

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 26, 2014  
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 reengrossed bill, page 2, line 18, before "EXIT" insert "OPAQUE  
2 AND RESEALABLE".

3 Page 6, after line 14 insert:

4 "SECTION 6. In Colorado Revised Statutes, 12-43.3-104, **add**  
5 (10.5) and (14.5) as follows:

6 **12-43.3-104. Definitions.** As used in this article, unless the  
7 context otherwise requires:

8 (10.5) "OPAQUE" MEANS THAT THE PACKAGING DOES NOT ALLOW  
9 THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL.

10 (14.5) "RESEALABLE" MEANS THAT THE PACKAGE CONTINUES TO  
11 FUNCTION WITH EFFECTIVENESS SPECIFICATIONS, WHICH SHALL BE  
12 ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE  
13 FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC.  
14 1471 ET SEQ., FOR THE NUMBER OF OPENINGS AND CLOSINGS CUSTOMARY  
15 FOR ITS SIZE AND CONTENTS, WHICH SHALL BE DETERMINED BY THE STATE  
16 LICENSING AUTHORITY.

17 **SECTION 7.** In Colorado Revised Statutes, 12-43.4-103, **add**  
18 (10.5) and (14.5) as follows:

19 **12-43.4-103. Definitions.** As used in this article, unless the  
20 context otherwise requires:

21 (10.5) "OPAQUE" MEANS THAT THE PACKAGING DOES NOT ALLOW  
22 THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL.

23 (14.5) "RESEALABLE" MEANS THAT THE PACKAGE CONTINUES TO  
24 FUNCTION WITH EFFECTIVENESS SPECIFICATIONS, WHICH SHALL BE  
25 ESTABLISHED BY THE STATE LICENSING AUTHORITY SIMILAR TO THE

1 FEDERAL "POISON PREVENTION PACKAGING ACT OF 1970", 15 U.S.C. SEC.  
2 1471 ET SEQ., FOR THE NUMBER OF OPENINGS AND CLOSINGS CUSTOMARY  
3 FOR ITS SIZE AND CONTENTS, WHICH SHALL BE DETERMINED BY THE STATE  
4 LICENSING AUTHORITY.

5 **SECTION 8.** In Colorado Revised Statutes, 12-43.4-202, **amend**  
6 (3) (c) (I) introductory portion and (3) (c) (III) (B) as follows:

7 **12-43.4-202. Powers and duties of state licensing authority -**  
8 **rules.** (3) (c) Rules promulgated pursuant to paragraph (b) of subsection  
9 (2) of this section must also include the following subjects, and the state  
10 licensing authority may seek the assistance of the department of public  
11 health and environment when necessary before promulgating the rules:

12 (I) Signage, marketing, and advertising, including but not limited  
13 to a prohibition on mass-market campaigns that have a high likelihood of  
14 reaching ~~minors~~ PERSONS UNDER TWENTY-ONE YEARS OF AGE and other  
15 such rules that may include:

16 (III) Prohibiting the sale of retail marijuana and retail marijuana  
17 products unless:

18 (B) The product is placed in an OPAQUE AND RESEALABLE exit  
19 package or container meeting requirements established by the state  
20 licensing authority at the point of sale prior to exiting the store;".

21 Renumber succeeding section accordingly.

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