEVELOP AND IMPLEMENT RECOMMENDATIONS FOR EDUCATION OF ALL
15 NECESSARY STAKEHOLDERS ON ISSUES RELATED TO MARIJUANA USE,
16 CULTIVATION, AND ANY OTHER RELEVANT ISSUES. THE COMMITTEE SHALL
17 ENCOURAGE PROFESSIONS TO INCLUDE MARIJUANA EDUCATION, IF
18 APPROPRIATE, AS A PART OF CONTINUING EDUCATION PROGRAMS.

19 (5) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY THAT
20 SHALL ESTABLISH EDUCATIONAL MATERIALS REGARDING APPROPRIATE
21 RETAIL MARIJUANA USE AND PREVENTION OF MARIJUANA USE BY THOSE
22 UNDER TWENTY-ONE YEARS OF AGE.

23 **SECTION 12.** In Colorado Revised Statutes, **add** 24-31-313 as
24 follows:

25 **24-31-313. Advanced roadside impaired driving enforcement**
26 **training.** THE TRAINING PROVIDED FOR PEACE OFFICERS MUST INCLUDE
27 ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT TRAINING. ON OR

1 BEFORE OCTOBER 1, 2013, THE P.O.S.T. BOARD SHALL CERTIFY THE
2 CURRICULUM FOR THE TRAINING. AFTER OCTOBER 1, 2013, THE TRAINING
3 MUST BE PROVIDED TO PERSONS WHO ENROLL IN A TRAINING ACADEMY
4 FOR BASIC PEACE OFFICER TRAINING AND TO ALL PEACE OFFICERS
5 DESCRIBED IN SECTION 16-2.5-101, C.R.S., WHO ARE CERTIFIED BY THE
6 P.O.S.T. BOARD PURSUANT TO THIS PART 3 PRIOR TO OCTOBER 1, 2013.

7 **SECTION 13.** In Colorado Revised Statutes, **add 24-33.5-514** as
8 follows:

9 **24-33.5-514. Study marijuana implementation.** (1) THE
10 DIVISION SHALL GATHER DATA AND UNDERTAKE OR CONTRACT FOR A
11 SCIENTIFIC STUDY OF LAW ENFORCEMENT'S ACTIVITY AND COSTS RELATED
12 TO THE IMPLEMENTATION OF SECTION 16 OF ARTICLE XVIII OF THE STATE
13 CONSTITUTION OVER A TWO-YEAR PERIOD, BEGINNING ON JANUARY 1,
14 2013.

15 (2) THE STUDY MUST INCLUDE INFORMATION CONCERNING:

16 (a) MARIJUANA-INITIATED CONTACTS BY LAW ENFORCEMENT,
17 BROKEN DOWN BY RACE AND ETHNICITY;

18 (b) DRUG USE, BROKEN DOWN INTO AGE CATEGORIES AND SPECIFIC
19 DRUGS, INCLUDING MARIJUANA;

20 (c) SCHOOL DATA, INCLUDING SUSPENSIONS, EXPULSIONS, AND
21 POLICE REFERRALS RELATED TO DRUG USE AND SALES, BROKEN DOWN BY
22 SPECIFIC DRUG CATEGORIES;

23 (d) MARIJUANA ARREST DATA, INCLUDING AMOUNTS OF
24 MARIJUANA WITH EACH ARREST, BROKEN DOWN BY RACE AND ETHNICITY;

25 (e) TRAFFIC ACCIDENTS, INCLUDING FATALITIES AND SERIOUS
26 INJURIES RELATED TO BEING UNDER THE INFLUENCE OF MARIJUANA;

27 (f) DIVERSION OF MARIJUANA TO PERSONS UNDER TWENTY-ONE

- 1 YEARS OF AGE;
- 2 (g) DIVERSION OF MARIJUANA OUT OF COLORADO;
- 3 (h) CRIME OCCURRING IN AND RELATING TO THE OPERATION OF
- 4 MARIJUANA ESTABLISHMENTS;
- 5 (i) PARCEL SERVICES;
- 6 (j) DATA RELATED TO DRUG-ENDANGERED CHILDREN,
- 7 SPECIFICALLY FOR MARIJUANA;
- 8 (k) TREATMENT INFORMATION;
- 9 (l) PROBATION DATA;
- 10 (m) IMPACT ON TOURISM;
- 11 (n) EMERGENCY ROOM DATA, INCLUDING INFORMATION FROM
- 12 COLORADO POISON CONTROL CENTER;
- 13 (o) OUTDOOR MARIJUANA CULTIVATION FACILITIES; AND
- 14 (p) MONEY LAUNDERING.

15 (3) THE DIVISION SHALL PERFORM THE DUTIES REQUIRED IN THIS
16 SECTION WITHIN EXISTING APPROPRIATIONS UNLESS THE REGULATORY AND
17 ENFORCEMENT PROVISIONS OF HOUSE BILL 13 - ____, ENACTED IN 2013,
18 HAVE BEEN FULLY FUNDED.

19 **SECTION 14.** In Colorado Revised Statutes, **add** 25-1.5-110 and
20 25-1.5-111 as follows:

21 **25-1.5-110. Marijuana destruction program.** THE DEPARTMENT
22 SHALL CREATE A PROGRAM TO TRACK, MEASURE, AND PROPERLY DESTROY
23 MARIJUANA THAT CANNOT BE LEGALLY SOLD PURSUANT TO ARTICLE 43.3
24 OF TITLE 12, C.R.S., AND MARIJUANA WASTE MATERIAL. THE PARTY
25 REQUESTING THE DESTRUCTION SHALL PAY A REASONABLE FEE THAT IS
26 SET BY THE DEPARTMENT TO COVER THE DIRECT AND INDIRECT COSTS OF
27 DESTRUCTION. A PERSON WHO SURRENDERS MARIJUANA PURSUANT TO

1 THIS SECTION SHALL NOT BE LIABLE FOR CRIMINAL PROSECUTION.

2 **25-1.5-111. Monitor health effects of marijuana.** THE
3 DEPARTMENT SHALL MONITOR THE EMERGING SCIENCE AND MEDICAL
4 INFORMATION RELEVANT TO THE HEALTH EFFECTS ASSOCIATED WITH
5 MARIJUANA USE. THE DEPARTMENT SHALL APPOINT A PANEL OF HEALTH
6 CARE PROFESSIONALS WITH EXPERTISE IN CANNABINOID PHYSIOLOGY TO
7 MONITOR THE RELEVANT INFORMATION. THE PANEL SHALL PROVIDE A
8 REPORT BY JANUARY 31, 2015, AND EVERY TWO YEARS THEREAFTER TO
9 THE STATE BOARD OF HEALTH, THE DEPARTMENT OF REVENUE, AND THE
10 GENERAL ASSEMBLY. THE DEPARTMENT SHALL MAKE THE REPORT
11 AVAILABLE ON ITS WEB SITE. THE PANEL SHALL ESTABLISH CRITERIA FOR
12 STUDIES TO BE REVIEWED, REVIEWING STUDIES AND OTHER DATA, AND
13 MAKING RECOMMENDATIONS, AS APPROPRIATE, FOR POLICIES INTENDED
14 TO PROTECT CONSUMERS OF MARIJUANA PRODUCTS AND THE GENERAL
15 PUBLIC. THE DEPARTMENT MAY COLLECT COLORADO-SPECIFIC DATA THAT
16 REPORTS ADVERSE HEALTH EVENTS INVOLVING MARIJUANA USE FROM THE
17 ALL-PAYER CLAIMS DATABASE, HOSPITAL DISCHARGE DATA, AND
18 BEHAVIORAL RISK FACTOR SURVEYS. THE DEPARTMENT AND PANEL SHALL
19 PERFORM THE DUTIES REQUIRED IN THIS SECTION WITHIN EXISTING
20 APPROPRIATIONS UNLESS THE REGULATORY AND ENFORCEMENT
21 PROVISIONS OF HOUSE BILL 13 - ____, ENACTED IN 2013, HAVE BEEN FULLY
22 FUNDED.

23 **SECTION 15.** In Colorado Revised Statutes, 25-14-103.5,
24 **amend** (3) (a) (I) as follows:

25 **25-14-103.5. Prohibition against the use of tobacco products**
26 **and retail marijuana on school property - legislative declaration -**
27 **education program - special account.** (3) (a) (I) The board of education

1 of each school district shall adopt appropriate policies and rules ~~which~~
2 THAT mandate a prohibition against the use of all tobacco products AND
3 ALL RETAIL MARIJUANA PRODUCTS AUTHORIZED PURSUANT TO ARTICLE
4 43.4 OF TITLE 12, C.R.S., on all school property by students, teachers,
5 staff, and visitors and ~~which~~ THAT provide for the enforcement of such
6 policies and rules.

7 **SECTION 16.** In Colorado Revised Statutes, **amend** 25-14-202
8 as follows:

9 **25-14-202. Legislative declaration.** The general assembly hereby
10 finds and determines that it is in the best interest of the people of this state
11 to protect nonsmokers from involuntary exposure to environmental
12 tobacco AND MARIJUANA smoke in most indoor areas open to the public,
13 public meetings, food service establishments, and places of employment.
14 The general assembly further finds and determines that a balance should
15 be struck between the health concerns of nonconsumers of tobacco
16 products AND COMBUSTIBLE MARIJUANA and the need to minimize
17 unwarranted governmental intrusion into, and regulation of, private
18 spheres of conduct and choice with respect to the use or nonuse of
19 tobacco products AND COMBUSTIBLE MARIJUANA in certain designated
20 public areas and in private places. Therefore, the general assembly hereby
21 declares that the purpose of this part 2 is to preserve and improve the
22 health, comfort, and environment of the people of this state by limiting
23 exposure to tobacco AND MARIJUANA smoke.

24 **SECTION 17.** In Colorado Revised Statutes, 25-14-203, **amend**
25 (16); and **add** (11.5) as follows:

26 **25-14-203. Definitions.** As used in this part 2, unless the context
27 otherwise requires:

1 (11.5) "MARIJUANA" SHALL HAVE THE SAME MEANING AS IN
2 SECTION 16 (2) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

3 (16) "Smoking" means the burning of a lighted cigarette, cigar,
4 pipe, or any other matter or substance that contains tobacco or ~~medical~~
5 marijuana. ~~as defined by section 12-43.3-104 (7), C.R.S.~~

6 **SECTION 18.** In Colorado Revised Statutes, 25-14-204, **amend**
7 (1) introductory portion as follows:

8 **25-14-204. General smoking restrictions.** (1) Except as
9 provided in section 25-14-205, and in order to reduce the levels of
10 exposure to environmental tobacco AND MARIJUANA smoke, smoking
11 shall not be permitted and no person shall smoke in any indoor area,
12 including, but not limited to:

13 **SECTION 19.** In Colorado Revised Statutes, 26-6-108, **amend**
14 (2) (c); and **add** (2.6) as follows:

15 **26-6-108. Denial of license - suspension - revocation -**
16 **probation - refusal to renew license - fines.** (2) The department may
17 deny an application, or suspend, revoke, or make probationary the license
18 of any facility regulated and licensed under this part 1 or assess a fine
19 against the licensee pursuant to section 26-6-114 should the licensee, an
20 affiliate of the licensee, a person employed by the licensee, or a person
21 who resides with the licensee at the facility:

22 (c) Use any controlled substance, as defined in section 18-18-102
23 (5), C.R.S., INCLUDING RETAIL MARIJUANA, or consume any alcoholic
24 beverage during the operating hours of the facility or be under the
25 influence of a controlled substance or alcoholic beverage during the
26 operating hours of the facility; or

27 (2.6) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR

1 AN ENTITY LICENSED UNDER THIS ARTICLE AND SHALL REVOKE THE
2 LICENSE OF AN ENTITY LICENSED UNDER THIS ARTICLE IF THE ENTITY
3 CULTIVATES MARIJUANA PURSUANT TO THE AUTHORITY IN SECTION 16 OF
4 ARTICLE XVIII OF THE STATE CONSTITUTION.

5 **SECTION 20.** In Colorado Revised Statutes, 27-10.5-109, **add**
6 (6) (d) as follows:

7 **27-10.5-109. Community residential home - licenses - rules.**

8 (6) The department of human services and the state board of health shall
9 promulgate such rules as are necessary to implement this section,
10 pursuant to the provisions specified in article 4 of title 24, C.R.S. The
11 rules shall include, but shall not be limited to, the following:

12 (d) PROHIBITING THE CULTIVATION, USE, OR CONSUMPTION OF
13 RETAIL MARIJUANA ON THE PREMISES OF A COMMUNITY RESIDENTIAL
14 HOME.

15 **SECTION 21.** In Colorado Revised Statutes, **amend** 27-10.5-301
16 as follows:

17 **27-10.5-301. Regional centers for persons with developmental**
18 **disabilities.** There are hereby established state regional centers in Wheat
19 Ridge, Pueblo, and Grand Junction. The essential object of such regional
20 centers shall be to provide state operated services and supports to persons
21 with developmental disabilities. A REGIONAL CENTER MAY NOT PERMIT
22 THE CULTIVATION, USE, OR CONSUMPTION OF RETAIL MARIJUANA ON ITS
23 PREMISES.

24 **SECTION 22.** In Colorado Revised Statutes, 39-22-104, **add** (4)
25 (p) as follows:

26 **39-22-104. Income tax imposed on individuals, estates, and**
27 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted

1 from federal taxable income:

2 (p) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
3 1, 2014, IF A TAXPAYER IS LICENSED UNDER THE "COLORADO RETAIL
4 MARIJUANA CODE", ARTICLE 43.4 OF TITLE 12, C.R.S., AN AMOUNT EQUAL
5 TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED AS A FEDERAL
6 INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION 280E OF THE
7 FEDERAL "INTERNAL REVENUE CODE" BECAUSE MARIJUANA IS A
8 CONTROLLED SUBSTANCE UNDER FEDERAL LAW.

9 **SECTION 23.** In Colorado Revised Statutes, 39-22-304, **add** (3)
10 (m) as follows:

11 **39-22-304. Net income of corporation.** (3) There shall be
12 subtracted from federal taxable income:

13 (m) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
14 1, 2014, IF A TAXPAYER IS LICENSED UNDER THE "COLORADO RETAIL
15 MARIJUANA CODE", ARTICLE 43.4 OF TITLE 12, C.R.S., AN AMOUNT EQUAL
16 TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED AS A FEDERAL
17 INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION 280E OF THE
18 FEDERAL "INTERNAL REVENUE CODE" BECAUSE MARIJUANA IS A
19 CONTROLLED SUBSTANCE UNDER FEDERAL LAW.

20 **SECTION 24.** In Colorado Revised Statutes, **add** 42-4-1305.5 as
21 follows:

22 **42-4-1305.5. Open marijuana container - motor vehicle -**
23 **prohibited.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (a) "MARIJUANA" SHALL HAVE THE SAME MEANING AS IN SECTION
26 16 (2) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

27 (b) "MOTOR VEHICLE" MEANS A VEHICLE DRIVEN OR DRAWN BY

1 MECHANICAL POWER AND MANUFACTURED PRIMARILY FOR USE ON PUBLIC
2 HIGHWAYS BUT DOES NOT INCLUDE A VEHICLE OPERATED EXCLUSIVELY ON
3 A RAIL OR RAILS.

4 (c) "OPEN MARIJUANA CONTAINER" MEANS A RECEPTACLE THAT
5 CONTAINS ANY AMOUNT OF MARIJUANA AND:

6 (I) THAT IS OPEN OR HAS A BROKEN SEAL; OR

7 (II) THE CONTENTS OF WHICH ARE PARTIALLY REMOVED.

8 (d) "PASSENGER AREA" MEANS THE AREA DESIGNED TO SEAT THE
9 DRIVER AND PASSENGERS, INCLUDING SEATING BEHIND THE DRIVER, WHILE
10 A MOTOR VEHICLE IS IN OPERATION AND ANY AREA THAT IS READILY
11 ACCESSIBLE TO THE DRIVER OR A PASSENGER WHILE IN HIS OR HER
12 SEATING POSITION, INCLUDING BUT NOT LIMITED TO THE GLOVE
13 COMPARTMENT.

14 (2) (a) EXCEPT AS OTHERWISE PERMITTED IN PARAGRAPH (b) OF
15 THIS SUBSECTION (2), A PERSON WHILE IN THE PASSENGER AREA OF A
16 MOTOR VEHICLE THAT IS ON A PUBLIC HIGHWAY OF THIS STATE OR THE
17 RIGHT-OF-WAY OF A PUBLIC HIGHWAY OF THIS STATE MAY NOT
18 KNOWINGLY:

19 (I) USE OR CONSUME MARIJUANA; OR

20 (II) HAVE IN HIS OR HER POSSESSION AN OPEN MARIJUANA
21 CONTAINER.

22 (b) THE PROVISIONS OF THIS SUBSECTION (2) SHALL NOT APPLY TO:

23 (I) PASSENGERS, OTHER THAN THE DRIVER OR A FRONT SEAT
24 PASSENGER, LOCATED IN THE PASSENGER AREA OF A MOTOR VEHICLE
25 DESIGNED, MAINTAINED, OR USED PRIMARILY FOR THE TRANSPORTATION
26 OF PERSONS FOR COMPENSATION;

27 (II) THE POSSESSION BY A PASSENGER, OTHER THAN THE DRIVER

1 OR A FRONT SEAT PASSENGER, OF AN OPEN MARIJUANA CONTAINER IN THE
2 LIVING QUARTERS OF A HOUSE COACH, HOUSE TRAILER, MOTOR HOME, AS
3 DEFINED IN SECTION 42-1-102 (57), OR TRAILER COACH, AS DEFINED IN
4 SECTION 42-1-102 (106) (a);

5 (III) THE POSSESSION OF AN OPEN MARIJUANA CONTAINER IN THE
6 AREA BEHIND THE LAST UPRIGHT SEAT OF A MOTOR VEHICLE THAT IS NOT
7 EQUIPPED WITH A TRUNK; OR

8 (IV) THE POSSESSION OF AN OPEN MARIJUANA CONTAINER IN AN
9 AREA NOT NORMALLY OCCUPIED BY THE DRIVER OR A PASSENGER IN A
10 MOTOR VEHICLE THAT IS NOT EQUIPPED WITH A TRUNK.

11 (c) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION
12 (2) COMMITS A CLASS A TRAFFIC INFRACTION AND SHALL BE PUNISHED BY
13 A FINE OF FIFTY DOLLARS AND A SURCHARGE OF SEVEN DOLLARS AND
14 EIGHTY CENTS AS PROVIDED IN THIS SECTION AND SECTION 42-4-1701 (4)
15 (a) (I) (N).

16 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREEMPT
17 OR LIMIT THE AUTHORITY OF ANY STATUTORY OR HOME RULE TOWN, CITY,
18 OR CITY AND COUNTY TO ADOPT ORDINANCES THAT ARE NO LESS
19 RESTRICTIVE THAN THE PROVISIONS OF THIS SECTION.

20 **SECTION 25. Effective date.** (1) This act takes effect upon
21 passage; except that:

22 (a) Section 7 takes effect only if Senate Bill 13-250 does not
23 become law; and

24 (b) Section 8 takes effect only if Senate Bill 13-250 becomes law
25 and takes effect either upon the effective date of this act or Senate Bill
26 13-250, whichever is later.

27 **SECTION 26. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.