

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
 Denver, Colorado 80203
 Phone (303) 866-2471
 Fax (303) 866-2003



John W. Hickenlooper
 Governor

June 4, 2018

The Honorable Colorado House of Representatives
 State Capitol
 200 E. Colfax Ave.
 Denver, CO 80203

Dear Members of the Colorado House of Representatives:

Today, I vetoed House Bill 18-1258, "Concerning Authorization for an Endorsement to an Existing Marijuana License to Allow for a Marijuana Accessory Consumption Establishment for the Purposes of Consumer Education" at 3:02 PM, House Bill 18-1258 ("HB 18-1258") allows customers to be served and consume marijuana at a retail marijuana accessory consumption establishment.

Since Colorado voters approved Amendment 64 in 2012, this Administration implemented a robust regulatory system to carry out the intent of this voter-initiated measure. Amendment 64 is clear: marijuana consumption may not be conducted "openly or publicly" or "in a manner that endangers others."¹ We find that HB 18-1258 directly conflicts with this constitutional requirement.

We are concerned that marijuana use at consumption establishments could result in additional impaired or intoxicated drivers on our roadways. The State has dedicated significant resources to discourage impaired driving and make our roads safer. But we must do more. It is evident that public attitudes on driving under the influence of marijuana are much more relaxed than attitudes around driving under the influence of alcohol. In February 2018, the Colorado Department of Transportation launched a public engagement campaign to elicit opinions and better understand behaviors related to marijuana use and driving. This conversation with marijuana users revealed that too many feel it is safe to drive after using marijuana. By allowing consumption at marijuana establishments, HB 18-1258 sends the wrong message by permitting people to consume marijuana in a public setting; a practice that may increase the number of impaired drivers on our roadways.

The bill also poses public health risks. Allowing vaporization of marijuana in confined spaces poses a significant health risk for employees and patrons of consumption establishments. While "vaping" may not technically equate with "smoking," it is associated with significant health risks of its own. When evaluating HB 18-1258, clean air and public health advocates presented compelling research showing that aerosol produced by electronic smoking devices contains harmful chemicals that are dangerous for both active users and those exposed secondhand. This Administration made a priority of supporting the Clean Air Act and ensuring that all Coloradans have the right to breathe clean air in public venues and workplaces. House Bill 18-1258 runs counter to these efforts.

¹ Colo. Const. Art. XVIII, § 16 (3)(d) ("Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense under Colorado law . . . [c]onsumption of marijuana, provided that *nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.* (emphasis added)).

Proponents of HB 18-1258 contend that consuming marijuana within licensed establishments will reduce illegal public consumption. We agree that public consumption is a problem. However, we are unpersuaded that HB 18-1258 will prevent public and open use and may in fact encourage it by normalizing consumption. We take very seriously the warnings from the bill's opponents that HB 18-1258 may erode public health and safety; particularly youth's perception of the normalization of marijuana use. We may agree with the proponents' goals to protect the public and children; however, we strongly disagree that this bill is the correct path to achieve those goals. And we fear that an unintended effect of HB 18-1258 is the further normalization of marijuana use in the eyes of youth.

In this experiment of recreational marijuana legalization, we established and continue to improve a robust regulatory framework. With any new emerging industry, we expect the need to update laws based on new data and strong research and analysis. We encourage the General Assembly to proceed cautiously in enacting future policy changes, ensuring that public safety is paramount and the voters' will is honored.

Accordingly, House Bill 18-1258 is vetoed.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Hickenlooper", with a long horizontal flourish extending to the right.

John W. Hickenlooper
Governor