

CHAPTER 299

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 16-1363

BY REPRESENTATIVE(S) Singer, Esgar, Ginal, Klingenschmitt, Rosenthal;
also SENATOR(S) Newell and Tate, Heath, Kerr, Todd.

AN ACT**CONCERNING RULE-MAKING AUTHORITY FOR MEDICAL MARIJUANA ADVERTISING DIRECTED AT UNDERAGE PERSONS.**

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

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

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

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

(A) ALLOWING PACKAGING AND ACCESSORY BRANDING;

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 10, 2016