

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0819.01 Conrad Imel x2313

SENATE BILL 19-093

SENATE SPONSORSHIP

Marble,

HOUSE SPONSORSHIP

Buentello,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING FIREARM POSSESSION BY PERSONS WHO LAWFULLY USE**
102 **MEDICAL MARIJUANA.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law prohibits a person from carrying a firearm if the person has a prior conviction for a felony or conspiracy to commit a felony pursuant to Colorado law, the law of any other state, or federal law. The bill clarifies that a person is not prohibited from carrying a firearm if the prior conviction was for the possession or use of marijuana that was lawfully possessed or used pursuant to the Colorado constitution.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Under current law, a sheriff may deny an application for a permit to carry a concealed handgun when the applicant is ineligible to possess a firearm pursuant to Colorado or federal law or the applicant is an unlawful user of, or addicted to, a controlled substance, as defined by federal law or regulation. The bill clarifies that a person is not considered to be ineligible to possess a firearm pursuant to federal law nor considered to be an unlawful user of, or addicted to, a controlled substance because of the possession or use of medical marijuana pursuant to the Colorado constitution.

The bill clarifies that the department of public safety is prohibited from sharing confidential information relating to the medical marijuana registry with law enforcement for the purpose of conducting a background check related to the transfer of firearms.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-12-108, **add** (7)
3 as follows:

4 **18-12-108. Possession of weapons by previous offenders.** (7) IT
5 IS NOT A VIOLATION OF THIS SECTION IF THE OFFENSE FOR WHICH THE
6 PERSON WAS CONVICTED OR ADJUDICATED UNDER FEDERAL LAW WAS FOR
7 THE POSSESSION OR USE OF MARIJUANA THAT WAS POSSESSED OR USED
8 PURSUANT TO SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

9 **SECTION 2.** In Colorado Revised Statutes, 18-12-203, **add** (4)
10 as follows:

11 **18-12-203. Criteria for obtaining a permit.** (4) FOR THE
12 PURPOSES OF THIS SECTION, A PERSON IS NOT CONSIDERED TO BE
13 INELIGIBLE TO POSSESS A FIREARM PURSUANT TO FEDERAL LAW, NOR IS A
14 PERSON CONSIDERED AN UNLAWFUL USER OF OR ADDICTED TO A
15 CONTROLLED SUBSTANCE AS PROVIDED IN FEDERAL LAW AND
16 REGULATIONS, BECAUSE OF THE POSSESSION OR USE OF MEDICAL
17 MARIJUANA, AS AUTHORIZED PURSUANT TO SECTION 14 OF ARTICLE XVIII
18 OF THE STATE CONSTITUTION.

1 **SECTION 3.** In Colorado Revised Statutes, 25-1.5-106, **add**
2 (17.5) as follows:

3 **25-1.5-106. Medical marijuana program - powers and duties**
4 **of state health agency - rules - medical review board - medical**
5 **marijuana program cash fund - subaccount - created - repeal.**

6 (17.5) THE DEPARTMENT MAY NOT PROVIDE ANY INFORMATION
7 DESCRIBED IN THIS SECTION AS CONFIDENTIAL, INCLUDING THE IDENTITY
8 OF INDIVIDUALS LISTED ON THE CONFIDENTIAL REGISTRY OF PATIENTS, TO
9 ANY LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF FACILITATING A
10 CRIMINAL HISTORY RECORD CHECK OR ANY OTHER BACKGROUND CHECK
11 RELATED TO THE TRANSFER OF FIREARMS.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.