

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 16-1133.01 Michael Dohr x4347

HOUSE BILL 16-1363

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HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Newell and Tate,

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House Committees  
Finance

Senate Committees  
Judiciary

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A BILL FOR AN ACT

101 CONCERNING RULE-MAKING AUTHORITY FOR MEDICAL MARIJUANA  
102 ADVERTISING DIRECTED AT UNDERAGE PERSONS.

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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>.)*

Under the current retail marijuana code, the state licensing authority must promulgate rules related to advertising that is likely to reach underage persons. The bill provides similar rule-making authority for medical marijuana.

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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  
2nd Reading Unamended  
May 3, 2016

HOUSE  
3rd Reading Unamended  
April 20, 2016

HOUSE  
2nd Reading Unamended  
April 15, 2016

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-202 (2.5), **as**  
3 **it will become effective July 1, 2016, add** (2.5) (a) (II) as follows:

4 **12-43.3-202. Powers and duties of state licensing authority -**  
5 **rules.** (2.5) (a) Rules promulgated pursuant to paragraph (b) of  
6 subsection (1) of this section must include, but need not be limited to, the  
7 following subjects:

8 (II) SIGNAGE, MARKETING, AND ADVERTISING, INCLUDING BUT NOT  
9 LIMITED TO A PROHIBITION ON MASS-MARKET CAMPAIGNS THAT HAVE A  
10 HIGH LIKELIHOOD OF REACHING PERSONS UNDER EIGHTEEN YEARS OF AGE  
11 AND OTHER SUCH RULES THAT MAY INCLUDE:

12 (A) ALLOWING PACKAGING AND ACCESSORY BRANDING;

13 (B) A PROHIBITION ON HEALTH OR PHYSICAL BENEFIT CLAIMS IN  
14 ADVERTISING, MERCHANDISING, AND PACKAGING;

15 (C) A PROHIBITION ON UNSOLICITED POP-UP ADVERTISING ON THE  
16 INTERNET;

17 (D) A PROHIBITION ON BANNER ADS ON MASS-MARKET WEBSITES;

18 (E) A PROHIBITION ON OPT-IN MARKETING THAT DOES NOT PERMIT  
19 AN EASY AND PERMANENT OPT-OUT FEATURE; AND

20 (F) A PROHIBITION ON MARKETING DIRECTED TOWARD  
21 LOCATION-BASED DEVICES, INCLUDING BUT NOT LIMITED TO CELLULAR  
22 PHONES, UNLESS THE MARKETING IS A MOBILE DEVICE APPLICATION  
23 INSTALLED ON THE DEVICE BY THE OWNER OF THE DEVICE WHO IS  
24 EIGHTEEN YEARS OF AGE OR OLDER AND INCLUDES A PERMANENT AND  
25 EASY OPT-OUT FEATURE.

26 **SECTION 2. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2016 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.