

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0541.01 Michael Dohr x4347

HOUSE BILL 14-1122

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HOUSE SPONSORSHIP

Kagan,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROVISIONS TO KEEP LEGAL MARIJUANA FROM  
102 UNDERAGE PERSONS.

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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/billsummaries>.)*

Under current law, medical marijuana-infused products must be sold in either child-proof packaging or in packaging warning "medicinal product - keep out of reach of children". The bill removes the option of selling the products in the packaging with the warning. The bill makes an exception to the child-proof packaging if the purchaser has a doctor's note

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.*

explaining he or she has a condition that makes opening the child-proof packaging difficult.

The bill gives a retail marijuana store the ability to confiscate a fraudulent identification and detain and question the person who provided the fraudulent identification. The bill makes selling marijuana to a person under 21 years of age at a retail marijuana store a class 1 misdemeanor and creates the various licensing penalties for selling to an underage person.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-202, **amend**  
3 (2) (a) (XIV.5) as follows:

4 **12-43.3-202. Powers and duties of state licensing authority.**

5 (2) (a) Rules promulgated pursuant to paragraph (b) of subsection (1) of  
6 this section may include, but need not be limited to, the following  
7 subjects:

8 (XIV.5) Prohibiting the sale of medical marijuana-infused  
9 products unless the product is packaged

10 ~~(A)~~ in special packaging that is designed or constructed to be  
11 significantly difficult for children under five years of age to open and not  
12 difficult for normal adults to use properly and that does not allow the  
13 product to be seen without opening the packaging material; ~~or~~ EXCEPT  
14 THAT A PURCHASER WHO PRESENTS A NOTE FROM A PHYSICIAN STATING  
15 THAT THE PURCHASER HAS A PHYSICAL CONDITION THAT MAKES OPENING  
16 THE SPECIAL PACKAGING DIFFICULT MAY BE SOLD MEDICAL  
17 MARIJUANA-INFUSED PRODUCTS THAT ARE NOT CONTAINED IN THE  
18 SPECIAL PACKAGING.

19 ~~(B) In packaging that is labeled "Medicinal product - keep out of~~  
20 ~~reach of children";~~

21 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-402, **amend**

1 (3) (b) as follows:

2 **12-43.4-402. Retail marijuana store license - repeal.**

3 (3) (b) (I) Prior to initiating a sale, the employee of the retail marijuana  
4 store making the sale shall verify that the purchaser has a valid  
5 identification card showing the purchaser is twenty-one years of age or  
6 older. If a person under twenty-one years of age presents a fraudulent  
7 proof of age, any action relying on the fraudulent proof of age shall not  
8 be grounds for the revocation or suspension of any license issued under  
9 this article.

10 (II) (A) IF A RETAIL MARIJUANA STORE LICENSEE OR EMPLOYEE  
11 HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON IS UNDER  
12 TWENTY-ONE YEARS OF AGE AND IS EXHIBITING FRAUDULENT PROOF OF  
13 AGE IN AN ATTEMPT TO OBTAIN ANY RETAIL MARIJUANA OR  
14 MARIJUANA-INFUSED PRODUCT, THE LICENSEE OR EMPLOYEE IS  
15 AUTHORIZED TO CONFISCATE SUCH FRAUDULENT PROOF OF AGE, IF  
16 POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE  
17 CONFISCATION, REMIT TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY.  
18 THE FAILURE TO CONFISCATE SUCH FRAUDULENT PROOF OF AGE OR TO  
19 REMIT TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY WITHIN  
20 SEVENTY-TWO HOURS AFTER THE CONFISCATION DOES NOT CONSTITUTE  
21 A CRIMINAL OFFENSE.

22 (B) IF A RETAIL MARIJUANA STORE LICENSEE OR EMPLOYEE  
23 BELIEVES THAT A PERSON IS UNDER TWENTY-ONE YEARS OF AGE AND IS  
24 EXHIBITING FRAUDULENT PROOF OF AGE IN AN ATTEMPT TO OBTAIN ANY  
25 RETAIL MARIJUANA OR RETAIL MARIJUANA-INFUSED PRODUCT, THE  
26 LICENSEE OR EMPLOYEE OR ANY PEACE OR POLICE OFFICER, ACTING IN  
27 GOOD FAITH AND UPON PROBABLE CAUSE BASED UPON REASONABLE

1 GROUND THEREFOR, MAY DETAIN AND QUESTION SUCH PERSON IN A  
2 REASONABLE MANNER FOR THE PURPOSE OF ASCERTAINING WHETHER THE  
3 PERSON IS GUILTY OF ANY UNLAWFUL ACT REGARDING THE PURCHASE OF  
4 RETAIL MARIJUANA. THE QUESTIONING OF A PERSON BY AN EMPLOYEE OR  
5 A PEACE OR POLICE OFFICER DOES NOT RENDER THE LICENSEE, THE  
6 EMPLOYEE, OR THE PEACE OR POLICE OFFICER CIVILLY OR CRIMINALLY  
7 LIABLE FOR SLANDER, FALSE ARREST, FALSE IMPRISONMENT, MALICIOUS  
8 PROSECUTION, OR UNLAWFUL DETENTION.

9 **SECTION 3.** In Colorado Revised Statutes, 12-43.4-901, **amend**  
10 (4) (e) and (6) as follows:

11 **12-43.4-901. Unlawful acts - exceptions - repeal.** (4) It is  
12 unlawful for any person licensed to sell retail marijuana or retail  
13 marijuana products pursuant to this article:

14 (e) To sell retail marijuana or retail marijuana products to a person  
15 under twenty-one years of age; ~~without checking the person's~~  
16 ~~identification;~~

17 (6) A person who commits any acts that are unlawful pursuant to  
18 this article or the rules authorized and adopted pursuant to this article  
19 commits a class 2 misdemeanor and shall be punished as provided in  
20 section 18-1.3-501, C.R.S.; ~~except for violations that would also~~  
21 ~~constitute~~ THAT A VIOLATION OF PARAGRAPH (e) OF SUBSECTION (4) OF  
22 THIS SECTION IS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS  
23 PROVIDED IN SECTION 18-1.3-501, C.R.S. IF A VIOLATION OF THIS ARTICLE  
24 OR THE RULES AUTHORIZED AND ADOPTED PURSUANT TO THIS ARTICLE  
25 ALSO CONSTITUTES a violation of title 18, C.R.S., ~~which~~ THE violation  
26 shall be charged and prosecuted pursuant to title 18, C.R.S.

27 **SECTION 4. 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.