

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 6, 2014  
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Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB14-1122 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 8 through 20 and substitute:  
2 "(XIV.5) Prohibiting the sale of MEDICAL MARIJUANA AND  
3 medical marijuana-infused products unless the product is: ~~packaged:~~  
4 (A) ~~In special packaging that is designed or constructed to be~~  
5 ~~significantly difficult for children under five years of age to open and not~~  
6 ~~difficult for normal adults to use properly and that does not allow the~~  
7 ~~product to be seen without opening the packaging material~~ PACKAGED IN  
8 PACKAGING MEETING REQUIREMENTS ESTABLISHED BY THE STATE  
9 LICENSING AUTHORITY SIMILAR TO THE FEDERAL "POISON PREVENTION  
10 PACKAGING ACT OF 1970", 15 U.S.C. SEC. 1471 ET SEQ.; or  
11 (B) ~~In packaging that is labeled "Medicinal product - keep out of~~  
12 ~~reach of children";~~ PLACED IN AN EXIT PACKAGE OR CONTAINER AT THE  
13 POINT OF SALE PRIOR TO EXITING THE STORE, AND THE CONTAINER OR  
14 PACKAGE MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE  
15 LICENSING AUTHORITY."
- 16 Page 4, line 14, after "sell" insert "OR PERMIT THE SALE OF".
- 17 Page 4, after line 26 insert:
- 18 "SECTION 4. In Colorado Revised Statutes, 18-18-102, **add**  
19 (14.5) and (16.5) as follows:  
20 **18-18-102. Definitions.** As used in this article:  
21 (14.5) "ENCLOSED" MEANS A PERMANENT OR SEMI-PERMANENT  
22 AREA COVERED AND SURROUNDED ON ALL SIDES. TEMPORARY OPENING OF  
23 WINDOWS OR DOORS OR THE TEMPORARY REMOVAL OF WALL OR CEILING  
24 PANELS DOES NOT CONVERT THE AREA INTO AN UNENCLOSED SPACE.

1 (16.5) "LOCKED SPACE" MEANS SECURED AT ALL POINTS OF  
2 INGRESS OR EGRESS WITH A LOCKING MECHANISM DESIGNED TO LIMIT  
3 ACCESS SUCH AS WITH A KEY OR COMBINATION LOCK.

4 **SECTION 5.** In Colorado Revised Statutes, 18-18-406, **amend**  
5 (3) as follows:

6 **18-18-406. Offenses relating to marijuana and marijuana**  
7 **concentrate.** (3) (a) It is unlawful for a person to knowingly cultivate,  
8 grow, or produce a marijuana plant or knowingly allow a marijuana plant  
9 to be cultivated, grown, or produced on land that the person owns,  
10 occupies, or controls. A person who violates the provisions of this  
11 subsection (3) commits:

12 (a) (I) A level 3 drug felony if the offense involves more than  
13 thirty plants;

14 (b) (II) A level 4 drug felony if the offense involves more than six  
15 but not more than thirty plants; or

16 (c) (III) A level 1 drug misdemeanor if the offense involves not  
17 more than six plants.

18 (b) IT IS NOT A VIOLATION OF THIS SUBSECTION (3) IF:

19 (I) THE PERSON IS LAWFULLY CULTIVATING MEDICAL MARIJUANA  
20 PURSUANT TO THE AUTHORITY GRANTED IN SECTION 14 OF ARTICLE XVIII  
21 OF THE STATE CONSTITUTION; OR

22 (II) THE PERSON IS LAWFULLY CULTIVATING MARIJUANA IN AN  
23 ENCLOSED AND LOCKED SPACE PURSUANT TO THE AUTHORITY GRANTED  
24 IN SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION; EXCEPT  
25 THAT, IF THE CULTIVATION AREA IS LOCATED IN A RESIDENCE AND:

26 (A) A PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE  
27 RESIDENCE, THE CULTIVATION AREA ITSELF MUST BE ENCLOSED AND  
28 LOCKED; AND

29 (B) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT  
30 THE RESIDENCE, THE EXTERNAL LOCKS OF THE RESIDENCE CONSTITUTES  
31 AN ENCLOSED AND LOCKED SPACE. IF A PERSON UNDER TWENTY-ONE  
32 YEARS OF AGE ENTERS THE RESIDENCE, THE PERSON MUST ENSURE THAT  
33 ACCESS TO THE CULTIVATION SITE IS REASONABLY RESTRICTED FOR THE  
34 DURATION OF THAT PERSON'S PRESENCE IN THE RESIDENCE."

35 Renumber succeeding section accordingly.

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