

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 16-0907.01 Michael Dohr x4347

**SENATE BILL 16-080**

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**SENATE SPONSORSHIP**

**Newell,**

**HOUSE SPONSORSHIP**

**Wist and Pabon,**

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**Senate Committees**  
Business, Labor, & Technology

**House Committees**  
Finance

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**A BILL FOR AN ACT**  
101      **CONCERNING SECURED MARIJUANA CULTIVATION REQUIREMENTS.**

**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, if a person is growing adult-use marijuana in a residence and a person under 21 years of age lives at the residence, the grow site must be in an enclosed and locked space. If no one under 21 years of age lives in the residence but a person under 21 years of age enters the residence, the person growing the marijuana must ensure access to the grow site is reasonably restricted while the person under 21 years of age is staying at the residence. The bill applies the same conditions to a person growing medical marijuana.

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  
February 25, 2016

SENATE  
Amended 2nd Reading  
February 24, 2016

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-18-406, **amend**  
3       **(3) (b); and add (3) (c)** as follows:

4           **18-18-406. Offenses relating to marijuana and marijuana**  
5       **concentrate.** (3) (b) It is not a violation of this subsection (3) if:

6           (I) The person is lawfully cultivating medical marijuana pursuant  
7       to the authority granted in section 14 of article XVIII of the state  
8       constitution or IN AN ENCLOSED AND LOCKED SPACE. 

9           (II) The person is lawfully cultivating marijuana in an enclosed  
10      and locked space pursuant to the authority granted in        section 16 of  
11      article XVIII of the state constitution; except that, if the cultivation area  
12      is located in a residence and:

13           (A) A person under twenty-one years of age lives at the residence,  
14      the cultivation area itself must be enclosed and locked UNLESS THE  
15      PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT LEAST EIGHTEEN YEARS  
16      OF AGE AND HAS A VALID MEDICAL MARIJUANA REGISTRY IDENTIFICATION  
17      CARD OR IS A PRIMARY CAREGIVER REGISTERED WITH THE STATE  
18      LICENSING AUTHORITY; and

19           (B) If no person under twenty-one years of age lives at the  
20      residence, the external locks of the residence constitutes an enclosed and  
21      locked space. If a person under twenty-one years of age enters the  
22      residence, the person must ensure that access to the cultivation site is  
23      reasonably restricted for the duration of that person's presence in the  
24      residence UNLESS THE PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT  
25      LEAST EIGHTEEN YEARS OF AGE AND HAS A VALID MEDICAL MARIJUANA  
26      REGISTRY IDENTIFICATION CARD OR IS A PRIMARY CAREGIVER REGISTERED

1        WITH THE STATE LICENSING AUTHORITY.

2        (c) IF A PERSON IS LAWFULLY CULTIVATING MEDICAL MARIJUANA  
3        PURSUANT TO THE AUTHORITY GRANTED IN SECTION 14 OF ARTICLE XVIII  
4        OF THE STATE CONSTITUTION, THAT FACT ALONE IS NOT SUFFICIENT TO  
5        REQUIRE A REFERRAL TO CHILD PROTECTION SERVICES.

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