

# Marijuana -Under 21 in Colorado

## Laws and Penalties from the Colorado Revised Statutes (C.R.S.)

### Introduction

SB14-129 added marijuana-related offenses and penalties to the section of C.R.S. Title 18 (Criminal Code) that addresses underage use of alcohol.

### Definitions

**Possession of Marijuana** means that a person has or holds any amount of marijuana anywhere on his or her person or that a person owns or has custody of marijuana or has marijuana within his or her immediate presence and control. (C.R.S.18-13-122(2) (f))

**Marijuana Paraphernalia** 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. (Colorado Constitution XVIII Sec. 16(2)(g))

### Illegal Possession and Consumption

Except as described by Section 14 of article XVIII of the Colorado Constitution and 18-18-406.6 and 406.3 (pertaining to medical use of marijuana) – (C.R.S. 18-13-122(3) (b)(c) and (d))

A person under twenty-one years of age who possesses one ounce or less of marijuana or consumes marijuana anywhere in the state of Colorado commits illegal possession or consumption of marijuana by an underage person.

A person under twenty-one years of age who possesses marijuana paraphernalia anywhere in the state of Colorado and knows or reasonably should know that the drug paraphernalia could be used in circumstances in violation of the laws of Colorado commits illegal possession of marijuana paraphernalia by an underage person.

A violation of these two laws is an unclassified petty offense.

### Other Related Laws

- **C.R.S. 42-2-125** (Traffic Code)
  - Addresses driver license revocations for persons under 21 if convicted of violating 18-13-122's possession and consumption of marijuana or possession of marijuana paraphernalia laws
- **C.R.S. 42-4-1301** (Traffic Code)
  - Pertains to Driving While Ability is Impaired
- **C.R.S. 42-4-1305.5** (Traffic Code)
  - Describes prohibitions and exceptions to having open marijuana containers in motor vehicles
- **C.R.S. 18-1-711** (Exemptions from Criminal Responsibility)
  - SB14-129 also added possession or consumption of marijuana by an underage person to this section of statute.
- **C.R.S. 18-18-406** (Criminal Code)
  - Pertains to offenses related to marijuana and marijuana concentrate

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## Penalties

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### C.R.S. 18-13-122 (4) (a)(b) and (c)

#### First Offense

- Fine of not more than \$100, or
- Court ordered to complete a substance abuse education program approved by the Division of Behavioral Health (DBH), Colorado Department of Human Services.

#### Second Offense

- Fine of not more than \$100 and the court *shall* order the underage person to:
  - Complete a DBH-approved substance abuse education program,
  - If deemed necessary and appropriate, submit to a DBI-approved substance abuse assessment and complete any treatment recommended by the assessment, and
  - Perform up to twenty-four hours of useful public service subject to 18-1.3-507.

#### Third or Subsequent Offense –

- Fine of up to \$250 and the court *shall* order the underage person to:
  - Submit to a DBH-approved substance abuse assessment and complete any treatment recommended by the assessment, and
  - Perform up to thirty-six hours of useful public service subject to 18-1.3-507.

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## Immunity from Criminal Prosecution

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### C.R.S. 18-13-122 (7)

An underage person shall be immune from criminal prosecution if he or she establishes the following:

- He or she called 911 and reported in good faith that another underage person was in need of medical assistance due to marijuana consumption;
- He or she provided his or her name to the 911 operator;
- He or she was the first person to make the 911 report; and
- He or she remained on the scene with the underage person in need of medical assistance until assistance arrived and also cooperated with medical assistance or law enforcement personnel on the scene.

## Where can I learn more?

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Information for parents, youth, school staff and the general public can be located at the following websites:

- “Understand the Big Deal: How Marijuana Harms Youth”:  
<http://www.cde.state.co.us/dropoutprevention/resources>
- Official State of Colorado website for Retail Marijuana Information and Resources:  
<https://sites.google.com/a/state.co.us/marijuana/>
- National Institute on Drug Abuse: <http://www.drugabuse.gov/>
- Department of Revenue Rules for Medical and Retail Marijuana:  
<http://www.colorado.gov/cs/Satellite/Rev-MMJ/CBON/1251592984795>