

CHAPTER 104

CRIMINAL LAW AND PROCEDURE

SENATE BILL 17-015

BY SENATOR(S) Aguilar, Baumgardner, Court, Crowder, Fenberg, Fields, Garcia, Gardner, Guzman, Hill, Holbert, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Priola, Smallwood, Tate, Todd, Williams A., Zenzinger, Grantham; also REPRESENTATIVE(S) Pabon, Esgar, Gray, Liston, Melton, Mitsch Bush, Rosenthal, Duran.

AN ACT**CONCERNING THE UNLAWFUL ADVERTISING OF MARIJUANA.**

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

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

18-18-406.4. Unlawful advertising of marijuana - exception. (1) A PERSON WHO IS NOT LICENSED TO SELL MEDICAL MARIJUANA PURSUANT TO ARTICLE 43.3 OF TITLE 12 OR RETAIL MARIJUANA PURSUANT TO ARTICLE 43.4 OF TITLE 12, OR PURSUANT TO THE LAWS REGARDING MEDICAL OR RETAIL MARIJUANA UNDER THE LAWS OF ANOTHER STATE, WHO KNOWINGLY ADVERTISES IN A NEWSPAPER, MAGAZINE, HANDBILL, OR OTHER PUBLICATION OR ON THE INTERNET THE UNLAWFUL SALE OF MARIJUANA, MARIJUANA CONCENTRATE, OR A MARIJUANA-INFUSED PRODUCT BY A PERSON NOT LICENSED TO SELL MARIJUANA, MARIJUANA CONCENTRATE, OR A MARIJUANA-INFUSED PRODUCT COMMITS A LEVEL 2 DRUG MISDEMEANOR.

(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION DO NOT APPLY TO A PRIMARY CAREGIVER, AS DEFINED IN ARTICLE XVIII, SECTION 14(1)(f) OF THE STATE CONSTITUTION, WHO ADVERTISES THAT THE PRIMARY CAREGIVER IS AVAILABLE TO BE A PRIMARY CAREGIVER TO A PATIENT, AS DEFINED IN ARTICLE XVIII, SECTION 14(1)(d) OF THE STATE CONSTITUTION.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2017; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: April 4, 2017