

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-1025.01 Thomas Morris x4218

SENATE BILL 17-275

SENATE SPONSORSHIP

Baumgardner and Jahn,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING MARIJUANA, AND, IN CONNECTION THEREWITH,**
102 **AUTHORIZING RESEARCH REGARDING THE SAFETY AND**
103 **EFFICACY OF MEDICAL MARIJUANA AND THE SAFE AND**
104 **EFFECTIVE USE OF PESTICIDES AND ESTABLISHING INTERIM**
105 **STANDARDS FOR THE USE OF PESTICIDES.**

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>.)

Section 1 of the bill directs the department of public health and environment to use marijuana taxes to make research grants regarding the

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

medical efficacy of Colorado-grown strains of medical marijuana and requires the person appointed to the scientific advisory council who represents medical marijuana patient interests to have scientific expertise. **Sections 2 and 3** allow a licensed medical or retail marijuana facility to transfer marijuana to a research facility for purposes of the medical research.

Sections 2 and 3 also allow the use of medical or retail marijuana by a pesticide manufacturer in limited quantities as specified in rules promulgated by the state licensing authority that authorize a pesticide manufacturer to conduct research to establish safe and effective protocols for the use of pesticides on medical or retail marijuana.

Sections 4 and 5 allow medical and retail marijuana cultivators to use a pesticide in the cultivation and production of marijuana if the pesticide:

- ! Is exempt from registration pursuant to federal law; can be used on crop group 19, hops, or unspecified crops or plants; or has been listed by the Organic Materials Review Institute;
- ! Has affixed to it a label that allows the pesticide to be used at the intended site of application; and
- ! Has affixed to it a label that allows the pesticide to be used on crops and plants intended for human consumption.

Once the department has certified marijuana test laboratories, if a test result indicates the presence of unauthorized pesticides, the state licensing authority shall allow the licensee to provide a sample for further testing. If no further testing occurs or if the second test indicates the presence of unauthorized pesticides, the licensee shall destroy the product. In determining whether the marijuana is contaminated with pesticides, the state licensing authority shall reasonably consider:

- ! The analytical variability and sensitivity in testing results;
- ! How the marijuana was grown or produced;
- ! Whether the cultivator actually applied unauthorized pesticides; and
- ! Whether the amount of pesticide falls within a reasonable tolerance based on scientific research.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-106.5, **amend**
3 (3)(a)(I) introductory portion and (5) as follows:

4 **25-1.5-106.5. Medical marijuana health research grant**
5 **program. (3) Review of applications. (a) (I) Scientific advisory**

1 **council.** In order to ensure objectivity in evaluating research proposals,
2 the grant program shall establish a scientific advisory council, referred to
3 in this section as the "council", to provide a peer review process that
4 guards against funding research that is biased in favor of or against
5 particular outcomes. The executive director of the department shall
6 appoint at least six members and no more than thirteen members to the
7 council to provide policy guidance in the creation and implementation of
8 the grant program and in scientific oversight and review. The chief
9 medical officer of the department, or his or her designee, is also a
10 member of the council and is chair of the council. ~~Except for the~~
11 ~~representative specified in sub-subparagraph (L) of this subparagraph (I),~~
12 The executive director shall choose members on the basis of their
13 expertise in the scientific substance and methods of the proposed research
14 and for their lack of bias or conflict of interest regarding the applicants
15 or the topic of an approach taken in the proposed research and may
16 choose members from around the country. Members of the council must
17 include the following types of experts:

18 (5) **Sources of marijuana.** (a) The attorney general shall seek
19 authority from the federal government to permit Colorado institutions of
20 higher education to contract with the national institute of drug abuse to
21 cultivate marijuana and its component parts for use in research studies
22 funded pursuant to this section.

23 (b) A PERSON WHO HOLDS AN OPTIONAL PREMISES CULTIVATION
24 LICENSE OR MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
25 LICENSE ISSUED PURSUANT TO PART 4 OF ARTICLE 43.3 OF TITLE 12 OR A
26 RETAIL MARIJUANA CULTIVATION FACILITY LICENSE OR A RETAIL
27 MARIJUANA PRODUCTS MANUFACTURING LICENSE ISSUED PURSUANT TO

1 PART 4 OF ARTICLE 43.4 OF TITLE 12 MAY TRANSFER MARIJUANA TO A
2 MEDICAL RESEARCH FACILITY, INCLUDING AT AN INSTITUTION OF HIGHER
3 EDUCATION, FOR USE IN RESEARCH STUDIES FUNDED PURSUANT TO THIS
4 SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEDICAL
5 RESEARCH FACILITY AUTHORIZED PURSUANT TO THIS SECTION TO
6 CONDUCT MEDICAL RESEARCH REGARDING MARIJUANA IS EXEMPT FROM
7 ALL OTHERWISE APPLICABLE RESTRICTIONS ON THE POSSESSION AND USE
8 OF MARIJUANA; EXCEPT THAT THE FACILITY SHALL USE THE MARIJUANA
9 ONLY FOR THE MEDICAL RESEARCH AUTHORIZED PURSUANT TO THIS
10 SECTION AND SHALL DESTROY ALL MARIJUANA REMAINING AFTER THE
11 RESEARCH HAS BEEN COMPLETED. FOR THE FISCAL YEARS BEGINNING ON
12 OR AFTER JULY 1, 2017, THE GENERAL ASSEMBLY MAY ANNUALLY
13 APPROPRIATE UP TO ONE PERCENT OF THE AVAILABLE MONEY IN THE
14 MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 TO THE
15 DEPARTMENT TO BE USED TO CONDUCT THE RESEARCH AUTHORIZED
16 PURSUANT TO THIS SUBSECTION (5)(b) FOR:

17 (I) THE PURCHASE OF MARIJUANA FROM A LICENSEE SPECIFIED IN
18 THIS SUBSECTION (5)(b) THAT WILL BE USED IN THE RESEARCH; AND

19 (II) AWARDING GRANTS PURSUANT TO THIS SECTION TO CONDUCT
20 MEDICAL RESEARCH.

21 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-202, **amend**
22 **(1)(h); and add (2.5)(a)(I)(G)** as follows:

23 **12-43.3-202. Powers and duties of state licensing authority -**
24 **rules.** (1) The state licensing authority shall:

25 (h) Develop and maintain a seed-to-sale tracking system that
26 tracks medical marijuana from either the seed or immature plant stage
27 until the medical marijuana or medical marijuana-infused product is sold

1 to a customer at a medical marijuana center to ensure that no medical
2 marijuana grown or processed by a medical marijuana establishment is
3 sold or otherwise transferred except by a medical marijuana center;
4 EXCEPT THAT THE MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED
5 PRODUCT IS NO LONGER SUBJECT TO THE TRACKING SYSTEM ONCE THE
6 MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT HAS
7 BEEN:

8 (I) TRANSFERRED TO A MEDICAL RESEARCH FACILITY PURSUANT
9 TO SECTION 25-1.5-106.5 (5)(b); OR

10 (II) USED BY A PESTICIDE MANUFACTURER IN QUANTITIES THAT
11 ARE LIMITED AS SPECIFIED IN RULES PROMULGATED BY THE STATE
12 LICENSING AUTHORITY THAT AUTHORIZE A PESTICIDE MANUFACTURER TO
13 CONDUCT RESEARCH TO ESTABLISH SAFE AND EFFECTIVE PROTOCOLS FOR
14 THE USE OF PESTICIDES ON MEDICAL MARIJUANA. NOTWITHSTANDING ANY
15 OTHER PROVISION OF LAW, A PESTICIDE MANUFACTURER AUTHORIZED
16 PURSUANT TO THIS SUBSECTION (1)(h)(II) TO CONDUCT PESTICIDE
17 RESEARCH REGARDING MARIJUANA IS EXEMPT FROM ALL OTHERWISE
18 APPLICABLE RESTRICTIONS ON THE POSSESSION AND USE OF MEDICAL
19 MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT; EXCEPT THAT
20 THE MANUFACTURER SHALL:

21 (A) NOT POSSESS AT ANY TIME A QUANTITY OF MEDICAL
22 MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT IN EXCESS OF THE
23 LIMIT ESTABLISHED IN RULES PROMULGATED BY THE STATE LICENSING
24 AUTHORITY;

25 (B) USE THE MEDICAL MARIJUANA AND MEDICAL
26 MARIJUANA-INFUSED PRODUCT ONLY FOR THE PESTICIDE RESEARCH
27 AUTHORIZED PURSUANT TO THIS SUBSECTION (1)(h)(II); AND

1 (C) DESTROY ALL MEDICAL MARIJUANA AND MEDICAL
2 MARIJUANA-INFUSED PRODUCT REMAINING AFTER THE RESEARCH HAS
3 BEEN COMPLETED.

4 (2.5) (a) Rules promulgated pursuant to paragraph (b) of
5 subsection (1) of this section must include, but need not be limited to, the
6 following subjects:

7 (I) (G) A STATE, LOCAL, OR MUNICIPAL AGENCY SHALL NOT
8 EMPLOY OR USE THE RESULTS OF ANY TEST OF MEDICAL MARIJUANA OR
9 MEDICAL MARIJUANA-INFUSED PRODUCTS CONDUCTED BY AN ANALYTICAL
10 LABORATORY THAT IS NOT CERTIFIED PURSUANT TO THIS SUBSECTION
11 (2.5)(a)(I) FOR THE PARTICULAR INTENDED USE CATEGORY OR
12 ACCREDITED TO THE INTERNATIONAL ORGANIZATION FOR
13 STANDARDIZATION / INTERNATIONAL ELECTROTECHNICAL COMMISSION
14 17025 STANDARD FOR THAT FIELD OF TESTING.

15 **SECTION 3.** In Colorado Revised Statutes, 12-43.4-202, **amend**
16 **(1); and add (3)(a)(IV)(H)** as follows:

17 **12-43.4-202. Powers and duties of state licensing authority -**
18 **rules.** (1) TO ENSURE THAT NO MARIJUANA GROWN OR PROCESSED BY A
19 RETAIL MARIJUANA ESTABLISHMENT IS SOLD OR OTHERWISE TRANSFERRED
20 EXCEPT BY A RETAIL MARIJUANA STORE OR AS AUTHORIZED BY LAW, the
21 state licensing authority shall develop and maintain a seed-to-sale
22 tracking system that tracks retail marijuana from either seed or immature
23 plant stage until the marijuana or retail marijuana product is sold to a
24 customer at a retail marijuana store; to ensure that no marijuana grown or
25 processed by a retail marijuana establishment is sold or otherwise
26 transferred except by a retail marijuana store EXCEPT THAT RETAIL
27 MARIJUANA IS NO LONGER SUBJECT TO THE TRACKING SYSTEM ONCE THE

1 RETAIL MARIJUANA HAS BEEN:

2 (a) TRANSFERRED TO A MEDICAL RESEARCH FACILITY PURSUANT
3 TO SECTION 25-1.5-106.5 (5)(b); OR

4 (b) USED BY A PESTICIDE MANUFACTURER IN QUANTITIES THAT
5 ARE LIMITED AS SPECIFIED IN RULES PROMULGATED BY THE STATE
6 LICENSING AUTHORITY THAT AUTHORIZE A PESTICIDE MANUFACTURER TO
7 CONDUCT RESEARCH TO ESTABLISH SAFE AND EFFECTIVE PROTOCOLS FOR
8 THE USE OF PESTICIDES ON RETAIL MARIJUANA. NOTWITHSTANDING ANY
9 OTHER PROVISION OF LAW, A PESTICIDE MANUFACTURER AUTHORIZED
10 PURSUANT TO THIS SUBSECTION (1)(b) TO CONDUCT PESTICIDE RESEARCH
11 REGARDING RETAIL MARIJUANA IS EXEMPT FROM ALL OTHERWISE
12 APPLICABLE RESTRICTIONS ON THE POSSESSION AND USE OF RETAIL
13 MARIJUANA; EXCEPT THAT THE MANUFACTURER SHALL:

14 (I) NOT POSSESS AT ANY TIME A QUANTITY OF RETAIL MARIJUANA
15 IN EXCESS OF THE LIMIT ESTABLISHED IN RULES PROMULGATED BY THE
16 STATE LICENSING AUTHORITY;

17 (II) USE THE RETAIL MARIJUANA ONLY FOR THE PESTICIDE
18 RESEARCH AUTHORIZED PURSUANT TO THIS SUBSECTION (1)(b); AND

19 (III) DESTROY ALL RETAIL MARIJUANA REMAINING AFTER THE
20 RESEARCH HAS BEEN COMPLETED.

21 (3) (a) Rules promulgated pursuant to paragraph (b) of subsection
22 (2) of this section must include, but need not be limited to, the following
23 subjects:

24 (IV) (H) A STATE, LOCAL, OR MUNICIPAL AGENCY SHALL NOT
25 EMPLOY OR USE THE RESULTS OF ANY TEST OF MARIJUANA OR MARIJUANA
26 PRODUCTS CONDUCTED BY AN ANALYTICAL LABORATORY THAT IS NOT
27 CERTIFIED PURSUANT TO THIS SUBSECTION (3)(a)(IV) FOR THE

1 PARTICULAR INTENDED USE CATEGORY AND FOR THE SPECIFIC MATRIX
2 AND ACCREDITED BY A THIRD-PARTY FOR THAT FIELD OF TESTING.

3

== ===== ==

4 **SECTION 4. Applicability.** This act applies to conduct occurring
5 on or after the effective date of this act.

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.