

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0993.02 Michael Dohr x4347

**SENATE BILL 13-283**

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**SENATE SPONSORSHIP**

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

**HOUSE SPONSORSHIP**

**May**,

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING IMPLEMENTATION OF AMENDMENT 64, AND, IN**  
102             **CONNECTION THEREWITH, MAKING AND REDUCING AN**  
103             **APPROPRIATION.**

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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>.)*

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

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.*

**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 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.

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

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

4 **9-7-113. Use of flammable gases in home marijuana**  
5 **cultivation - prohibited.** A LOCAL GOVERNMENT MAY BAN THE USE OF A  
6 COMPRESSED, FLAMMABLE GAS AS A SOLVENT IN THE EXTRACTION OF  
7 THC OR OTHER CANNABINIODES IN A RESIDENTIAL SETTING.

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

10 **12-43.3-1101. Responsible vendor program - standards -**  
11 **designation - program.** (1) A person who wants to offer a responsible  
12 medical OR RETAIL marijuana vendor server and seller training program  
13 must submit an application to the state licensing authority for approval,  
14 which program is referred to in this part 11 as an "approved training  
15 program". The state licensing authority, in consultation with the  
16 department of public health and environment, shall approve the submitted  
17 program if the submitted program meets the minimum criteria described  
18 in subsection (2) of this section. The department of public health and  
19 environment shall review each submitted program and shall provide the  
20 state licensing authority with the department's analysis of whether the  
21 portions of the program related to the department's oversight meet the

1 minimum criteria described in this section.

2 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-1102,  
3 **amend as amended by House Bill 13-1061** (1) and (2) as follows:

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

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

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

25 (2) A licensed medical OR RETAIL marijuana business that receives  
26 a responsible vendor designation from the program vendor shall maintain  
27 information on all persons licensed pursuant to this article who are in its

1 employment and who have been trained in an approved training program.  
2 The information includes the date, place, time, and duration of training  
3 and a list of all licensed persons attending each specific training class,  
4 which class includes a training examination or assessment that  
5 demonstrates proficiency.

6 **SECTION 4.** In Colorado Revised Statutes, **add** part 6 to article  
7 22 of title 13 as follows:

8 PART 6

9 MARIJUANA CONTRACTS ENFORCEABLE

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

15 == ==

16 **SECTION 5.** In Colorado Revised Statutes, 16-11.3-103, **add**  
17 **(2.8)** as follows:

18 **16-11.3-103. Duties of commission - mission - staffing - repeal.**

19 **(2.8) (a) ON OR BEFORE DECEMBER 15, 2013, THE COLORADO**  
20 **COMMISSION ON CRIMINAL AND JUVENILE JUSTICE SHALL MAKE**  
21 **RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING CRIMINAL**  
22 **LAWS THAT NEED TO BE REVISED TO ENSURE THAT TITLE 18, C.R.S., AND**  
23 **OTHER RELEVANT CRIMINAL STATUTES ARE COMPATIBLE WITH THE INTENT**  
24 **AND PLAIN MEANING OF SECTION 16 OF ARTICLE XVIII OF THE STATE**  
25 **CONSTITUTION. IN MAKING THE RECOMMENDATIONS, THE COMMISSION**  
26 **SHALL:**

27 **(I) CONSIDER THAT THE INTENT OF SECTION 16 OF ARTICLE XVIII**

1 OF THE STATE CONSTITUTION WAS TO DECRIMINALIZE CONSUMPTION OF  
2 SMALL AMOUNTS OF MARIJUANA, TO CREATE A LAWFUL MARKETPLACE  
3 FOR ADULTS TO OBTAIN SAFE AND LEGAL MARIJUANA, TO PROTECT  
4 AGAINST YOUTH ACCESS AND CONSUMPTION OF MARIJUANA, AND TO  
5 ELIMINATE THE ILLICIT DRUG MARKETPLACE FOR MARIJUANA;

6 (II) CONSIDER THE RECOMMENDATIONS OF THE AMENDMENT 64  
7 IMPLEMENTATION TASK FORCE ESTABLISHED PURSUANT TO EXECUTIVE  
8 ORDER B 2012-004 IN DEVELOPING ITS RECOMMENDATIONS;

9 (III) CONSIDER WAYS TO HARMONIZE CONFLICTS RAISED BY  
10 SECTIONS 5 TO 10 OF THE INTRODUCED VERSION OF HOUSE BILL 13-1317  
11 AND SECTIONS 12-43.3-901, 12-43.4-901, AND 18-18-414, C.R.S.;

12 (IV) CONSIDER PENALTIES FOR UNLAWFUL ACTIVITIES BY PERSONS  
13 EIGHTEEN YEARS OF AGE OR OLDER BUT UNDER TWENTY-ONE YEARS OF  
14 AGE INVOLVING MARIJUANA PURSUANT TO SECTION 16 OF ARTICLE XVIII  
15 OF THE STATE CONSTITUTION; AND

16 (V) MAKE RECOMMENDATIONS THAT ASSIST IN ELIMINATING  
17 PARTICIPATION IN THE ILLICIT DRUG MARKET FOR MARIJUANA BY BUYERS,  
18 SELLERS, AND PRODUCERS, INCLUDING INCREASED FINES AND CRIMINAL  
19 SANCTIONS ON ALL ACTIVITY THAT OCCURS OUTSIDE THE LEGAL  
20 MARKETPLACE.

21 (b) THIS SUBSECTION (2.8) IS REPEALED, EFFECTIVE JULY 1, 2014.

22 **SECTION 6.** In Colorado Revised Statutes, **add** 24-20-111 as  
23 follows:

24 **24-20-111. Implementation of section 16 of article XVIII of the**  
25 **Colorado constitution - list of banned substances - cultivation and**  
26 **laboratory practices - education oversight and materials. (1) THE**  
27 **GOVERNOR SHALL DESIGNATE A STATE AGENCY TO CREATE A LIST OF**

1 SUBSTANCES THAT MAY NOT BE USED IN THE CULTIVATION OF MARIJUANA  
2 AS AUTHORIZED PURSUANT TO ARTICLE 43.4 OF TITLE 12, C.R.S. THE  
3 DESIGNATED AGENCY MAY CONSULT WITH OTHER STATE AGENCIES IN  
4 COMPILING THE LIST. THE STATE AGENCY SHALL PROMULGATE RULES FOR  
5 THE LIST OF SUBSTANCES THAT MAY NOT BE USED IN THE CULTIVATION OF  
6 MARIJUANA.

7 (2) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY TO WORK  
8 WITH A PRIVATE ADVISORY GROUP TO DEVELOP GOOD CULTIVATION AND  
9 HANDLING PRACTICES FOR THE MARIJUANA INDUSTRY. THE DESIGNATED  
10 AGENCY IS ENCOURAGED TO ASSIST IN THE FORMATION OF A PRIVATE  
11 ADVISORY GROUP. IF A PRIVATE ADVISORY GROUP DEVELOPS GOOD  
12 CULTIVATION AND HANDLING PRACTICES, AN ENTITY LICENSED PURSUANT  
13 TO ARTICLE 43.3 OF TITLE 12, C.R.S., THAT FOLLOWS THOSE PRACTICES  
14 MAY INCLUDE A STATEMENT OF COMPLIANCE ON ITS LABEL AFTER  
15 RECEIVING CERTIFICATION OF COMPLIANCE. THE DESIGNATED AGENCY  
16 MAY CONSULT WITH OTHER STATE AGENCIES TO RECEIVE TECHNICAL  
17 ASSISTANCE.

18 (3) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY TO WORK  
19 WITH A PRIVATE ADVISORY GROUP TO DEVELOP GOOD LABORATORY  
20 PRACTICES FOR THE RETAIL MARIJUANA INDUSTRY. THE DESIGNATED  
21 AGENCY IS STRONGLY ENCOURAGED TO ASSIST IN THE FORMATION OF A  
22 PRIVATE ADVISORY GROUP. THE DESIGNATED AGENCY MAY CONSULT WITH  
23 OTHER STATE AGENCIES TO RECEIVE TECHNICAL ASSISTANCE.

24 (4) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY THAT  
25 MUST ESTABLISH AN EDUCATIONAL OVERSIGHT COMMITTEE COMPOSED OF  
26 MEMBERS WITH MARIJUANA INDUSTRY EXPERTISE. THE COMMITTEE SHALL  
27 DEVELOP AND IMPLEMENT RECOMMENDATIONS FOR EDUCATION OF ALL

1 NECESSARY STAKEHOLDERS ON ISSUES RELATED TO MARIJUANA USE,  
2 CULTIVATION, AND ANY OTHER RELEVANT ISSUES. THE COMMITTEE SHALL  
3 ENCOURAGE PROFESSIONS TO INCLUDE MARIJUANA EDUCATION, IF  
4 APPROPRIATE, AS A PART OF CONTINUING EDUCATION PROGRAMS.

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

9 **SECTION 7.** In Colorado Revised Statutes, **add** 24-31-313 as  
10 follows:

11 **24-31-313. Advanced roadside impaired driving enforcement**  
12 **training.** ON AND AFTER OCTOBER 1, 2013, THE P.O.S.T. BOARD IS  
13 ENCOURAGED TO INCLUDE ADVANCED ROADSIDE IMPAIRED DRIVING  
14 ENFORCEMENT TRAINING IN THE CURRICULUM FOR PERSONS WHO ENROLL  
15 IN A TRAINING ACADEMY FOR BASIC PEACE OFFICER TRAINING. ==

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

18 **24-33.5-514. Study marijuana implementation.** (1) THE  
19 DIVISION SHALL GATHER DATA AND UNDERTAKE OR CONTRACT FOR A  
20 SCIENTIFIC STUDY OF LAW ENFORCEMENT'S ACTIVITY AND COSTS RELATED  
21 TO THE IMPLEMENTATION OF SECTION 16 OF ARTICLE XVIII OF THE STATE  
22 CONSTITUTION OVER A TWO-YEAR PERIOD, BEGINNING ON JANUARY 1,  
23 2013.

24 (2) THE STUDY MUST INCLUDE INFORMATION CONCERNING:

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

27 (b) DRUG USE, BROKEN DOWN INTO AGE CATEGORIES AND SPECIFIC



- 1 DRUGS, INCLUDING MARIJUANA;
- 2 (c) SCHOOL DATA, INCLUDING SUSPENSIONS, EXPULSIONS, AND  
3 POLICE REFERRALS RELATED TO DRUG USE AND SALES, BROKEN DOWN BY  
4 SPECIFIC DRUG CATEGORIES;
- 5 (d) MARIJUANA ARREST DATA, INCLUDING AMOUNTS OF  
6 MARIJUANA WITH EACH ARREST, BROKEN DOWN BY RACE AND ETHNICITY;
- 7 (e) TRAFFIC ACCIDENTS, INCLUDING FATALITIES AND SERIOUS  
8 INJURIES RELATED TO BEING UNDER THE INFLUENCE OF MARIJUANA;
- 9 (f) DIVERSION OF MARIJUANA TO PERSONS UNDER TWENTY-ONE  
10 YEARS OF AGE;
- 11 (g) DIVERSION OF MARIJUANA OUT OF COLORADO;
- 12 (h) CRIME OCCURRING IN AND RELATING TO THE OPERATION OF  
13 MARIJUANA ESTABLISHMENTS;
- 14 (i) PARCEL SERVICES;
- 15 (j) DATA RELATED TO DRUG-ENDANGERED CHILDREN,  
16 SPECIFICALLY FOR MARIJUANA;
- 17 (k) TREATMENT INFORMATION;
- 18 (l) PROBATION DATA;
- 19 (m) IMPACT ON TOURISM;
- 20 (n) EMERGENCY ROOM DATA, INCLUDING INFORMATION FROM  
21 COLORADO POISON CONTROL CENTER;
- 22 (o) OUTDOOR MARIJUANA CULTIVATION FACILITIES; AND
- 23 (p) MONEY LAUNDERING.
- 24 (3) THE DIVISION IS NOT REQUIRED TO PERFORM THE DUTIES  
25 REQUIRED BY THIS SECTION UNTIL THE MARIJUANA CASH FUND, CREATED  
26 IN SECTION 12-43.3-501, C.R.S., HAS RECEIVED SUFFICIENT REVENUE TO  
27 FULLY FUND THE APPROPRIATIONS MADE TO THE DEPARTMENT OF

1 REVENUE RELATED TO ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S., AND  
2 THE APPROPRIATION TO THE DIVISION FOR SUCH DUTIES.

3

4 SECTION 9. In Colorado Revised Statutes, add 25-1.5-111 as  
5 follows:

6 **25-1.5-111. Monitor health effects of marijuana.** THE  
7 DEPARTMENT SHALL MONITOR THE EMERGING SCIENCE AND MEDICAL  
8 INFORMATION RELEVANT TO THE HEALTH EFFECTS ASSOCIATED WITH  
9 MARIJUANA USE. THE DEPARTMENT SHALL APPOINT A PANEL OF HEALTH  
10 CARE PROFESSIONALS WITH EXPERTISE IN CANNABINOID PHYSIOLOGY TO  
11 MONITOR THE RELEVANT INFORMATION. THE PANEL SHALL PROVIDE A  
12 REPORT BY JANUARY 31, 2015, AND EVERY TWO YEARS THEREAFTER TO  
13 THE STATE BOARD OF HEALTH, THE DEPARTMENT OF REVENUE, AND THE  
14 GENERAL ASSEMBLY. THE DEPARTMENT SHALL MAKE THE REPORT  
15 AVAILABLE ON ITS WEB SITE. THE PANEL SHALL ESTABLISH CRITERIA FOR  
16 STUDIES TO BE REVIEWED, REVIEWING STUDIES AND OTHER DATA, AND  
17 MAKING RECOMMENDATIONS, AS APPROPRIATE, FOR POLICIES INTENDED  
18 TO PROTECT CONSUMERS OF MARIJUANA PRODUCTS AND THE GENERAL  
19 PUBLIC. THE DEPARTMENT MAY COLLECT COLORADO-SPECIFIC DATA THAT  
20 REPORTS ADVERSE HEALTH EVENTS INVOLVING MARIJUANA USE FROM THE  
21 ALL-PAYER CLAIMS DATABASE, HOSPITAL DISCHARGE DATA, AND  
22 BEHAVIORAL RISK FACTORS. THE DEPARTMENT AND PANEL ARE NOT  
23 REQUIRED TO PERFORM THE DUTIES REQUIRED BY THIS SECTION UNTIL THE  
24 MARIJUANA CASH FUND, CREATED IN SECTION 12-43.3-501, C.R.S., HAS  
25 RECEIVED SUFFICIENT REVENUE TO FULLY FUND THE APPROPRIATIONS  
26 MADE TO THE DEPARTMENT OF REVENUE RELATED TO ARTICLES 43.3 AND  
27 43.4 OF TITLE 12, C.R.S., THE APPROPRIATION TO THE DIVISION OF

1 CRIMINAL JUSTICE RELATED TO SECTION 24-33.5-514, C.R.S., AND THE  
2 APPROPRIATION TO THE DEPARTMENT RELATED TO THIS SECTION.

3 **SECTION 10.** In Colorado Revised Statutes, 25-14-103.5,  
4 **amend** (3) (a) (I) as follows:

5 **25-14-103.5. Prohibition against the use of tobacco products**  
6 **and retail marijuana on school property - legislative declaration -**  
7 **education program - special account.** (3) (a) (I) The board of education  
8 of each school district shall adopt appropriate policies and rules ~~which~~  
9 THAT mandate a prohibition against the use of all tobacco products AND  
10 ALL RETAIL MARIJUANA PRODUCTS AUTHORIZED PURSUANT TO ARTICLE  
11 43.4 OF TITLE 12, C.R.S., on all school property by students, teachers,  
12 staff, and visitors and ~~which~~ THAT provide for the enforcement of such  
13 policies and rules.

14 **SECTION 11.** In Colorado Revised Statutes, **amend** 25-14-202  
15 as follows:

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

1 declares that the purpose of this part 2 is to preserve and improve the  
2 health, comfort, and environment of the people of this state by limiting  
3 exposure to tobacco AND MARIJUANA smoke.

4 **SECTION 12.** In Colorado Revised Statutes, 25-14-203, **amend**  
5 (16); and **add** (11.5) as follows:

6 **25-14-203. Definitions.** As used in this part 2, unless the context  
7 otherwise requires:

8 (11.5) "MARIJUANA" SHALL HAVE THE SAME MEANING AS IN  
9 SECTION 16 (2) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

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

13 **SECTION 13.** In Colorado Revised Statutes, 25-14-204, **amend**  
14 (1) introductory portion as follows:

15 **25-14-204. General smoking restrictions.** (1) Except as  
16 provided in section 25-14-205, and in order to reduce the levels of  
17 exposure to environmental tobacco AND MARIJUANA smoke, smoking  
18 shall not be permitted and no person shall smoke in any indoor area,  
19 including, but not limited to:

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

22 **26-6-108. Denial of license - suspension - revocation -**  
23 **probation - refusal to renew license - fines.** (2) The department may  
24 deny an application, or suspend, revoke, or make probationary the license  
25 of any facility regulated and licensed under this part 1 or assess a fine  
26 against the licensee pursuant to section 26-6-114 should the licensee, an  
27 affiliate of the licensee, a person employed by the licensee, or a person

1 who resides with the licensee at the facility:

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

7 (2.6) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR  
8 AN ENTITY LICENSED UNDER THIS ARTICLE AND SHALL REVOKE THE  
9 LICENSE OF AN ENTITY LICENSED UNDER THIS ARTICLE IF THE ENTITY  
10 CULTIVATES MARIJUANA PURSUANT TO THE AUTHORITY IN SECTION 16 OF  
11 ARTICLE XVIII OF THE STATE CONSTITUTION.

12 **SECTION 15.** In Colorado Revised Statutes, 27-10.5-109, **add**  
13 (6) (d) as follows:

14 **27-10.5-109. Community residential home - licenses - rules.**

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

19 (d) PROHIBITING THE CULTIVATION, USE, OR CONSUMPTION OF  
20 RETAIL MARIJUANA ON THE PREMISES OF A COMMUNITY RESIDENTIAL  
21 HOME.

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

24 **27-10.5-301. Regional centers for persons with developmental**  
25 **disabilities.** There are hereby established state regional centers in Wheat  
26 Ridge, Pueblo, and Grand Junction. The essential object of such regional  
27 centers shall be to provide state operated services and supports to persons

1 with developmental disabilities. A REGIONAL CENTER MAY NOT PERMIT  
2 THE CULTIVATION, USE, OR CONSUMPTION OF RETAIL MARIJUANA ON ITS  
3 PREMISES.

4 **SECTION 17.** In Colorado Revised Statutes, 39-22-104, **add** (4)  
5 (p) as follows:

6 **39-22-104. Income tax imposed on individuals, estates, and**  
7 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted  
8 from federal taxable income:

9 (p) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
10 1, 2014, IF A TAXPAYER IS LICENSED UNDER THE "COLORADO RETAIL  
11 MARIJUANA CODE", ARTICLE 43.4 OF TITLE 12, C.R.S., AN AMOUNT EQUAL  
12 TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED AS A FEDERAL  
13 INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION 280E OF THE  
14 FEDERAL "INTERNAL REVENUE CODE" BECAUSE MARIJUANA IS A  
15 CONTROLLED SUBSTANCE UNDER FEDERAL LAW.

16 **SECTION 18.** In Colorado Revised Statutes, 39-22-304, **add** (3)  
17 (m) as follows:

18 **39-22-304. Net income of corporation.** (3) There shall be  
19 subtracted from federal taxable income:

20 (m) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
21 1, 2014, IF A TAXPAYER IS LICENSED UNDER THE "COLORADO RETAIL  
22 MARIJUANA CODE", ARTICLE 43.4 OF TITLE 12, C.R.S., AN AMOUNT EQUAL  
23 TO ANY EXPENDITURE THAT IS ELIGIBLE TO BE CLAIMED AS A FEDERAL  
24 INCOME TAX DEDUCTION BUT IS DISALLOWED BY SECTION 280E OF THE  
25 FEDERAL "INTERNAL REVENUE CODE" BECAUSE MARIJUANA IS A  
26 CONTROLLED SUBSTANCE UNDER FEDERAL LAW.

27 **SECTION 19.** In Colorado Revised Statutes, **add** 42-4-1305.5 as

1 follows:

2 **42-4-1305.5. Open marijuana container - motor vehicle -**  
3 **prohibited. (1) Definitions.** AS USED IN THIS SECTION, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (a) "MARIJUANA" SHALL HAVE THE SAME MEANING AS IN SECTION  
6 16 (2) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

7 (b) "MOTOR VEHICLE" MEANS A VEHICLE DRIVEN OR DRAWN BY  
8 MECHANICAL POWER AND MANUFACTURED PRIMARILY FOR USE ON PUBLIC  
9 HIGHWAYS BUT DOES NOT INCLUDE A VEHICLE OPERATED EXCLUSIVELY ON  
10 A RAIL OR RAILS.

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

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

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

15 (d) "PASSENGER AREA" MEANS THE AREA DESIGNED TO SEAT THE  
16 DRIVER AND PASSENGERS, INCLUDING SEATING BEHIND THE DRIVER, WHILE  
17 A MOTOR VEHICLE IS IN OPERATION AND ANY AREA THAT IS READILY  
18 ACCESSIBLE TO THE DRIVER OR A PASSENGER WHILE IN HIS OR HER  
19 SEATING POSITION, INCLUDING BUT NOT LIMITED TO THE GLOVE  
20 COMPARTMENT.

21 (2) (a) EXCEPT AS OTHERWISE PERMITTED IN PARAGRAPH (b) OF  
22 THIS SUBSECTION (2), A PERSON WHILE IN THE PASSENGER AREA OF A  
23 MOTOR VEHICLE THAT IS ON A PUBLIC HIGHWAY OF THIS STATE OR THE  
24 RIGHT-OF-WAY OF A PUBLIC HIGHWAY OF THIS STATE MAY NOT  
25 KNOWINGLY:

26 (I) USE OR CONSUME MARIJUANA; OR

27 (II) HAVE IN HIS OR HER POSSESSION AN OPEN MARIJUANA

1 CONTAINER.

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

3 (I) PASSENGERS, OTHER THAN THE DRIVER OR A FRONT SEAT  
4 PASSENGER, LOCATED IN THE PASSENGER AREA OF A MOTOR VEHICLE  
5 DESIGNED, MAINTAINED, OR USED PRIMARILY FOR THE TRANSPORTATION  
6 OF PERSONS FOR COMPENSATION;

7 (II) THE POSSESSION BY A PASSENGER, OTHER THAN THE DRIVER  
8 OR A FRONT SEAT PASSENGER, OF AN OPEN MARIJUANA CONTAINER IN THE  
9 LIVING QUARTERS OF A HOUSE COACH, HOUSE TRAILER, MOTOR HOME, AS  
10 DEFINED IN SECTION 42-1-102 (57), OR TRAILER COACH, AS DEFINED IN  
11 SECTION 42-1-102 (106) (a);

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

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

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

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

27 **SECTION 20.** In Colorado Revised Statutes, 12-43.3-501,



1 amend (1) as follows:

2 12-43.3-501. Marijuana cash fund - repeal. (1) (a) All moneys  
3 collected by the state licensing authority pursuant to this article AND  
4 ARTICLE 43.4 OF THIS TITLE shall be transmitted to the state treasurer, who  
5 shall credit the same to the ~~medical~~ marijuana license cash fund, which  
6 fund is hereby created and referred to in this section as the "fund". THE  
7 FUND CONSISTS OF the moneys in the fund SO COLLECTED, ANY EXCISE  
8 TAX OR ADDITIONAL SALES TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF  
9 TITLE 39, C.R.S., ANY OTHER SALES TAX, AND ANY ADDITIONAL GENERAL  
10 FUND MONEYS APPROPRIATED TO THE FUND THAT ARE NECESSARY FOR THE  
11 OPERATION OF THE STATE LICENSING AUTHORITY. MONEY IN THE FUND  
12 shall be subject to annual appropriation by the general assembly to the  
13 department of revenue for the direct and indirect costs associated with  
14 implementing this article AND ARTICLE 43.4 OF THIS TITLE. Any moneys  
15 in the fund not expended for the purpose of this article OR ARTICLE 43.4  
16 OF THIS TITLE may be invested by the state treasurer as provided by law.  
17 All interest and income derived from the investment and deposit of  
18 moneys in the fund shall be credited to the fund. Any unexpended and  
19 unencumbered moneys remaining in the fund at the end of a fiscal year  
20 shall remain in the fund and shall not be credited or transferred to the  
21 general fund or another fund. UPON A DETERMINATION BY THE GENERAL  
22 ASSEMBLY THAT THE DEPARTMENT OF REVENUE HAS ESTABLISHED A  
23 SUFFICIENT REVENUE STREAM TO FUND THE STATE LICENSING  
24 AUTHORITY'S REGULATORY EFFORTS AND ALL OTHER PROGRAMS TO BE  
25 FUNDED BY THE FUND, THE GENERAL ASSEMBLY SHALL DIRECT THE STATE  
26 TREASURER TO TRANSFER ANY EXCESS BALANCE IN THE FUND TO THE  
27 GENERAL FUND TO REPAY ANY APPROPRIATION MADE FROM THE GENERAL

1 FUND TO INITIALLY SUPPORT THE SPENDING AUTHORITY OF THE STATE  
2 LICENSING AUTHORITY.

3 (b) (I) ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE  
4 FUND AS OF JULY 1, 2013, IS APPROPRIATED TO THE STATE LICENSING  
5 AUTHORITY FOR THE 2013-14 FISCAL YEAR.

6 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2014.

7 **SECTION 21. Appropriation.** (1) In addition to any other  
8 appropriation, there is hereby appropriated, out of any moneys in the  
9 marijuana cash fund created in section 12-43.3-501 (1) (a), Colorado  
10 Revised Statutes, not otherwise appropriated, to the department of public  
11 health and environment, for the fiscal year beginning July 1, 2013, the  
12 sum of \$307,542 and 4.0 FTE, or so much thereof as may be necessary,  
13 for allocation to the disease control and environmental epidemiology  
14 division, environmental epidemiology subdivision, for the cannabis health  
15 environmental and epidemiological training, outreach, and surveillance  
16 line item related to the implementation of this act.

17 (2) In addition to any other appropriation, there is hereby  
18 appropriated, out of any moneys in the marijuana cash fund created in  
19 section 12-43.3-501 (1) (a), Colorado Revised Statutes, not otherwise  
20 appropriated, to the department of public safety, for the fiscal year  
21 beginning July 1, 2013, the sum of \$154,034, or so much thereof as may  
22 be necessary, for allocation to the division of criminal justice for the DCJ  
23 administrative services line item related to the implementation of this act.

24 **SECTION 22. Appropriation.** In addition to any other  
25 appropriation, there is hereby appropriated, out of any moneys in the  
26 general fund not otherwise appropriated, to the department of revenue, for  
27 the fiscal year beginning July 1, 2013, the sum of \$280,000, or so much

1 thereof as may be necessary, for allocation to the taxation business group  
2 for computer programming costs related to the implementation of this act.

3 **SECTION 23. Appropriation.** In addition to any other  
4 appropriation, there is hereby appropriated, out of any moneys in the  
5 P.O.S.T. board cash fund created in section 24-31-303 (2) (b), Colorado  
6 Revised Statutes, not otherwise appropriated, to the department of law,  
7 for the fiscal year beginning July 1, 2013, the sum of \$20,000, or so much  
8 thereof as may be necessary, for allocation to the criminal justice and  
9 appellate unit for peace officers standards and training board support  
10 expenses related to the implementation of section 24-31-313, Colorado  
11 Revised Statutes.

12 **SECTION 24. Effective date.** (1) This act takes effect upon  
13 passage; except that:

14 (a) Section 27 takes effect only if House Bill 13-1042 does not  
15 become law.

16 **SECTION 25. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.