

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 17-0928.01 Michael Dohr x4347

SENATE BILL 17-184

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Pabon,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO DEFINE LAWFUL CONSUMPTION OF**
102 **MARIJUANA.**

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://leg.colorado.gov>.)

The bill authorizes the operation of a private marijuana club (club) only if the local jurisdiction has authorized clubs. A club must meet the following qualifications:

- ! All members and employees of the club must be 21 years of age or older;
- ! A club owner must be a resident of Colorado for at least 2

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
Amended 2nd Reading
March 8, 2017

- years prior to owning the club;
- ! The club's employees must be Colorado residents;
- ! The club cannot sell or serve alcohol or food;
- ! A club owner shall not sell marijuana on the premises; and
- ! A club owner shall not permit the sale or exchange of marijuana for remuneration on the premises.

The bill prohibits the open and public consumption of marijuana and defines the terms "open and public", "openly", and "publicly".

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-43.3-902 as
3 follows:

4 **12-43.3-902. Unlawful open and public consumption.** (1) THE
5 OPEN AND PUBLIC CONSUMPTION OF MARIJUANA, AS DEFINED IN SECTION
6 18-18-102 (20.3), AND ANY CONSUMPTION OF MARIJUANA IN A MANNER
7 THAT ENDANGERS OTHERS, IS PROHIBITED.

8 (2) THE GOVERNING BODY OF THE COUNTY, CITY AND COUNTY, OR
9 MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION PROVIDING
10 STRICTER LIMITATIONS ON THE DEFINITION OF "OPEN AND PUBLIC" THAT
11 MAY ALSO INCLUDE LOCATIONS OR CIRCUMSTANCES THAT ARE
12 EXCEPTIONS TO THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
13 SECTION.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 12-43.4-106 as
15 follows:

16 **12-43.4-106. Marijuana membership clubs - definition.**

17 (1)(a) A MARIJUANA MEMBERSHIP CLUB THAT ALLOWS CONSUMPTION OF
18 MEDICAL OR RETAIL MARIJUANA MAY ONLY OPERATE WITHIN A COUNTY,
19 CITY AND COUNTY, OR MUNICIPALITY IF THE GOVERNING BODY OF THE
20 COUNTY, CITY AND COUNTY, OR MUNICIPALITY ADOPTS AN ORDINANCE OR
21 RESOLUTION AUTHORIZING MARIJUANA MEMBERSHIP CLUBS.

1 (b) THE ORDINANCE OR RESOLUTION MAY PROVIDE FOR
2 ADDITIONAL LIMITATIONS OR REQUIREMENTS WITHOUT LIMITATION ON
3 THE LOCATION AND OPERATION OF A MARIJUANA MEMBERSHIP CLUB.

4 (2) (a) AS USED IN THIS ARTICLE 43.4, A "MARIJUANA MEMBERSHIP
5 CLUB" MEANS A MEMBERSHIP-BASED CLUB NOT ACCESSIBLE TO THE
6 GENERAL PUBLIC THAT OPERATES TO ALLOW MEMBERS TO CONSUME
7 RETAIL OR MEDICAL MARIJUANA ON THE PREMISES. A MARIJUANA
8 MEMBERSHIP CLUB SHALL NOT BE A RETAIL FOOD ESTABLISHMENT, AS
9 DEFINED BY SECTION 25-4-1602 (14), THAT IS REQUIRED TO HAVE A
10 LICENSE BY THE STATE OR ANY LOCAL GOVERNMENT.

11 (b) A MARIJUANA MEMBERSHIP CLUB IS SUBJECT TO THE
12 FOLLOWING LIMITATIONS:

13 (I) ALL MEMBERS AND EMPLOYEES MUST BE TWENTY-ONE YEARS
14 OF AGE OR OLDER;

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16 (II) ALL EMPLOYEES MUST BE RESIDENTS OF COLORADO;

17 (III) THE SALE OR SERVICE OF ALCOHOL IS PROHIBITED;

18 (IV) A MARIJUANA MEMBERSHIP CLUB OWNER SHALL NOT SELL,
19 EXCHANGE, OR TRANSFER MARIJUANA TO ANY PERSON FOR
20 REMUNERATION, INCLUDING TRANSFERS RELATED TO REMUNERATION FOR
21 ANY PRODUCT, SERVICE, DUES, OR FEE; AND

22 (V) A MARIJUANA MEMBERSHIP CLUB OWNER SHALL NOT PERMIT
23 THE SALE, EXCHANGE, OR TRANSFER OF MARIJUANA TO ANY PERSON FOR
24 REMUNERATION, INCLUDING TRANSFERS RELATED TO REMUNERATION FOR
25 ANY PRODUCT, SERVICE, DUES, OR FEE.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43.4-902 as
27 follows:

1 **12-43.4-902. Unlawful open and public consumption.** (1) THE
2 OPEN AND PUBLIC CONSUMPTION OF MARIJUANA, AS DEFINED IN SECTION
3 18-18-102 (20.3), AND ANY CONSUMPTION OF MARIJUANA IN A MANNER
4 THAT ENDANGERS OTHERS, IS PROHIBITED.

5 (2) THE GOVERNING BODY OF THE COUNTY, CITY AND COUNTY, OR
6 MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION PROVIDING
7 STRICTER LIMITATIONS ON THE DEFINITION OF "OPEN AND PUBLIC" THAT
8 MAY ALSO INCLUDE LOCATIONS OR CIRCUMSTANCES THAT ARE
9 EXCEPTIONS TO THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
10 SECTION.

11 **SECTION 4.** In Colorado Revised Statutes, 18-18-102, **amend**
12 the introductory portion; and **add** (20.3) as follows:

13 **18-18-102. Definitions.** As used in this ~~article~~ ARTICLE 18:

14 (20.3) "OPEN AND PUBLIC" OR "OPENLY AND PUBLICLY" MEANS A
15 PLACE NOT PROTECTED FROM UNAIDED OBSERVATION LAWFULLY MADE
16 FROM OUTSIDE ITS PERIMETER NOT INVOLVING PHYSICAL INTRUSION AND
17 TO WHICH THE PUBLIC OR A SUBSTANTIAL NUMBER OF THE PUBLIC HAS
18 ACCESS WITHOUT RESTRICTION, INCLUDING, BUT NOT LIMITED TO,
19 HIGHWAYS, TRANSPORTATION FACILITIES, PLACES OF AMUSEMENT, PARKS,
20 PLAYGROUNDS, AND THE COMMON AREAS OF PUBLIC BUILDINGS AND
21 FACILITIES THAT ARE GENERALLY OPEN OR ACCESSIBLE TO MEMBERS OF
22 THE PUBLIC WITHOUT RESTRICTION.

23 **SECTION 5. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2018 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.