

Be it Enacted by the People of the State of Colorado:

Colorado Secretary of State

In the constitution of the state of Colorado, **amend** subsection (2) of section 16 to article 18; and **add** subsection (5.5) of section 16 of article 18 as follows:

Section 16. Personal use and regulation of marijuana.

(2) Definitions. As used in this section, unless the context otherwise requires,

(a) "CHILD-RESISTANT" MEANS PACKAGING THAT IS:

(I) DESIGNED OR CONSTRUCTED TO BE SIGNIFICANTLY DIFFICULT FOR CHILDREN UNDER FIVE YEARS OF AGE TO OPEN AND NOT DIFFICULT FOR NORMAL ADULTS TO USE PROPERLY AS DEFINED BY 16 C.F.R. 1700.20 (1995);

(II) OPAQUE SO THAT THE PACKAGING DOES NOT ALLOW THE PRODUCT TO BE SEEN WITHOUT OPENING THE PACKAGING MATERIAL; AND,

(III) RESEALABLE FOR ANY PRODUCT.

~~(a)~~(b) "Colorado Medical Marijuana Code" means article 43.3 of title 12, Colorado Revised Statutes.

~~(b)~~(c) "Consumer" means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.

~~(e)~~(d) "Department" means the department of revenue or its successor agency.

~~(d)~~(e) "EDIBLE RETAIL MARIJUANA PRODUCT" MEANS ANY RETAIL MARIJUANA PRODUCT WHICH IS INTENDED TO BE CONSUMED ORALLY, INCLUDING BUT NOT LIMITED TO, ANY TYPE OF FOOD, DRINK, OR PILL.

~~(d)~~(f) "Industrial hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

~~(e)~~(g) "Locality" means a county, municipality, or city and county.

~~(f)~~(h) "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which

is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

~~(g)~~(i) "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

~~(h)~~(j) "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

~~(i)~~(k) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

~~(j)~~(l) "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

~~(k)~~(m) "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

~~(l)~~(n) "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

~~(m)~~(o) "Medical marijuana center" means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to section 14 of this article and the Colorado Medical Marijuana Code.

~~(n)~~(p) "POTENCY" MEANS THE PERCENTAGE AT THE POINT OF SALE OF TETRAHYDROCANNABINOL BY TOTAL WEIGHT IN MARIJUANA OR MARIJUANA PRODUCTS, EXCLUDING EDIBLE RETAIL MARIJUANA PRODUCTS. FOR EDIBLE RETAIL MARIJUANA PRODUCTS, POTENCY MEANS THE WEIGHT AT THE POINT OF SALE OF TETRAHYDROCANNABINOL EVENLY DISTRIBUTED IN AN EDIBLE RETAIL MARIJUANA PRODUCT.

~~(h)~~(q) "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

~~(h)~~(r) "SINGLE-SERVING EDIBLE RETAIL MARIJUANA PRODUCT" MEANS AN EDIBLE RETAIL MARIJUANA PRODUCT FOR SALE TO CONSUMERS CONTAINING NO MORE THAN 10MG OF ACTIVE TETRAHYDROCANNABINOL.

~~(e)~~(s) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

(5.5) CONTROLLED SALE OF MARIJUANA AND MARIJUANA PRODUCTS. (a) IN ORDER TO ACCOMMODATE PUBLIC HEALTH AND SAFETY AS THEY RELATE TO MARIJUANA IN COLORADO, AND TO ENSURE THAT THE PUBLIC IS WELL EDUCATED ON THE SIDE EFFECTS AND POTENCY OF MARIJUANA AND MARIJUANA PRODUCTS, MARIJUANA AND MARIJUANA PRODUCTS THAT ARE OFFERED FOR SALE MUST:

(I) BE CONTROLLED AND SOLD IN CHILD-RESISTANT PACKAGING AS MARIJUANA OR AS A SINGLE-SERVING EDIBLE RETAIL MARIJUANA PRODUCT THAT IS INDIVIDUALLY PACKAGED.

(II) HAVE PRINTED ON THE MARIJUANA PACKAGING OR MARIJUANA PRODUCT PACKAGING, ALONG WITH LABELING CONTROLS AT THAT TIME, THE FOLLOWING:

(A) IDENTIFIED HEALTH RISKS, INCLUDING, BUT NOT LIMITED TO:

(i) INCREASED CHANCE OF A HARMFUL REACTION DUE TO HIGHER TETRAHYDROCANNABINOL LEVELS;

(ii) BIRTH DEFECTS AND REDUCED BRAIN DEVELOPMENT;

(iii) INCREASED RISK OF BRAIN AND BEHAVIORAL PROBLEMS IN BABIES;

(iv) BREATHING PROBLEMS;

(v) PERMANENT LOSS OF BRAIN ABILITIES;

(vi) ALTERED SENSES AND MOOD SWINGS;

(vii) IMPAIRED BODY MOVEMENT AND IMPAIRED THINKING;

(viii) DEPRESSION, ANXIETY, AND TEMPORARY PARANOIA;

(ix) POTENTIAL FOR LONG-TERM ADDICTION.

(B) THE POTENCY OF THE PRODUCT.

(b) THE POTENCY OF MARIJUANA AND MARIJUANA PRODUCTS WILL BE CONTROLLED WITH AN UPWARD POTENCY LIMIT THAT DOES NOT EXCEED 16%.

(c) THE COLORADO GENERAL ASSEMBLY IS AUTHORIZED TO ADOPT BY BILL MEASURES THAT ADVANCE THE PUBLIC'S INTEREST IN THE PUBLIC HEALTH AND SAFETY RELATED TO THE CONTROLLED SALE OF MARIJUANA AND MARIJUANA PRODUCTS IN COLORADO SO LONG AS ITS ACTIONS DO NOT CONTRAVENE THIS SUBSECTION 5.5.

(d) NOTHING IN THIS SUBSECTION (5.5) WILL BE CONSIDERED UNREASONABLY IMPRACTICAL AND IS IN THE INTEREST OF PUBLIC HEALTH AND SAFETY.