

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0095.01 Michael Dohr x4347

SENATE BILL 13-051

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SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING FIRE INSPECTIONS FOR MARIJUANA CULTIVATION  
102 LOCATIONS.

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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.>)*

The bill would require a local fire department to annually inspect each medical marijuana optional cultivation premises, each primary caregiver cultivation location, and each marijuana grow building in its jurisdiction. The fire chief may charge a fee of no more than \$100 for the inspection.

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.*

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-43.3-403, **add** (3)  
3 as follows:

4           **12-43.3-403. Optional premises cultivation license.** (3) IN  
5 ADDITION TO ALL OTHER LICENSURE REQUIREMENTS, AN OPTIONAL  
6 PREMISES CULTIVATION LICENSEE MUST HAVE AN ANNUAL FIRE  
7 INSPECTION CONDUCTED BY THE FIRE DEPARTMENT HAVING JURISDICTION  
8 OVER THE OPTIONAL PREMISES CULTIVATION SITE. EACH FIRE  
9 DEPARTMENT SHALL DETERMINE WHETHER THERE ARE ANY OPTIONAL  
10 PREMISES CULTIVATION SITES IN ITS JURISDICTION. FOR EACH OPTIONAL  
11 PREMISES CULTIVATION SITE IN ITS JURISDICTION, THE FIRE DEPARTMENT  
12 SHALL MAKE AN ANNUAL INSPECTION. THE FIRE CHIEF FOR THE  
13 JURISDICTION MAY CHARGE A FEE NOT TO EXCEED ONE HUNDRED DOLLARS  
14 FOR THE INSPECTION.

15           **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-1227 as  
16 follows:

17           **24-33.5-1227. Recreation marijuana retail fire inspections.** IN  
18 ADDITION TO ALL OTHER LICENSURE REQUIREMENTS, A MARIJUANA  
19 CULTIVATION FACILITY PURSUANT TO SECTION 16 OF ARTICLE XVIII OF  
20 THE COLORADO CONSTITUTION MUST HAVE AN ANNUAL FIRE INSPECTION  
21 CONDUCTED BY THE FIRE DEPARTMENT HAVING JURISDICTION OVER THE  
22 BUILDING. EACH FIRE DEPARTMENT SHALL DETERMINE WHETHER THERE  
23 ARE ANY MARIJUANA CULTIVATION FACILITIES PURSUANT TO SECTION 16  
24 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION IN ITS JURISDICTION.  
25 FOR EACH FACILITY IN ITS JURISDICTION, THE FIRE DEPARTMENT SHALL  
26 MAKE AN ANNUAL INSPECTION. THE FIRE CHIEF FOR THE JURISDICTION

1 MAY CHARGE A FEE NOT TO EXCEED ONE HUNDRED DOLLARS FOR THE  
2 INSPECTION.

3 **SECTION 3.** In Colorado Revised Statutes, 25-1.5-106, **amend**  
4 (7) (e) as follows:

5 **25-1.5-106. Medical marijuana program - powers and duties**  
6 **of state health agency - rules - medical review board - medical**  
7 **marijuana program cash fund - created - repeal. (7) Primary**  
8 **caregivers.** (e) (I) A primary caregiver who cultivates medical marijuana  
9 for his or her patients shall register the location of his or her cultivation  
10 operation with the state medical marijuana licensing authority and provide  
11 the registration identification number of each patient to the state licensing  
12 authority. The information provided to the state medical marijuana  
13 licensing authority pursuant to this paragraph (e) shall not be provided to  
14 the public and shall be confidential, EXCEPT AS PROVIDED FOR IN  
15 SUBPARAGRAPH (II) OF THIS PARAGRAPH (e). The state licensing authority  
16 shall verify the location of a primary caregiver cultivation operation to a  
17 local government or law enforcement agency upon receiving an  
18 address-specific request for verification. The location of the cultivation  
19 operation shall comply with all applicable local laws, rules, or  
20 regulations.

21 (II) A PRIMARY CAREGIVER WHO CULTIVATES MEDICAL  
22 MARIJUANA FOR HIS OR HER PATIENTS SHALL HAVE AN ANNUAL FIRE  
23 INSPECTION CONDUCTED BY THE FIRE DEPARTMENT HAVING JURISDICTION  
24 OVER THE CULTIVATION LOCATION. EACH FIRE DEPARTMENT SHALL  
25 DETERMINE WHETHER THERE ARE ANY PRIMARY CAREGIVER CULTIVATION  
26 LOCATIONS IN ITS JURISDICTION USING THE INFORMATION COLLECTED BY  
27 THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY REQUIRED BY

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (e). FOR EACH LOCATION IN ITS  
2 JURISDICTION, THE FIRE DEPARTMENT SHALL MAKE AN ANNUAL  
3 INSPECTION. THE FIRE CHIEF OF THE JURISDICTION MAY CHARGE A FEE NOT  
4 TO EXCEED ONE HUNDRED DOLLARS FOR THE INSPECTION.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.