

How Is Public Smoking of Marijuana Regulated In Colorado?

The following laws limit the use of marijuana in public places and work places.

Amendment 64

Section 6(d) allows policies regulating marijuana:

“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.”

Section 3(d) limits public use:

“Nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.”

The Colorado Clean Indoor Air Act

This state law prohibits tobacco and medical marijuana smoking in public places, workplaces, restaurants, bars, and casinos. In 2013 the legislature passed Senate Bill 13-283, which added all forms of marijuana to the definition of smoking. Click on this link gaspforair.org for the full text.

Section 25-14-203 (16) defines smoking:

“Smoking” means the burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco or marijuana.

Section 25-14-203 (10) defines an indoor area:

"Indoor area" means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

Section 25-14-203 (5a-b) defines an employee:

a) "Employee" means any person who:

(I) Performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or

(II) Provides uncompensated work or services to a business or nonprofit entity. (b) "Employee" includes every person described in paragraph (a) of this subsection (5), regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

Section 25-14-203 (6) defines an employer:

Employer" means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons.

"Employer" includes, without limitation, the legislative, executive, and judicial branches of state government; any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency; or any other separate corporate instrumentality or unit of state or local government.

Section 25-14-203 (12) defines a place of employment:

"Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

Section 25-14-204 states where smoking is prohibited

“General smoking restrictions. (1) Except as provided in Section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to...” (see gaspforair.org for details). Please note that all indoor common areas are covered in p, q, and u).

Section 25-14-206 allows a manager to institute a no-smoking policy

“Optional prohibitions (1) The owner or manager of any place not specifically listed in Section 25-14-204, including a place otherwise exempted under Section 25-14-205, may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to this part 2.”

Nothing in this paper shall constitute legal advice.

Please consult an attorney before implementing any policies related to the use of marijuana.