SENATE COMMITTEE OF REFERENCE REPORT

_______________________________ March 22, 2017
Chairman of Committee Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB17-1220 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 4, line 11, strike "IT" and substitute "EXCEPT AS PROVIDED IN SECTION 25-1.5-106 (8.5)(a.5)(I) OR SECTION 25-1.5-106 (8.6)(a)(I)(B) FOR A MEDICAL MARIJUANA PATIENT OR A PRIMARY CAREGIVER WITH A TWENTY-FOUR-MARIJUANA-PLANT-COUNT EXCEPTION TO SUBSECTION (3)(a)(II)(A) OF THIS SECTION, IT".

2 Page 4, line 14, after "PLANTS" insert "ON OR".

3 Page 4, lines 15 and 16, strike "MORE THAN SIXTEEN MARIJUANA" and substitute "THE".

4 Page 5, line 5, strike "LEVEL 4 DRUG FELONY" and substitute "LEVEL 1 DRUG MISDEMEANOR".

5 Page 5, line 7, strike "THIRTY" and substitute "TWENTY-FOUR".

6 Page 5, line 9, strike "THIRTY" and substitute "TWENTY-FOUR".

7 Page 5, line 14, after "FLOWERING" insert "MEANS".

8 Page 5, line 16, strike "NODES." and substitute "NODES IN THE STEM.".

9 Page 5, strike lines 17 through 20 and substitute:
"(II) "PLANT" MEANS ANY CANNABIS PLANT IN A CULTIVATING MEDIUM WHICH PLANT IS MORE THAN FOUR INCHES WIDE OR FOUR INCHES HIGH OR A FLOWERING CANNABIS PLANT REGARDLESS OF THE PLANT'S SIZE."

Page 5, strike line 24 and substitute "COOKING, AND SANITATION.".

Page 7, line 5, strike ",(a.5)" and substitute ",(a.5)(I)".

Page 7, strike lines 9 through 19 and substitute "OR PERMANENTLY, AT THE PROPERTY; EXCEPT THAT IT IS UNLAWFUL FOR A PATIENT TO POSSESS AT OR CULTIVATE ON OR IN A RESIDENTIAL PROPERTY MORE THAN TWENTY-FOUR MARIJUANA PLANTS REGARDLESS OF THE NUMBER OF PERSONS RESIDING, EITHER TEMPORARILY OR PERMANENTLY, AT THE PROPERTY IF A PATIENT:

(A) LIVES IN A COUNTY, MUNICIPALITY, OR CITY AND COUNTY THAT DOES NOT LIMIT THE NUMBER OF MARIJUANA PLANTS THAT MAY BE GROWN ON OR IN A RESIDENTIAL PROPERTY;

(B) REGISTERS PURSUANT TO THIS SUBSECTION (8.5) WITH THE STATE LICENSING AUTHORITY'S REGISTRY; AND

(C) PROVIDES NOTICE TO THE APPLICABLE COUNTY, MUNICIPALITY, OR CITY AND COUNTY OF HIS OR HER RESIDENTIAL CULTIVATION OPERATION IF REQUIRED BY THE JURISDICTION. A LOCAL JURISDICTION SHALL NOT PROVIDE THE INFORMATION PROVIDED TO IT PURSUANT TO THIS SUBSECTION (8.5)(a.5)(I)(C) TO THE PUBLIC, AND THE INFORMATION IS CONFIDENTIAL.

(II) A PATIENT WHO CULTIVATES MORE MARIJUANA PLANTS THAN PERMITTED IN SUBSECTION (8.5)(a.5)(I) OF THIS SECTION SHALL LOCATE HIS OR HER CULTIVATION OPERATION ON A PROPERTY, OTHER THAN A RESIDENTIAL PROPERTY, WHERE MARIJUANA CULTIVATION IS ALLOWED BY LOCAL LAW AND SHALL COMPLY WITH ANY APPLICABLE LOCAL LAW REQUIRING DISCLOSURE ABOUT THE CULTIVATION OPERATION. CULTIVATION OPERATIONS CONDUCTED IN A LOCATION OTHER THAN A RESIDENTIAL PROPERTY ARE SUBJECT TO ANY COUNTY AND MUNICIPAL BUILDING AND PUBLIC HEALTH INSPECTION REQUIRED BY LOCAL LAW. A PERSON WHO VIOLATES THIS SUBSECTION (8.5)(a.5) IS SUBJECT TO THE OFFENSES AND PENALTIES DESCRIBED IN SECTION 18-18-406.".
THAN TWENTY-FOUR MARIJUANA PLANTS REGARDLESS OF THE NUMBER OF
PERSONS RESIDING, EITHER TEMPORARILY OR PERMANENTLY, AT THE
PROPERTY IF A PRIMARY CAREGIVER:
   (I) LIVES IN A COUNTY, MUNICIPALITY, OR CITY AND COUNTY THAT
DOES NOT LIMIT THE NUMBER OF MARIJUANA PLANTS THAT MAY BE
GROWN ON OR IN A RESIDENTIAL PROPERTY;
   (II) IS REGISTERED PURSUANT TO THIS SUBSECTION (8.6) WITH THE
STATE LICENSING AUTHORITY’S REGISTRY; AND
   (III) PROVIDES NOTICE TO THE APPLICABLE COUNTY,
MUNICIPALITY, OR CITY AND COUNTY OF HIS OR HER RESIDENTIAL
CULTIVATION OPERATION IF REQUIRED BY THE JURISDICTION. A LOCAL
JURISDICTION SHALT NOT PROVIDE THE INFORMATION PROVIDED TO IT
PURSUANT TO THIS SUBSECTION (8.6)(a)(I)(B) TO THE PUBLIC, AND THE
INFORMATION IS CONFIDENTIAL.
   (C) ANY PRIMARY CAREGIVER WHO CULTIVATES MORE MARIJUANA
PLANTS THAN PERMITTED IN SUBSECTION (8.6)(a)(I)(B) OF THIS SECTION
SHALT LOCATE HIS OR HER CULTIVATION OPERATION ON A PROPERTY,
OTHER THAN A RESIDENTIAL PROPERTY, WHERE MARIJUANA CULTIVATION
IS ALLOWED BY LOCAL LAW AND SHALL COMPLY WITH ANY APPLICABLE
LOCAL LAW REQUIRING DISCLOSURE ABOUT THE CULTIVATION OPERATION.
CULTIVATION OPERATIONS CONDUCTED IN A LOCATION OTHER THAN A
RESIDENTIAL PROPERTY ARE SUBJECT TO ANY COUNTY AND MUNICIPAL
BUILDING AND PUBLIC HEALTH INSPECTION REQUIRED BY LOCAL LAW. A
PERSON WHO VIOLATES THIS SUBSECTION (8.6)(a)(I) IS SUBJECT TO THE
OFFENSES AND PENALTIES DESCRIBED IN SECTION 18-18-406.”.

Strike "SIXTEEN" and substitute "TWELVE" on: Page 4, lines 7, 9, and 14;
Page 7, line 7; and Page 8, line 3.

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