

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0137.01 Jerry Barry x4341

SENATE BILL 17-015

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Pabon,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE UNLAWFUL ADVERTISING OF MARIJUANA.**

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://leg.colorado.gov/>.)

Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado. The bill makes it a level 2 drug misdemeanor for a person not licensed to sell medical or retail marijuana to advertise for the sale of marijuana or marijuana concentrate.

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

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 **SECTION 1.** In Colorado Revised Statutes, **add 18-18-406.4** as
2 follows:

3 **18-18-406.4. Unlawful advertising of marijuana - exception.**

4 (1) A PERSON WHO IS NOT LICENSED TO SELL MEDICAL MARIJUANA
5 PURSUANT TO ARTICLE 43.3 OF TITLE 12 OR RETAIL MARIJUANA PURSUANT
6 TO ARTICLE 43.4 OF TITLE 12, OR PURSUANT TO THE LAWS REGARDING
7 MEDICAL OR RETAIL MARIJUANA UNDER THE LAWS OF ANOTHER STATE,
8 INTENTIONALLY ADVERTISES IN A NEWSPAPER, MAGAZINE, HANDBILL, OR
9 OTHER PUBLICATION OR ON THE INTERNET AND WHO KNOWINGLY
10 ADVERTISES THE UNLAWFUL SALE OF MARIJUANA, MARIJUANA
11 CONCENTRATE, OR A MARIJUANA-INFUSED PRODUCT BY A PERSON NOT
12 LICENSED TO SELL MARIJUANA, MARIJUANA CONCENTRATE, OR A
13 MARIJUANA-INFUSED PRODUCT COMMITS A LEVEL 2 DRUG MISDEMEANOR.

14 (2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION DO NOT
15 APPLY TO:

16 (a) A PRIMARY CAREGIVER, AS DEFINED IN ARTICLE XVIII,
17 SECTION 14(1)(f) OF THE STATE CONSTITUTION, WHO ADVERTISES THAT
18 THE PRIMARY CAREGIVER IS AVAILABLE TO BE A PRIMARY CAREGIVER TO
19 A PATIENT, AS DEFINED IN ARTICLE XVIII, SECTION 14(1)(d) OF THE STATE
20 CONSTITUTION.

21 (b) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER,
22 AS DEFINED IN SECTION 12-43.3-104 (10), OR A RETAIL MARIJUANA
23 PRODUCTS MANUFACTURER, AS DEFINED IN SECTION 12-43.4-103 (19),
24 THAT TRANSFERS MEDICAL MARIJUANA-INFUSED PRODUCTS OR RETAIL
25 MARIJUANA PRODUCTS TO A PERSON LICENSED TO SELL SUCH PRODUCTS;
26 OR

27 (c) A RETAIL MARIJUANA TESTING FACILITY AS DEFINED IN

1 SECTION 12-43.4-103 (21) THAT OPERATES PURSUANT TO SECTION
2 12-43.4-405 OR A MEDICAL MARIJUANA TESTING FACILITY THAT OPERATES
3 PURSUANT TO SECTION 12-43.3-405.

4 **SECTION 2. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect September 1, 2017; except that,
6 if a referendum petition is filed pursuant to section 1 (3) of article V of
7 the state constitution against this act or an item, section, or part of this act
8 within the ninety-day period after final adjournment of the general
9 assembly, then the act, item, section, or part will not take effect unless
10 approved by the people at the general election to be held in November
11 2018 and, in such case, will take effect on the date of the official
12 declaration of the vote thereon by the governor.

13 (2) This act applies to offenses committed on or after the
14 applicable effective date of this act.