

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

SENATE SPONSORSHIP

Newell,

HOUSE SPONSORSHIP

Wist and Pabon,

Senate Committees

Business, Labor, & Technology

House Committees

Finance

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.