

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0907.01 Michael Dohr x4347

SENATE BILL 16-080

SENATE SPONSORSHIP

Newell,

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING SECURED MARIJUANA CULTIVATION REQUIREMENTS.**

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>.)

Under current law, if a person is growing adult-use marijuana in a residence and a person under 21 years of age lives at the residence, the grow site must be in an enclosed and locked space. If no one under 21 years of age lives in the residence but a person under 21 years of age enters the residence, the person growing the marijuana must ensure access to the grow site is reasonably restricted while the person under 21 years of age is staying at the residence. The bill applies the same conditions to a person growing medical marijuana.

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.

SENATE
Amended 2nd Reading
February 24, 2016

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-406, **amend**
3 (3) (b); and **add** (3) (c) as follows:

4 **18-18-406. Offenses relating to marijuana and marijuana**
5 **concentrate.** (3) (b) It is not a violation of this subsection (3) if:

6 (I) The person is lawfully cultivating medical marijuana pursuant
7 to the authority granted in section 14 of article XVIII of the state
8 constitution ~~or~~ IN AN ENCLOSED AND LOCKED SPACE; EXCEPT THAT, IF THE
9 CULTIVATION AREA IS LOCATED IN A RESIDENCE AND:

10 (A) A PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE
11 RESIDENCE, THE CULTIVATION AREA ITSELF MUST BE ENCLOSED AND
12 LOCKED UNLESS THE PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT
13 LEAST EIGHTEEN YEARS OF AGE AND HAS A VALID MEDICAL MARIJUANA
14 REGISTRY IDENTIFICATION CARD OR IS A PRIMARY CAREGIVER REGISTERED
15 WITH THE STATE LICENSING AUTHORITY; AND

16 (B) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT
17 THE RESIDENCE, THE EXTERNAL LOCKS OF THE RESIDENCE CONSTITUTE AN
18 ENCLOSED AND LOCKED SPACE. IF A PERSON UNDER TWENTY-ONE YEARS
19 OF AGE ENTERS THE RESIDENCE, THE PERSON MUST ENSURE THAT ACCESS
20 TO THE CULTIVATION SITE IS REASONABLY RESTRICTED FOR THE DURATION
21 OF THAT PERSON'S PRESENCE IN THE RESIDENCE UNLESS THE PERSON
22 UNDER TWENTY-ONE YEARS OF AGE IS AT LEAST EIGHTEEN YEARS OF AGE
23 AND HAS A VALID MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD
24 OR IS A PRIMARY CAREGIVER REGISTERED WITH THE STATE LICENSING
25 AUTHORITY.

26 (II) The person is lawfully cultivating marijuana in an enclosed

1 and locked space pursuant to the authority granted in ___ section 16 of
2 article XVIII of the state constitution; except that, if the cultivation area
3 is located in a residence and:

4 (A) A person under twenty-one years of age lives at the residence,
5 the cultivation area itself must be enclosed and locked UNLESS THE
6 PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT LEAST EIGHTEEN YEARS
7 OF AGE AND HAS A VALID MEDICAL MARIJUANA REGISTRY IDENTIFICATION
8 CARD OR IS A PRIMARY CAREGIVER REGISTERED WITH THE STATE
9 LICENSING AUTHORITY; and

10 (B) If no person under twenty-one years of age lives at the
11 residence, the external locks of the residence constitutes an enclosed and
12 locked space. If a person under twenty-one years of age enters the
13 residence, the person must ensure that access to the cultivation site is
14 reasonably restricted for the duration of that person's presence in the
15 residence UNLESS THE PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT
16 LEAST EIGHTEEN YEARS OF AGE AND HAS A VALID MEDICAL MARIJUANA
17 REGISTRY IDENTIFICATION CARD OR IS A PRIMARY CAREGIVER REGISTERED
18 WITH THE STATE LICENSING AUTHORITY.

19 (c) IF A PERSON IS LAWFULLY CULTIVATING MEDICAL MARIJUANA
20 PURSUANT TO THE AUTHORITY GRANTED IN SECTION 14 OF ARTICLE XVIII
21 OF THE STATE CONSTITUTION, THAT FACT ALONE IS NOT SUFFICIENT TO
22 REQUIRE A REFERRAL TO CHILD PROTECTION SERVICES.

23 **SECTION 2. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.