

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

REVISED

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

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

Finance

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.

HOUSE
Amended 2nd Reading
April 13, 2017

SENATE
3rd Reading Unamended
March 9, 2017

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 A COUNTY, CITY AND COUNTY, OR
9 MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION PROVIDING
10 STRICTER LIMITATIONS ON THE DEFINITION OF "OPEN AND PUBLIC".

11 (3) THE GOVERNING BODY OF A COUNTY, CITY AND COUNTY, OR
12 MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION AUTHORIZING
13 MARIJUANA CONSUMPTION LOCATIONS OR CIRCUMSTANCES THAT ARE
14 EXCEPTIONS TO THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
15 SECTION IF THE LOCATIONS ARE NOT ACCESSIBLE TO THE PUBLIC OR A
16 SUBSTANTIAL NUMBER OF THE PUBLIC WITHOUT RESTRICTION, INCLUDING,
17 BUT NOT LIMITED TO, RESTRICTIONS ON THE AGE OF THE MEMBERS OF THE
18 PUBLIC WHO ARE ALLOWED ACCESS TO SUCH LOCATION.

19

20 **SECTION 2.** In Colorado Revised Statutes, **add** 12-43.4-902 as
21 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 A COUNTY, CITY AND COUNTY, OR
6 MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION PROVIDING
7 STRICTER LIMITATIONS ON THE DEFINITION OF "OPEN AND PUBLIC".

8 (3) THE GOVERNING BODY OF A COUNTY, CITY AND COUNTY, OR
9 MUNICIPALITY MAY ADOPT AN ORDINANCE OR RESOLUTION AUTHORIZING
10 MARIJUANA CONSUMPTION LOCATIONS OR CIRCUMSTANCES THAT ARE
11 EXCEPTIONS TO THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
12 SECTION IF THE LOCATIONS ARE NOT ACCESSIBLE TO THE PUBLIC OR A
13 SUBSTANTIAL NUMBER OF THE PUBLIC WITHOUT RESTRICTION, INCLUDING,
14 BUT NOT LIMITED TO, RESTRICTIONS ON THE AGE OF THE MEMBERS OF THE
15 PUBLIC WHO ARE ALLOWED ACCESS TO SUCH LOCATION.

16 **SECTION 3.** In Colorado Revised Statutes, 18-18-102, **amend**
17 the introductory portion; and **add** (20.3) as follows:

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

19 (20.3) (a) "OPEN AND PUBLIC" OR "OPENLY AND PUBLICLY" MEANS
20 A PLACE TO WHICH THE PUBLIC OR A SUBSTANTIAL NUMBER OF THE PUBLIC
21 HAS ACCESS, INCLUDING, BUT NOT LIMITED TO, STREETS AND HIGHWAYS,
22 TRANSPORTATION FACILITIES, PLACES OF AMUSEMENT, PARKS,
23 PLAYGROUNDS, AND THE COMMON AREAS OF BUILDINGS AND OTHER
24 FACILITIES.

25 (b) "OPEN AND PUBLIC" OR "OPENLY AND PUBLICLY" DOES NOT
26 INCLUDE A PRIVATE RESIDENTIAL PROPERTY.

27 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.