



Legislative Council Staff

Research Note

Version: Final

Date: 7/6/2016

Bill Number

House Bill 16-1363

Sponsors

*Representative Singer
Senators Newell and Tate*

Short Title

*Medical Marijuana Advertising
Rulemaking Authority*

Research Analyst

Katie Ruedebusch (x3001)

Status

This research note reflects the final version of the bill, which was signed by the Governor on June 10, 2016, and becomes effective August 10, 2016, assuming no petition is filed.

Summary

This bill authorizes the Marijuana Enforcement Division (MED) in the Department of Revenue to promulgate rules under the Medical Marijuana Code related to advertising that is likely to reach underage persons. This authority currently exists in the Retail Marijuana Code.

Background

The United States Supreme Court has held that commercial speech, such as advertising, is entitled to less protection under the First Amendment. Regulations regarding the content of commercial speech may be valid if the regulation furthers an important government interest and use means that are substantially related to the important government interest.

In 2013, the General Assembly gave the MED the ability to promulgate rules regarding retail marijuana advertising. Since September 2013, the MED has regulated, among other advertising mediums, radio, television, print, and internet advertising of retail marijuana that is likely to reach underage persons. For example, currently, retail marijuana establishments cannot advertise on the radio, television, or internet unless there is evidence that at least 30 percent of the target audience is over the age of 21.

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House Action

House Finance Committee (April 13, 2016). At the hearing, representatives of Smart Colorado, the Colorado Department of Public Health and Environment, the Colorado Department of Revenue, and 36Solutions testified in support of the bill. A representative from the Colorado Press Association and the Colorado Broadcasters Association testified against the bill. The committee referred the bill to the House Committee of the Whole unamended.

House second reading (April 15, 2016). The bill passed the House on second reading with no additional amendments.

House third reading (April 20, 2016). The bill passed the House on third reading with no additional amendments.

Senate Action

Senate Judiciary Committee (May 2, 2016). At the hearing, representatives of Smart Colorado, the Colorado Department of Public Health and Environment, the Colorado Department of Revenue, and 36Solutions testified in support of the bill. A representative of the Colorado Press Association and the Colorado Broadcasters Association testified against the bill. The committee referred the bill to the Senate Committee of the Whole unamended.

Senate second reading (May 3, 2016). The bill passed the Senate on second reading with no additional amendments.

Senate third reading (May 4, 2016). The bill passed the Senate on third reading with no additional amendments.