



FY2014 RECOMMENDATION/FY14-DP02 Revise the marijuana open container provisions

Status: Implementation Complete

Actions/Updates

2014 ACTION TO DATE

Action on this recommendation was completed with the passage of Senate Bill 14-129.

Description

Revise C.R.S. 42-4-1305.5 as it pertains to open marijuana container and motor vehicles to ensure that the marijuana container is open, has a broken seal, contents are partially removed AND there is evidence of consumption.

The Drug Policy Task Force recommends amending C.R.S. 42-4-1305.5 as follows:

42-4-1305.5. Open marijuana container - motor vehicle - prohibited.

- (1) **Definitions.** As used in this section, unless the context otherwise requires:
 - (a) "Marijuana" shall have the same meaning as in section 16 (2) (f) of Article XVIII of the State Constitution.
 - (b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) "Open marijuana container" means a receptacle or marijuana accessory that contains any amount of marijuana and:
 - (i) That is open or has a broken seal;
 - (ii) The contents of which are partially removed; ~~or~~ **AND**
 - (iii) There is evidence that marijuana has been consumed within the motor vehicle.

Agencies Responsible