

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0738.01 Michael Dohr x4347

SENATE BILL 18-105

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

Pabon,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING CHANGES TO PROVISIONS THAT WERE**
102 **CONTAINED IN HOUSE BILL 17-1367.**

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>.)

House Bill 17-1367 required that a state, local, or municipal agency only employ or use the results of marijuana tests if the tests were conducted by an analytical laboratory that was both certified by the state marijuana enforcement division (MED) and accredited pursuant to the International Organization for Standardization/International Electrotechnical Commission standard (international standard). The

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.

requirement that an analytical laboratory be both certified by the MED and accredited pursuant to the international standard was an inadvertent error. The intent was that an analytical laboratory could either be certified by the MED or accredited pursuant to the international standard. The bill changes the "and" to an "or" in order to effectuate the original intent.

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

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

4 **12-43.3-202. Powers and duties of state licensing authority -**
5 **rules.** (2.5) (a) Rules promulgated pursuant to subsection (1)(b) of this
6 section must include, but need not be limited to, the following subjects:

7 (I) (G) A state, local, or municipal agency shall not employ or use
8 the results of any test of medical marijuana or medical marijuana-infused
9 products conducted by an analytical laboratory that is not certified
10 pursuant to this subsection (2.5)(a)(I) for the particular testing category
11 ~~and~~ OR IS NOT accredited pursuant to the International Organization for
12 Standardization/International Electrotechnical Commission 17025:2005
13 standard, or any subsequent superseding standard, in that field of testing.
14 STARTING JANUARY 1, 2018, A STATE, LOCAL, OR MUNICIPAL AGENCY MAY
15 USE OR EMPLOY THE RESULTS OF ANY TEST OF MEDICAL MARIJUANA OR
16 MEDICAL MARIJUANA-INFUSED PRODUCTS CONDUCTED ON OR AFTER
17 JANUARY 1, 2018, BY AN ANALYTICAL LABORATORY THAT IS CERTIFIED
18 PURSUANT TO THIS SUBSECTION (2.5)(a)(I) FOR THE PARTICULAR TESTING
19 CATEGORY OR IS ACCREDITED PURSUANT TO THE INTERNATIONAL
20 ORGANIZATION FOR STANDARDIZATION/INTERNATIONAL
21 ELECTROTECHNICAL COMMISSION 17025:2005 STANDARD, OR ANY
22 SUBSEQUENT SUPERSEDING STANDARD, IN THAT FIELD OF TESTING.

23 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-202, **amend**

1 (3)(a)(IV)(H) as follows:

2 **12-43.4-202. Powers and duties of state licensing authority -**
3 **rules.** (3) (a) Rules promulgated pursuant to subsection (2)(b) of this
4 section must include, but need not be limited to, the following subjects:

5 (IV) (H) A state, local, or municipal agency shall not employ or
6 use the results of any test of marijuana or marijuana products conducted
7 by an analytical laboratory that is not certified pursuant to this subsection
8 (3)(a)(IV) for the particular testing category ~~and~~ OR IS NOT accredited to
9 the International Organization for Standardization/International
10 Electrotechnical Commission 17025:2005 standard, or any subsequent
11 superseding standard, in that field of testing. STARTING JANUARY 1, 2018,
12 A STATE, LOCAL, OR MUNICIPAL AGENCY MAY USE OR EMPLOY THE
13 RESULTS OF ANY TEST OF RETAIL MARIJUANA OR RETAIL MARIJUANA
14 PRODUCTS CONDUCTED ON OR AFTER JANUARY 1, 2018, BY AN
15 ANALYTICAL LABORATORY THAT IS CERTIFIED PURSUANT TO THIS
16 SUBSECTION (3)(a)(IV) FOR THE PARTICULAR TESTING CATEGORY OR IS
17 ACCREDITED PURSUANT TO THE INTERNATIONAL ORGANIZATION FOR
18 STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION
19 17025:2005 STANDARD, OR ANY SUBSEQUENT SUPERSEDING STANDARD,
20 IN THAT FIELD OF TESTING.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.