

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL E

LLS NO. 17-0137.01 Jerry Barry x4341

SENATE BILL

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Pabon,

Senate Committees

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://www.leg.state.co.us/billsummaries>.)

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 WHO PLACES AN ADVERTISEMENT IN A
7 NEWSPAPER, MAGAZINE, HANDBILL, OR OTHER PUBLICATION OR ON THE
8 INTERNET AND WHO INTENDS TO PROMOTE THE SALE IN THE STATE OF
9 MARIJUANA OR MARIJUANA CONCENTRATE COMMITS A LEVEL 2 DRUG
10 MISDEMEANOR.

11 (2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION DO NOT
12 APPLY TO A PRIMARY CAREGIVER, AS DEFINED IN ARTICLE XVIII, SECTION
13 14(1)(f) OF THE STATE CONSTITUTION, WHO ADVERTISES THAT THE
14 PRIMARY CAREGIVER IS AVAILABLE TO BE A PRIMARY CAREGIVER TO A
15 PATIENT, AS DEFINED IN ARTICLE XVIII, SECTION 14(1)(d) OF THE STATE
16 CONSTITUTION.

17 **SECTION 2. Act subject to petition - effective date -**

18 **applicability.** (1) This act takes effect September 1, 2017; except that,
19 if a referendum petition is filed pursuant to section 1 (3) of article V of
20 the state constitution against this act or an item, section, or part of this act
21 within the ninety-day period after final adjournment of the general
22 assembly, then the act, item, section, or part will not take effect unless
23 approved by the people at the general election to be held in November
24 2018 and, in such case, will take effect on the date of the official
25 declaration of the vote thereon by the governor.

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