

OPINION

Tighten rules for growing marijuana in Colorado

Medical pot should have same growing rules as recreational pot

By The Denver Post Editorial Board
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Lawmakers often give lip service to protecting minors from exposure to alcohol and drugs, but if they're sincere in this concern they will soon be able to show it. They can support a **Colorado Senate bill** that would apply the same standard to marijuana grown in a residence for medical use as exists for non-medical use.

It's a simple concept, really. Amendment 64, which legalized personal possession and retail sale of marijuana in 2012, mandated that growing the plant had to take place "in an enclosed, locked space." And the legislature put that language into statute two years ago, saying that such a space could be the residence itself so long as no one under 21 lived at the address.

If someone under 21 did live there, the legislation explained, the cultivation area itself must be enclosed and locked.

This actually amounted to common sense, and was surely in line with the expectation of voters when the amendment passed.

State Sen. Linda Newell, D-Littleton, would extend those conditions to the residential growing of medical marijuana with Senate Bill 80. It's a good idea that can help prevent the diversion of pot into unlawful hands.

Significantly, the Colorado Municipal League and Colorado Counties Inc., both strong exponents of local control, support the bill because they believe that basic standards involving growing marijuana are matters of statewide concern, as they surely are. And absent such a bill, what happens is that local communities pass a patchwork of ordinances that can be wildly inconsistent.

Medical marijuana patients and advocates testified against the bill in a Senate committee, arguing that it was unnecessary and an affront to those who are only exercising their constitutional right under an amendment passed in 2000. But if non-medical users can exercise their right to possess pot under a "enclosed, locked"

restriction for growing the plant, then medical pot growers should be able to as well. Treatment of the two forms of marijuana can't be entirely consistent given the separate amendments governing them, but this is an instance when consistency is possible and practical.

If anything, the need for security is greater for medical marijuana since growers are legally allowed to tend a larger number of plants. And as one proponent of the bill testified, whether the pot grown at a home is for medical or recreational purposes makes no difference to teenagers who visit.

Speaking of matters of statewide interest involving marijuana, the legislature continues to neglect defining another phrase in Amendment 64, namely the statement that consumption of marijuana may not occur "openly and publicly." With the growing clamor by marijuana activists to get cities to authorize private marijuana clubs and bars for on-premises consumption, it's high time the legislature stepped into that debate, too.

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