

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 9

LLS NO. 17-0136.01 Michael Dohr x4347

INTERIM COMMITTEE BILL

Committee on Cost-benefit Analysis of Legalized Marijuana in
Colorado

A BILL FOR AN ACT

101 CONCERNING DEFINING "ASSISTING" FOR PERSONAL MARIJUANA
102 CULTIVATION.

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>.)

Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado. The state constitution permits a person to assist another person in the cultivation of his or her constitutionally permitted 6 marijuana plants. The bill defines "assisting" as helping, supporting, or advising someone in growing his or her marijuana plants. "Assisting" does not mean growing the marijuana plants on behalf of another

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.

individual. When a person is assisting another person in the cultivation of his or her marijuana plants, the plants must be located at the other person's primary residence.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-102, **add** (3.3)
3 and (29.5) as follows:

4 **18-18-102. Definitions.** As used in this article:

5 (3.3) "ASSISTING" MEANS HELPING, SUPPORTING, OR ADVISING
6 SOMEONE IN GROWING HIS OR HER MARIJUANA PLANTS. "ASSISTING" DOES
7 NOT MEAN GROWING THE MARIJUANA PLANTS ON BEHALF OF ANOTHER
8 INDIVIDUAL.

9 (29.5) "PRIMARY RESIDENCE" MEANS THE PLACE THAT A PERSON,
10 BY CUSTOM AND PRACTICE, MAKES HIS OR HER PRINCIPLE DOMICILE AND
11 ADDRESS AND TO WHICH THE PERSON INTENDS TO RETURN, FOLLOWING
12 ANY TEMPORARY ABSENCE, SUCH AS VACATION. RESIDENCE IS EVIDENCED
13 BY ACTUAL DAILY PHYSICAL PRESENCE, USE, AND OCCUPANCY OF THE
14 PRIMARY RESIDENCE AND THE USE OF THE RESIDENTIAL ADDRESS FOR
15 DOMESTIC PURPOSES, SUCH AS, BUT NOT LIMITED TO, SLEEPING,
16 PREPARATION OF AND EATING MEALS, REGULAR MAIL DELIVERY, VEHICLE
17 AND VOTER REGISTRATION, OR CREDIT, WATER, AND UTILITY BILLING. A
18 PERSON MAY HAVE ONLY ONE PRIMARY RESIDENCE. A PRIMARY
19 RESIDENCE DOES NOT INCLUDE ACCESSORY BUILDINGS.

20 **SECTION 2.** In Colorado Revised Statutes, 18-18-406, **add**
21 (3)(b)(III) as follows:

22 **18-18-406. Offenses relating to marijuana and marijuana**
23 **concentrate.** (3) (b) It is not a violation of this subsection (3) if:

24 (III) THE PERSON IS ASSISTING ANOTHER PERSON IN CULTIVATING

1 MARIJUANA PURSUANT TO THE AUTHORITY GRANTED IN SECTION 16 (3)(b)
2 AND (3)(e) OF ARTICLE XVIII OF THE STATE CONSTITUTION AT THE OTHER
3 PERSON'S PRIMARY RESIDENCE AND PURSUANT TO CIRCUMSTANCES
4 DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS SECTION.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.