

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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
Appropriations

House Committees

A BILL FOR AN ACT

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

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.*

SENATE
3rd Reading Unamended
May 2, 2013

SENATE
Amended 2nd Reading
May 1, 2013

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.

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); and add (2.5)** as
10 follows:

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

1 portions of the program related to the department's oversight meet the
2 minimum criteria described in this section.

3 (2.5) WHEN PROMULGATING PROGRAM STANDARDS PURSUANT TO
4 SUBSECTION (2) OF THIS SECTION, THE STATE LICENSING AUTHORITY SHALL
5 CONSIDER INPUT FROM OTHER STATE AGENCIES, LOCAL JURISDICTIONS,
6 THE MEDICAL AND RETAIL MARIJUANA INDUSTRY, AND ANY OTHER STATE
7 OR NATIONAL SELLER SERVER PROGRAM.

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

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

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

23 (c) In order to maintain the responsible vendor designation, the
24 licensed medical OR RETAIL marijuana business must have each new
25 employee who sells or handles medical OR RETAIL marijuana, manager,
26 or resident on-site owner attend and satisfactorily complete a responsible
27 medical OR RETAIL marijuana vendor server and seller training program

1 within ninety days after being employed or becoming an owner. The
2 licensed medical marijuana business shall maintain documentation of
3 completion of the program by new employees, managers, or owners.

4 (2) A licensed medical ORRETAIL marijuana business that receives
5 a responsible vendor designation from the program vendor shall maintain
6 information on all persons licensed pursuant to this article who are in its
7 employment and who have been trained in an approved training program.
8 The information includes the date, place, time, and duration of training
9 and a list of all licensed persons attending each specific training class,
10 which class includes a training examination or assessment that
11 demonstrates proficiency.

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

14 **PART 6**

15 **MARIJUANA CONTRACTS ENFORCEABLE**

16 **13-22-601. Contracts pertaining to marijuana enforceable.** IT
17 IS THE PUBLIC POLICY OF THE STATE OF COLORADO THAT A CONTRACT IS
18 NOT VOID OR VOIDABLE AS AGAINST PUBLIC POLICY IF IT PERTAINS TO
19 LAWFUL ACTIVITIES AUTHORIZED BY SECTION 16 OF ARTICLE XVIII OF THE
20 STATE CONSTITUTION AND ARTICLE 43.4 OF TITLE 12, C.R.S.

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22 **SECTION 5.** In Colorado Revised Statutes, **16-11.3-103, add**
23 **(2.8) as follows:**

24 **16-11.3-103. Duties of commission - mission - staffing - repeal.**
25 **(2.8) (a) ON OR BEFORE DECEMBER 15, 2013, THE DRUG POLICY TASK**
26 **FORCE OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE**
27 **JUSTICE SHALL MAKE RECOMMENDATIONS TO THE COMMISSION WHO**

1 SHALL, IN TURN, MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY
2 REGARDING CRIMINAL LAWS THAT NEED TO BE REVISED TO ENSURE THAT
3 TITLE 18, C.R.S., AND OTHER RELEVANT CRIMINAL STATUTES ARE
4 COMPATIBLE WITH THE INTENT AND PLAIN MEANING OF SECTION 16 OF
5 ARTICLE XVIII OF THE STATE CONSTITUTION. IN MAKING THE
6 RECOMMENDATIONS, THE COMMISSION SHALL:

7 (I) CONSIDER THAT THE INTENT OF SECTION 16 OF ARTICLE XVIII
8 OF THE STATE CONSTITUTION WAS TO DECRIMINALIZE CONSUMPTION OF
9 SMALL AMOUNTS OF MARIJUANA, TO CREATE A LAWFUL MARKETPLACE
10 FOR ADULTS TO OBTAIN SAFE AND LEGAL MARIJUANA, TO PROTECT
11 AGAINST YOUTH ACCESS AND CONSUMPTION OF MARIJUANA, AND TO
12 ELIMINATE THE ILLICIT DRUG MARKETPLACE FOR MARIJUANA;

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

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

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

23 (V) MAKE RECOMMENDATIONS THAT ASSIST IN ELIMINATING
24 PARTICIPATION IN THE ILLICIT DRUG MARKET FOR MARIJUANA BY BUYERS,
25 SELLERS, AND PRODUCERS, INCLUDING APPROPRIATE FINES AND CRIMINAL
26 SANCTIONS ON ALL ACTIVITY THAT OCCURS OUTSIDE THE LEGAL
27 MARKETPLACE.

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

2 **SECTION 6.** In Colorado Revised Statutes, 18-18-426, **add** (2)
3 as follows:

4 **18-18-426. Drug paraphernalia - definitions.** As used in
5 sections 18-18-425 to 18-18-430, unless the context otherwise requires:

6 (2) "DRUG PARAPHERNALIA" DOES NOT INCLUDE ANY MARIJUANA
7 ACCESSORIES AS DEFINED IN SECTION 16 (2) (g) OF ARTICLE XVIII OF THE
8 STATE CONSTITUTION IF POSSESSED OR USED BY A PERSON AGE
9 TWENTY-ONE OR OLDER.

10 **SECTION 7.** In Colorado Revised Statutes, **add** 24-20-111 as
11 follows:

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

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

1 TO ARTICLE 43.4 OF TITLE 12, C.R.S., THAT FOLLOWS THOSE PRACTICES
2 MAY INCLUDE A STATEMENT OF COMPLIANCE ON ITS LABEL AFTER
3 RECEIVING CERTIFICATION OF COMPLIANCE. THE DESIGNATED AGENCY
4 MAY CONSULT WITH OTHER STATE AGENCIES TO RECEIVE TECHNICAL
5 ASSISTANCE.

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

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

21 (5) THE GOVERNOR SHALL DESIGNATE A STATE AGENCY THAT
22 SHALL ESTABLISH EDUCATIONAL MATERIALS REGARDING APPROPRIATE
23 RETAIL MARIJUANA USE AND PREVENTION OF MARIJUANA USE BY THOSE
24 UNDER TWENTY-ONE YEARS OF AGE. IN ESTABLISHING EDUCATIONAL
25 MATERIALS, TO THE GREATEST EXTENT POSSIBLE, THE STATE AGENCY
26 SHALL UTILIZE ESTABLISHED BEST PRACTICES AND EXISTING FEDERAL AND
27 STATE RESOURCES.

1 **SECTION 8.** In Colorado Revised Statutes, **add** 24-31-313 as
2 follows:

3 **24-31-313. Advanced roadside impaired driving enforcement**
4 **training.** (a) ON AND AFTER OCTOBER 1, 2013, THE P.O.S.T. BOARD IS
5 ENCOURAGED TO INCLUDE ADVANCED ROADSIDE IMPAIRED DRIVING
6 ENFORCEMENT TRAINING IN THE CURRICULUM FOR PERSONS WHO ENROLL
7 IN A TRAINING ACADEMY FOR BASIC PEACE OFFICER TRAINING.

8 (b) SUBJECT TO THE AVAILABILITY OF SUFFICIENT MONEYS, THE
9 P.O.S.T. BOARD SHALL ARRANGE TO PROVIDE TRAINING IN ADVANCED
10 ROADSIDE IMPAIRED DRIVING ENFORCEMENT TO DRUG RECOGNITION
11 EXPERTS WHO WILL ACT AS TRAINERS IN ADVANCED ROADSIDE IMPAIRED
12 DRIVING ENFORCEMENT FOR ALL PEACE OFFICERS DESCRIBED IN SECTION
13 16-2.5-101, C.R.S.

14 **SECTION 9.** In Colorado Revised Statutes, **add** 24-33.5-514 as
15 follows:

16 **24-33.5-514. Study marijuana implementation.** (1) THE
17 DIVISION SHALL GATHER DATA AND UNDERTAKE OR CONTRACT FOR A
18 SCIENTIFIC STUDY OF LAW ENFORCEMENT'S ACTIVITY AND COSTS RELATED
19 TO THE IMPLEMENTATION OF SECTION 16 OF ARTICLE XVIII OF THE STATE
20 CONSTITUTION OVER THE TWO-YEAR PERIOD BEGINNING JANUARY 1, 2006
21 AND OVER THE TWO-YEAR PERIOD BEGINNING JANUARY 1, 2014.

22 (2) TO BE INCLUDED IN THE STUDY, THE DIVISION OR CONTRACTOR
23 MUST HAVE DATA FOR BOTH OF THE TWO-YEAR PERIODS DESCRIBED IN
24 SUBSECTION (1) IN THIS SECTION. THE STUDY MUST INCLUDE
25 INFORMATION CONCERNING:

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

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(b) COMPREHENSIVE SCHOOL DATA, BOTH STATEWIDE AND BY INDIVIDUAL SCHOOL, INCLUDING SUSPENSIONS, EXPULSIONS, AND POLICE REFERRALS RELATED TO DRUG USE AND SALES, BROKEN DOWN BY SPECIFIC DRUG CATEGORIES;

(c) MARIJUANA ARREST DATA, INCLUDING AMOUNTS OF MARIJUANA WITH EACH ARREST, BROKEN DOWN BY JUDICIAL DISTRICT AND BY RACE AND ETHNICITY;

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

(e) DIVERSION OF MARIJUANA TO PERSONS UNDER TWENTY-ONE YEARS OF AGE;

(f) DIVERSION OF MARIJUANA OUT OF COLORADO;

(g) CRIME OCCURRING IN AND RELATING TO THE OPERATION OF MARIJUANA ESTABLISHMENTS;

(h) UTILIZATION OF PARCEL SERVICES FOR THE TRANSFER OF MARIJUANA;

(i) DATA RELATED TO DRUG-ENDANGERED CHILDREN, SPECIFICALLY FOR MARIJUANA;

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(j) PROBATION DATA;

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(k) DATA ON EMERGENCY ROOM VISITS RELATED TO THE USE OF MARIJUANA AND THE OUTCOMES OF THOSE VISITS, INCLUDING INFORMATION FROM COLORADO POISON CONTROL CENTER;

(l) OUTDOOR MARIJUANA CULTIVATION FACILITIES; AND

(m) MONEY LAUNDERING RELATING TO BOTH LICENSED AND

1 UNLICENSED MARIJUANA; AND

2 (n) THE ROLE OF ORGANIZED CRIME IN MARIJUANA.

3 (3) THE DIVISION IS NOT REQUIRED TO PERFORM THE DUTIES
4 REQUIRED BY THIS SECTION UNTIL THE MARIJUANA CASH FUND, CREATED
5 IN SECTION 12-43.3-501, C.R.S., HAS RECEIVED SUFFICIENT REVENUE TO
6 FULLY FUND THE APPROPRIATIONS MADE TO THE DEPARTMENT OF
7 REVENUE RELATED TO ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S., AND
8 THE GENERAL ASSEMBLY HAS APPROPRIATED SUFFICIENT MONEYS FROM
9 THE FUND FOR SUCH DUTIES.

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11 SECTION 10. In Colorado Revised Statutes, add 25-1.5-111 as
12 follows:

13 **25-1.5-111. Monitor health effects of marijuana.** THE
14 DEPARTMENT SHALL MONITOR CHANGES IN DRUG USE PATTERNS, BROKEN
15 DOWN BY COUNTY AND RACE AND ETHNICITY, AND THE EMERGING
16 SCIENCE AND MEDICAL INFORMATION RELEVANT TO THE HEALTH EFFECTS
17 ASSOCIATED WITH MARIJUANA USE. THE DEPARTMENT SHALL APPOINT A
18 PANEL OF HEALTH CARE PROFESSIONALS WITH EXPERTISE IN CANNABINOID
19 PHYSIOLOGY TO MONITOR THE RELEVANT INFORMATION. THE PANEL
20 SHALL PROVIDE A REPORT BY JANUARY 31, 2015, AND EVERY TWO YEARS
21 THEREAFTER TO THE STATE BOARD OF HEALTH, THE DEPARTMENT OF
22 REVENUE, AND THE GENERAL ASSEMBLY. THE DEPARTMENT SHALL MAKE
23 THE REPORT AVAILABLE ON ITS WEB SITE. THE PANEL SHALL ESTABLISH
24 CRITERIA FOR STUDIES TO BE REVIEWED, REVIEWING STUDIES AND OTHER
25 DATA, AND MAKING RECOMMENDATIONS, AS APPROPRIATE, FOR POLICIES
26 INTENDED TO PROTECT CONSUMERS OF MARIJUANA OR MARIJUANA
27 PRODUCTS AND THE GENERAL PUBLIC. THE DEPARTMENT MAY COLLECT

1 COLORADO-SPECIFIC DATA THAT REPORTS ADVERSE HEALTH EVENTS
2 INVOLVING MARIJUANA USE FROM THE ALL-PAYER CLAIMS DATABASE,
3 HOSPITAL DISCHARGE DATA, AND BEHAVIORAL RISK FACTORS. THE
4 DEPARTMENT AND PANEL ARE NOT REQUIRED TO PERFORM THE DUTIES
5 REQUIRED BY THIS SECTION UNTIL THE MARIJUANA CASH FUND, CREATED
6 IN SECTION 12-43.3-501, C.R.S., HAS RECEIVED SUFFICIENT REVENUE TO
7 FULLY FUND THE APPROPRIATIONS MADE TO THE DEPARTMENT OF
8 REVENUE RELATED TO ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S., AND
9 THE APPROPRIATION TO THE DIVISION OF CRIMINAL JUSTICE RELATED TO
10 SECTION 24-33.5-514, C.R.S., AND THE GENERAL ASSEMBLY HAS
11 APPROPRIATED SUFFICIENT MONEYS FROM THE FUND TO THE DEPARTMENT
12 TO PAY FOR THE MONITORING REQUIRED BY THIS SECTION.

13 **SECTION 11.** In Colorado Revised Statutes, 25-14-103.5,
14 **amend** (3) (a) (I) as follows:

15 **25-14-103.5. Prohibition against the use of tobacco products**
16 **and retail marijuana on school property - legislative declaration -**
17 **education program - special account.** (3) (a) (I) The board of education
18 of each school district shall adopt appropriate policies and rules ~~which~~
19 THAT mandate a prohibition against the use of all tobacco products AND
20 ALL RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS AUTHORIZED
21 PURSUANT TO ARTICLE 43.4 OF TITLE 12, C.R.S., on all school property by
22 students, teachers, staff, and visitors and ~~which~~ THAT provide for the
23 enforcement of such policies and rules.

24 **SECTION 12.** In Colorado Revised Statutes, **amend** 25-14-202
25 as follows:

26 **25-14-202. Legislative declaration.** The general assembly hereby
27 finds and determines that it is in the best interest of the people of this state

1 to protect nonsmokers from involuntary exposure to environmental
2 tobacco AND MARIJUANA smoke in most indoor areas open to the public,
3 public meetings, food service establishments, and places of employment.
4 The general assembly further finds and determines that a balance should
5 be struck between the health concerns of nonconsumers of tobacco
6 products AND COMBUSTIBLE MARIJUANA and the need to minimize
7 unwarranted governmental intrusion into, and regulation of, private
8 spheres of conduct and choice with respect to the use or nonuse of
9 tobacco products AND COMBUSTIBLE MARIJUANA in certain designated
10 public areas and in private places. Therefore, the general assembly hereby
11 declares that the purpose of this part 2 is to preserve and improve the
12 health, comfort, and environment of the people of this state by limiting
13 exposure to tobacco AND MARIJUANA smoke.

14 **SECTION 13.** In Colorado Revised Statutes, 25-14-203, **amend**
15 (16); and **add** (11.5) as follows:

16 **25-14-203. Definitions.** As used in this part 2, unless the context
17 otherwise requires:

18 (11.5) "MARIJUANA" SHALL HAVE THE SAME MEANING AS IN
19 SECTION 16 (2) (f) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

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

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

25 **25-14-204. General smoking restrictions.** (1) Except as
26 provided in section 25-14-205, and in order to reduce the levels of
27 exposure to environmental tobacco AND MARIJUANA smoke, smoking

1 shall not be permitted and no person shall smoke in any indoor area,
2 including, but not limited to:

3 **SECTION 15.** In Colorado Revised Statutes, 26-6-108, **amend**
4 (2) (c); and **add** (2.6) as follows:

5 **26-6-108. Denial of license - suspension - revocation -**
6 **probation - refusal to renew license - fines.** (2) The department may
7 deny an application, or suspend, revoke, or make probationary the license
8 of any facility regulated and licensed under this part 1 or assess a fine
9 against the licensee pursuant to section 26-6-114 should the licensee, an
10 affiliate of the licensee, a person employed by the licensee, or a person
11 who resides with the licensee at the facility:

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

17 (2.6) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR
18 AN ENTITY LICENSED UNDER THIS ARTICLE AND SHALL REVOKE THE
19 LICENSE OF AN ENTITY LICENSED UNDER THIS ARTICLE IF THE ENTITY
20 CULTIVATES MARIJUANA PURSUANT TO THE AUTHORITY IN SECTION 16 OF
21 ARTICLE XVIII OF THE STATE CONSTITUTION.

22 **SECTION 16.** In Colorado Revised Statutes, 27-10.5-109, **add**
23 (6) (d) as follows:

24 **27-10.5-109. Community residential home - licenses - rules.**
25 (6) The department of human services and the state board of health shall
26 promulgate such rules as are necessary to implement this section,
27 pursuant to the provisions specified in article 4 of title 24, C.R.S. The

1 rules shall include, but shall not be limited to, the following:

2 (d) PROHIBITING THE CULTIVATION, USE, OR CONSUMPTION OF
3 RETAIL MARIJUANA ON THE PREMISES OF A COMMUNITY RESIDENTIAL
4 HOME.

5 **SECTION 17**. In Colorado Revised Statutes, **amend** 27-10.5-301
6 as follows:

7 **27-10.5-301. Regional centers for persons with developmental**
8 **disabilities.** There are hereby established state regional centers in Wheat
9 Ridge, Pueblo, and Grand Junction. The essential object of such regional
10 centers shall be to provide state operated services and supports to persons
11 with developmental disabilities. A REGIONAL CENTER MAY NOT PERMIT
12 THE CULTIVATION, USE, OR CONSUMPTION OF RETAIL MARIJUANA ON ITS
13 PREMISES.

14 **SECTION 18**. In Colorado Revised Statutes, 39-22-104, **add** (4)
15 (p) as follows:

16 **39-22-104. Income tax imposed on individuals, estates, and**
17 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted
18 from federal taxable income:

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

26 **SECTION 19**. In Colorado Revised Statutes, 39-22-304, **add** (3)
27 (m) as follows:

1 **39-22-304. Net income of corporation.** (3) There shall be
2 subtracted from federal taxable income:

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

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

12 **42-4-1305.5. Open marijuana container - motor vehicle -**
13 **prohibited.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

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

17 (b) "MOTOR VEHICLE" MEANS A VEHICLE DRIVEN OR DRAWN BY
18 MECHANICAL POWER AND MANUFACTURED PRIMARILY FOR USE ON PUBLIC
19 HIGHWAYS BUT DOES NOT INCLUDE A VEHICLE OPERATED EXCLUSIVELY ON
20 A RAIL OR RAILS.

21 (c) "OPEN MARIJUANA CONTAINER" MEANS A RECEPTACLE OR
22 MARIJUANA ACCESSORY THAT CONTAINS ANY AMOUNT OF MARIJUANA
23 AND:

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

25 (II) THE CONTENTS OF WHICH ARE PARTIALLY REMOVED; OR

26 (III) THERE IS EVIDENCE THAT MARIJUANA HAS BEEN CONSUMED
27 WITHIN THE MOTOR VEHICLE.

1 (d) "PASSENGER AREA" MEANS THE AREA DESIGNED TO SEAT THE
2 DRIVER AND PASSENGERS, INCLUDING SEATING BEHIND THE DRIVER, WHILE
3 A MOTOR VEHICLE IS IN OPERATION AND ANY AREA THAT IS READILY
4 ACCESSIBLE TO THE DRIVER OR A PASSENGER WHILE IN HIS OR HER
5 SEATING POSITION, INCLUDING BUT NOT LIMITED TO THE GLOVE
6 COMPARTMENT.

7 (2) (a) EXCEPT AS OTHERWISE PERMITTED IN PARAGRAPH (b) OF
8 THIS SUBSECTION (2), A PERSON WHILE IN THE PASSENGER AREA OF A
9 MOTOR VEHICLE THAT IS ON A PUBLIC HIGHWAY OF THIS STATE OR THE
10 RIGHT-OF-WAY OF A PUBLIC HIGHWAY OF THIS STATE MAY NOT
11 KNOWINGLY:

12 (I) USE OR CONSUME MARIJUANA; OR

13 (II) HAVE IN HIS OR HER POSSESSION AN OPEN MARIJUANA
14 CONTAINER.

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

16 (I) PASSENGERS, OTHER THAN THE DRIVER OR A FRONT SEAT
17 PASSENGER, LOCATED IN THE PASSENGER AREA OF A MOTOR VEHICLE
18 DESIGNED, MAINTAINED, OR USED PRIMARILY FOR THE TRANSPORTATION
19 OF PERSONS FOR COMPENSATION;

20 (II) THE POSSESSION BY A PASSENGER, OTHER THAN THE DRIVER
21 OR A FRONT SEAT PASSENGER, OF AN OPEN MARIJUANA CONTAINER IN THE
22 LIVING QUARTERS OF A HOUSE COACH, HOUSE TRAILER, MOTOR HOME, AS
23 DEFINED IN SECTION 42-1-102 (57), OR TRAILER COACH, AS DEFINED IN
24 SECTION 42-1-102 (106) (a);

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

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

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

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

13 **SECTION 21.** In Colorado Revised Statutes, 12-43.3-501,
14 amend (1) as follows:

15 **12-43.3-501. Marijuana cash fund - repeal.** (1) (a) All moneys
16 collected by the state licensing authority pursuant to this article AND
17 ARTICLE 43.4 OF THIS TITLE shall be transmitted to the state treasurer, who
18 shall credit the same to the ~~medical~~ marijuana license cash fund, which
19 fund is hereby created and referred to in this section as the "fund". THE
20 FUND CONSISTS OF the moneys in the fund SO COLLECTED, ANY EXCISE
21 TAX OR ADDITIONAL SALES TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF
22 TITLE 39, C.R.S., ANY OTHER SALES TAX, AND ANY ADDITIONAL GENERAL
23 FUND MONEYS APPROPRIATED TO THE FUND THAT ARE NECESSARY FOR THE
24 OPERATION OF THE STATE LICENSING AUTHORITY. MONEY IN THE FUND
25 shall be subject to annual appropriation by the general assembly to the
26 department of revenue for the direct and indirect costs associated with
27 implementing this article AND ARTICLE 43.4 OF THIS TITLE. Any moneys

1 in the fund not expended for the purpose of this article OR ARTICLE 43.4
2 OF THIS TITLE may be invested by the state treasurer as provided by law.
3 All interest and income derived from the investment and deposit of
4 moneys in the fund shall be credited to the fund. Any unexpended and
5 unencumbered moneys remaining in the fund at the end of a fiscal year
6 shall remain in the fund and shall not be credited or transferred to the
7 general fund or another fund. UPON A DETERMINATION BY THE GENERAL
8 ASSEMBLY THAT THE DEPARTMENT OF REVENUE HAS ESTABLISHED A
9 SUFFICIENT REVENUE STREAM TO FUND THE STATE LICENSING
10 AUTHORITY'S REGULATORY EFFORTS AND ALL OTHER PROGRAMS TO BE
11 FUNDED BY THE FUND, THE GENERAL ASSEMBLY SHALL DIRECT THE STATE
12 TREASURER TO TRANSFER ANY EXCESS BALANCE IN THE FUND TO THE
13 GENERAL FUND TO REPAY ANY APPROPRIATION MADE FROM THE GENERAL
14 FUND TO INITIALLY SUPPORT THE SPENDING AUTHORITY OF THE STATE
15 LICENSING AUTHORITY.

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

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

20 **SECTION 22. Appropriation.** (1) In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the
22 marijuana cash fund created in section 12-43.3-501 (1) (a), Colorado
23 Revised Statutes, not otherwise appropriated, to the department of public
24 health and environment, for the fiscal year beginning July 1, 2013, the
25 sum of \$307,542 and 4.0 FTE, or so much thereof as may be necessary,
26 for allocation to the disease control and environmental epidemiology
27 division, environmental epidemiology subdivision, for the cannabis health

1 environmental and epidemiological training, outreach, and surveillance
2 line item related to the implementation of this act.

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

10 **SECTION 23. Appropriation.** In addition to any other
11 appropriation, there is hereby appropriated, out of any moneys in the
12 general fund not otherwise appropriated, to the department of revenue, for
13 the fiscal year beginning July 1, 2013, the sum of \$280,000, or so much
14 thereof as may be necessary, for allocation to the taxation business group
15 for computer programming costs related to the implementation of this act.

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

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

27 (a) Section 22 takes effect only if House Bill 13-1042 does not

1 become law.

2 **SECTION 26. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.