

**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**

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**SENATE SPONSORSHIP**

**Baumgardner and Jahn,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Agriculture, Natural Resources, & Energy  
Finance  
Appropriations

**House Committees**

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**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.**

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**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.

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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     (5) as follows:

4 **25-1.5-106.5. Medical marijuana health research grant**  
5 **program. (5) Sources of marijuana. (a) The attorney general shall seek**

1 authority from the federal government to permit Colorado institutions of  
2 higher education to contract with the national institute of drug abuse to  
3 cultivate marijuana and its component parts for use in research studies  
4 funded pursuant to this section.

5 (b) A PERSON WHO HOLDS AN OPTIONAL PREMISES CULTIVATION  
6 LICENSE OR MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
7 LICENSE ISSUED PURSUANT TO PART 4 OF ARTICLE 43.3 OF TITLE 12 OR A  
8 RETAIL MARIJUANA CULTIVATION FACILITY LICENSE OR A RETAIL  
9 MARIJUANA PRODUCTS MANUFACTURING LICENSE ISSUED PURSUANT TO  
10 PART 4 OF ARTICLE 43.4 OF TITLE 12 MAY TRANSFER MARIJUANA TO A  
11 MEDICAL RESEARCH FACILITY, INCLUDING AT AN INSTITUTION OF HIGHER  
12 EDUCATION, FOR USE IN RESEARCH STUDIES FUNDED PURSUANT TO THIS  
13 SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEDICAL  
14 RESEARCH FACILITY AUTHORIZED PURSUANT TO THIS SECTION TO  
15 CONDUCT MEDICAL RESEARCH REGARDING MARIJUANA IS EXEMPT FROM  
16 ALL OTHERWISE APPLICABLE RESTRICTIONS ON THE POSSESSION AND USE  
17 OF MARIJUANA; EXCEPT THAT THE FACILITY SHALL USE THE MARIJUANA  
18 ONLY FOR THE MEDICAL RESEARCH AUTHORIZED PURSUANT TO THIS  
19 SECTION AND SHALL DESTROY ALL MARIJUANA REMAINING AFTER THE  
20 RESEARCH HAS BEEN COMPLETED. FOR THE FISCAL YEARS BEGINNING ON  
21 OR AFTER JULY 1, 2017, THE GENERAL ASSEMBLY MAY ANNUALLY  
22 APPROPRIATE UP TO ONE PERCENT OF THE AVAILABLE MONEY IN THE  
23 MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 TO THE  
24 DEPARTMENT TO BE USED TO CONDUCT THE RESEARCH AUTHORIZED  
25 PURSUANT TO THIS SUBSECTION (5)(b) FOR:

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

1 (II) AWARDING GRANTS PURSUANT TO THIS SECTION TO CONDUCT  
2 MEDICAL RESEARCH.

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

5 **12-43.3-202. Powers and duties of state licensing authority -**  
6 **rules.** (1) The state licensing authority shall:

7 (h) Develop and maintain a seed-to-sale tracking system that  
8 tracks medical marijuana from either the seed or immature plant stage  
9 until the medical marijuana or medical marijuana-infused product is sold  
10 to a customer at a medical marijuana center to ensure that no medical  
11 marijuana grown or processed by a medical marijuana establishment is  
12 sold or otherwise transferred except by a medical marijuana center;  
13 EXCEPT THAT THE MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED  
14 PRODUCT IS NO LONGER SUBJECT TO THE TRACKING SYSTEM ONCE THE  
15 MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT HAS  
16 BEEN:

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

19 (II) USED BY A PESTICIDE MANUFACTURER IN QUANTITIES THAT  
20 ARE LIMITED AS SPECIFIED IN RULES PROMULGATED BY THE STATE  
21 LICENSING AUTHORITY THAT AUTHORIZE A PESTICIDE MANUFACTURER TO  
22 CONDUCT RESEARCH TO ESTABLISH SAFE AND EFFECTIVE PROTOCOLS FOR  
23 THE USE OF PESTICIDES ON MEDICAL MARIJUANA. NOTWITHSTANDING ANY  
24 OTHER PROVISION OF LAW, A PESTICIDE MANUFACTURER AUTHORIZED  
25 PURSUANT TO THIS SUBSECTION (1)(h)(II) TO CONDUCT PESTICIDE  
26 RESEARCH REGARDING MARIJUANA IS EXEMPT FROM ALL OTHERWISE  
27 APPLICABLE RESTRICTIONS ON THE POSSESSION AND USE OF MEDICAL

1 MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT; EXCEPT THAT  
2 THE MANUFACTURER SHALL:

3 (A) NOT POSSESS AT ANY TIME A QUANTITY OF MEDICAL  
4 MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCT IN EXCESS OF THE  
5 LIMIT ESTABLISHED IN RULES PROMULGATED BY THE STATE LICENSING  
6 AUTHORITY;

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

10 (C) DESTROY ALL MEDICAL MARIJUANA AND MEDICAL  
11 MARIJUANA-INFUSED PRODUCT REMAINING AFTER THE RESEARCH HAS  
12 BEEN COMPLETED.

13 (2.5) (a) Rules promulgated pursuant to paragraph (b) of  
14 subsection (1) of this section must include, but need not be limited to, the  
15 following subjects:

16 (I) (G) A STATE, LOCAL, OR MUNICIPAL AGENCY SHALL NOT  
17 EMPLOY OR USE THE RESULTS OF ANY TEST OF MEDICAL MARIJUANA OR  
18 MEDICAL MARIJUANA-INFUSED PRODUCTS CONDUCTED BY AN ANALYTICAL  
19 LABORATORY THAT IS NOT CERTIFIED PURSUANT TO THIS SUBSECTION  
20 (2.5)(a)(I) FOR THE PARTICULAR INTENDED USE CATEGORY OR  
21 ACCREDITED TO THE INTERNATIONAL ORGANIZATION FOR  
22 STANDARDIZATION / INTERNATIONAL ELECTROTECHNICAL COMMISSION  
23 17025 STANDARD FOR THAT FIELD OF TESTING.

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

26 **12-43.4-202. Powers and duties of state licensing authority -**  
27 **rules.** (1) TO ENSURE THAT NO MARIJUANA GROWN OR PROCESSED BY A

1 RETAIL MARIJUANA ESTABLISHMENT IS SOLD OR OTHERWISE TRANSFERRED  
2 EXCEPT BY A RETAIL MARIJUANA STORE OR AS AUTHORIZED BY LAW, the  
3 state licensing authority shall develop and maintain a seed-to-sale  
4 tracking system that tracks retail marijuana from either seed or immature  
5 plant stage until the marijuana or retail marijuana product is sold to a  
6 customer at a retail marijuana store; to ensure that no marijuana grown or  
7 processed by a retail marijuana establishment is sold or otherwise  
8 transferred except by a retail marijuana store EXCEPT THAT RETAIL  
9 MARIJUANA IS NO LONGER SUBJECT TO THE TRACKING SYSTEM ONCE THE  
10 RETAIL MARIJUANA HAS BEEN:

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

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

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

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

1           (III) DESTROY ALL RETAIL MARIJUANA REMAINING AFTER THE  
2 RESEARCH HAS BEEN COMPLETED.

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

6           (IV) (H) A STATE, LOCAL, OR MUNICIPAL AGENCY SHALL NOT  
7 EMPLOY OR USE THE RESULTS OF ANY TEST OF MARIJUANA OR MARIJUANA  
8 PRODUCTS CONDUCTED BY AN ANALYTICAL LABORATORY THAT IS NOT  
9 CERTIFIED PURSUANT TO THIS SUBSECTION (3)(a)(IV) FOR THE  
10 PARTICULAR INTENDED USE CATEGORY AND FOR THE SPECIFIC MATRIX  
11 AND ACCREDITED BY A THIRD-PARTY FOR THAT FIELD OF TESTING.

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

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