

# HB 1258

## Fact-Checking Opponents' Claims

**Claim:** "HB 1258 will contribute to more drugged driving"

**False:** The bill includes specific language limiting the amount of THC in a product sold to a patron & also limits the sale to one transaction. The bill prohibits sales to patrons who display signs of intoxication or disorderly conduct, and requires licensees to provide education information on the safe consumption of MJ products. The bill also requires training and supervision by the employees of the establishments.

Notable testimony: In the House Finance Committee, CO State Patrol & CO Assoc. of Chiefs of Police testified that "a large majority of traffic accidents & fatalities are caused by alcohol impairment – not marijuana use. Of the 6,240 DUI arrests made in 2017, 18% of drivers were impaired by MJ but it was inconclusive if drivers had active THC in their blood system." Despite the large number of alcohol related DUI's, these witnesses stated that they are not advocating to shut down alcohol establishments.

The proponents are currently working with CO State Patrol, CDOT and MADD on a program called the "Cannabis Conversation," as well as spearheading an "Explore Responsibly" campaign to encourage people to be smart about cannabis consumption.

Columbia University study (Dec, 2016): "States that passed medical marijuana laws saw an 11% reduction in traffic fatalities, on average, after enacting the laws, and had 26 percent lower rates of traffic fatalities compared with states without the laws." <https://www.mailman.columbia.edu>

American Journal of Public Health study (Aug, 2017): AJPB found "no significant increase in Colorado and Washington State, where recreational marijuana use is legal, compared with eight states where it is not legal that have similar populations, vehicle ownership, and traffic laws." <http://ajph.aphapublications.org>

**Claim:** "Vaping has the same harmful effects as smoking"

**False:** Unlike nicotine e-cigarette cartridges, cannabis vaporization cartridges don't include the same dangerous chemicals found in e-cigarette products. Cannabis cartridges contain ONLY extracted THC (psychoactive ingredient in marijuana) or CBD (non-psychoactive ingredient). To extract, cannabis flower is processed, either through a solvent or cold-press, in order to fill vaporizer cartridges with the active ingredients in cannabis. Vaporization of cannabis is harmless compared to the effects of e-cigarettes.

**Claim:** “HB 1258 would allow public marijuana use, even though it’s prohibited by the state constitution.”

**Misleading:** Nothing in the Colorado Constitution prohibits the regulation of public marijuana consumption. The Constitution outlines “personal consumption” and “property rights” in section 3(d) and 6(d), respectively:

(3) Personal use of marijuana. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER COLORADO LAW OR THE LAW OF ANY LOCALITY WITHIN COLORADO OR BE A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER CO LAW FOR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER:

(d) CONSUMPTION OF MARIJUANA, PROVIDED THAT NOTHING IN THIS SECTION SHALL PERMIT CONSUMPTION THAT IS CONDUCTED *OPENLY* AND *PUBLICLY* OR *IN A MANNER THAT ENDANGERS OTHERS*.

(6) Employers, driving, minors and control of property.

(d) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON, *EMPLOYER*, SCHOOL, HOSPITAL, DETENTION FACILITY, *CORPORATION* OR ANY OTHER ENTITY WHO OCCUPIES, OWNS OR CONTROLS A PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, USE, DISPLAY, TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION, OR GROWING OF MARIJUANA ON OR IN THAT PROPERTY.

As clearly stated above, a person is constitutionally-protected to consume cannabis in public if they don’t endanger others. The Constitution also addresses the regulation of consumption on private property by defining “control of property,” which is the basis for successful citizen initiatives and local ordinances which allow and prohibit “bring your own” private marijuana clubs. Therefore, anyone can regulate consumption anywhere.