A BILL FOR AN ACT

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

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

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

(I) The person is lawfully cultivating medical marijuana pursuant to the authority granted in section 14 of article XVIII of the state constitution or in an enclosed and locked space; except that, if the cultivation area is located in a residence and:

(A) A person under twenty-one years of age lives at the residence, the cultivation area itself must be enclosed and locked unless the person under twenty-one years of age is at least eighteen years of age and has a valid medical marijuana registry identification card or is a primary caregiver registered with the state licensing authority; and

(B) If no person under twenty-one years of age lives at the residence, the external locks of the residence constitute an enclosed and locked space. If a person under twenty-one years of age enters the residence, the person must ensure that access to the cultivation site is reasonably restricted for the duration of that person's presence in the residence unless the person under twenty-one years of age is at least eighteen years of age and has a valid medical marijuana registry identification card or is a primary caregiver registered with the state licensing authority.

(II) The person is lawfully cultivating marijuana in an enclosed
and locked space pursuant to the authority granted in section 16 of article XVIII of the state constitution; except that, if the cultivation area is located in a residence and:

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

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

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

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