



Written by [Raven Clabough](#) on May 31, 2013

Colorado Governor Signs Marijuana Regulations Into Law

Last November, voters in Colorado and  Washington [approved](#) constitutional amendments permitting adults 21 and older the right to use marijuana for recreational purposes. On Tuesday, Colorado's Governor John Hickenlooper signed a set of bills into law that will govern the use of marijuana, calling them the state's best efforts to navigate through uncharted territory. "Recreational marijuana is really a completely new entity," he explained.

According to the governor, the regulations include "common sense" provisions, including required labels that post the potency of the marijuana sold, as well as mandated childproof packaging with warning labels.

Other measures include blood limits for driving under the influence of marijuana, placed at 5 nanograms per milliliter.

The state will allow adults 21 and older to possess up to an ounce of marijuana, and to grow up to six plants. Visitors to Colorado 21 and older are limited to one-fourth of an ounce in a single retail transaction, though they too are allowed to possess a full ounce.

"The laws ... signed today put the health and safety of our kids front and center," said Colorado House of Representatives Assistant Majority Leader Dan Pabon, a Democrat. "They drive a stake into the heart of a large black market while creating a regulated, legitimate industry."

Retail stores selling marijuana are scheduled to be opened in January, but there are regulations dealing with the sale of the drug. Fox News [reported](#), "Colorado laws attempt to curb public use of marijuana by banning its sale in places that sell food and drink that aren't infused with the drug, an attempt to prevent Amsterdam-style pot cafes. Food laced with the drug also would have to be to-go orders."

Additionally, Colorado laws mandate that marijuana-related magazines such as *High Times* be kept behind the counters of stores and be sold only to customers 21 or older. However, attorneys representing some of those publications have already challenged those restrictions. Three marijuana publications have filed [suit](#) to block the Amendment 64 law, which requires pot magazines to be treated like pornography.

Denver free speech attorney David Lane, who filed the suit, argues that the provision targets the publications' right to free speech and undermines the goal of Amendment 64, which is to "regulate marijuana like alcohol."

"Amendment 64 was passed by Colorado voters who intended to 'regulate marijuana like alcohol'... [but publications] 'whose primary focus is alcohol or alcohol businesses' are not regulated or penalized the same way as Plaintiffs' marijuana-focused publications," the suit states.

Colorado is the first state to require pot magazines be moved behind the retail counters.

While some of Colorado's regulations are similar to those proposed in Washington State — including the



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requirement for pot-related businesses to have security systems, 24-hour surveillance, and insurance — a number of Colorado's laws regulating marijuana differ from proposed regulations in Washington, notes Fox News:

Colorado makes no attempt to ban concentrated marijuana, or hashish, unlike Washington.

Colorado also has different possession limits on edible marijuana. Colorado also is planning a brief grandfather period during which only current medical marijuana business owners could sell recreational pot.

As for the state of Washington, the Liquor Control Board is responsible for establishing the recreational marijuana industry. Reuters [reported](#), "Earlier this month the agency released a set of draft rules that said marijuana must be grown indoors and tested for contaminants and potency. Licenses to grow, process and sell the drug would each cost \$1,000 per year on top of a \$250 application fee under the proposed guidelines."

Colorado's new laws also provide pot businesses a chance to claim business deductions on their taxes, which had been illegal until recently because of federal law.

Of course, the sale of marijuana will also be subject to taxes. In the fall, voters will be asked to approve a 15-percent excise tax on the drug. The proceeds from that tax have already been earmarked for school construction. Likewise, there would be a recreational pot sales tax of 10 percent, additional to state and local sales taxes. Ironically, the special sales tax will be used to educate children to stay away from marijuana. "Public safety and the safety of our children were at the forefront of our minds," said state Senator Randy Baumgardner, sponsor of some of the bills.

Colorado lawmakers have already indicated that these new laws are part of an initial approach to this unique new territory, and that these laws are likely to change. "We are going to be talking about marijuana in the state of Colorado for some time," predicted Rep. Mark Waller.

And proponents of recreational marijuana expect Colorado and Washington to serve as the experiments for other states to observe before they institute such laws. "We can regulate the sale of alcohol in a responsible manner, and there's no reason we can't regulate the sale of something objectively less harmful — marijuana," said Mason Tvert, spokesman for the Marijuana Policy Project.

Meanwhile, Colorado and Washington are preparing for a federal response to the new laws.

Hickenlooper told reporters that he fully expects the federal government to respond to the fact that Colorado and Washington State are in violation of federal drug laws. "We think that it will be relatively soon. We are optimistic that they are going to be a little more specific in their approach on this issue," he added.

When pushed for details, the governor jokingly referred to scandals surrounding the U.S. Department of Justice: "They've been kind of busy," he observed.

A spokesman for the U.S. Attorney's Office in Denver said that the Justice Department is still considering its response.

A growing number of Americans support the legalization of marijuana, according to a Pew Research Center poll. Fifty-two percent of those polled support legalization, while 45 percent remain opposed. As [observed](#) by the *San Francisco Examiner*, "The findings are in line with other surveys — a 2013 Field poll, a 2012 Rasmussen Reports survey and a 2011 Gallup poll — that also reported a newfound majority of Americans in favor of legalizing marijuana."



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