

Marijuana – Under 21 in Colorado

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



COLORADO
Department of Education

Introduction

C.R.S. Title 22 (Education law) requires school districts to include in their discipline codes the prohibited use, possession, and sale of drugs. In 2014, Senate Bill 129 added marijuana-related offenses and penalties, for persons under 21 years of age, to C.R.S. Title 18 (Criminal Code). This is the same section that addresses the underage use of alcohol.

- Marijuana accounted for the most (23%) summonses to court issued and/or arrests made by the law enforcement agencies that reported school-related “student contact” data to the Division of Criminal Justice for the 2017-18 school year. This compares to 25% in the 2016-17 school year.
- Marijuana-related behaviors accounted for the most number of school expulsions in the State of Colorado for each of the 2015-16, 2016-17, and 2017-18 school years.

It is important for students, parents, and school staff to be aware of these laws and the consequences for violating school codes of conduct and state laws in order to help students avoid placing themselves at risk of being disciplined and/or arrested or summonsed to court.

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 18-18-406.3 (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 law commits illegal possession of marijuana paraphernalia by an underage person.

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

Other Statutes

C.R.S. 18-13-122(3)(b)(c) and (d)

- Addresses possession and use of marijuana by anyone under age of 21 in the state of Colorado

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 distribution and cultivation of marijuana and marijuana concentrate



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

First Offense

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

Second Offense

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

IMMUNITY FROM CRIMINAL PROSECUTION - 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?

- Colorado Department of Education’s Marijuana Use Prevention Resource Bank:
<http://www.cde.state.co.us/healthandwellness/marijuana>
- “Understanding 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://www.colorado.gov/search?tid=marijuana>
- National Institute on Drug Abuse: <http://www.drugabuse.gov/>