

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1133.01 Michael Dohr x4347

HOUSE BILL 16-1363

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING RULE-MAKING AUTHORITY FOR MEDICAL MARIJUANA
102 ADVERTISING DIRECTED AT UNDERAGE PERSONS.

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 the current retail marijuana code, the state licensing authority must promulgate rules related to advertising that is likely to reach underage persons. The bill provides similar rule-making authority for 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-202 (2.5), **as**
3 **it will become effective July 1, 2016, add** (2.5) (a) (II) as follows:

4 **12-43.3-202. Powers and duties of state licensing authority -**
5 **rules.** (2.5) (a) Rules promulgated pursuant to paragraph (b) of
6 subsection (1) of this section must include, but need not be limited to, the
7 following subjects:

8 (II) SIGNAGE, MARKETING, AND ADVERTISING, INCLUDING BUT NOT
9 LIMITED TO A PROHIBITION ON MASS-MARKET CAMPAIGNS THAT HAVE A
10 HIGH LIKELIHOOD OF REACHING PERSONS UNDER EIGHTEEN YEARS OF AGE
11 AND OTHER SUCH RULES THAT MAY INCLUDE:

12 (A) ALLOWING PACKAGING AND ACCESSORY BRANDING;

13 (B) A PROHIBITION ON HEALTH OR PHYSICAL BENEFIT CLAIMS IN
14 ADVERTISING, MERCHANDISING, AND PACKAGING;

15 (C) A PROHIBITION ON UNSOLICITED POP-UP ADVERTISING ON THE
16 INTERNET;

17 (D) A PROHIBITION ON BANNER ADS ON MASS-MARKET WEBSITES;

18 (E) A PROHIBITION ON OPT-IN MARKETING THAT DOES NOT PERMIT
19 AN EASY AND PERMANENT OPT-OUT FEATURE; AND

20 (F) A PROHIBITION ON MARKETING DIRECTED TOWARD
21 LOCATION-BASED DEVICES, INCLUDING BUT NOT LIMITED TO CELLULAR
22 PHONES, UNLESS THE MARKETING IS A MOBILE DEVICE APPLICATION
23 INSTALLED ON THE DEVICE BY THE OWNER OF THE DEVICE WHO IS
24 EIGHTEEN YEARS OF AGE OR OLDER AND INCLUDES A PERMANENT AND
25 EASY OPT-OUT FEATURE.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2016 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.