

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-1202.01 Michael Dohr x4347

HOUSE BILL 18-1422

HOUSE SPONSORSHIP

Gray, Pabon, Singer

SENATE SPONSORSHIP

Jahn, Neville T.

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR MARIJUANA TESTING FACILITIES.**

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>.)

The bill requires medical and retail marijuana testing facilities to be accredited pursuant to the International Organization for Standardization/International Electrotechnical Commission 17025:2005 standard by January 1, 2019. The state licensing authority can adopt rules providing for an extension of time to comply with the standard. The bill states that medical and retail marijuana testing is a matter of statewide concern.

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.

SENATE
Amended 2nd Reading
May 8, 2018

HOUSE
3rd Reading Unamended
May 3, 2018

HOUSE
Amended 2nd Reading
May 2, 2018

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-405, **amend**
3 (1) as follows:

4 **12-43.3-405. Medical marijuana testing facility license - rules.**

5 (1) (a) A medical marijuana testing facility license may be issued to a
6 person who performs testing and research on medical marijuana for
7 medical marijuana licensees, medical marijuana and medical
8 marijuana-infused products for marijuana and research development
9 licensees and marijuana research and development cultivation licensees,
10 and marijuana or marijuana-infused products grown or produced by a
11 registered patient or registered primary caregiver on behalf of a registered
12 patient, upon verification of registration pursuant to section 25-1.5-106
13 (7)(e) and verification that the patient is a participant in a clinical or
14 observational study conducted by a marijuana research and development
15 licensee or marijuana research and development cultivation licensee. The
16 facility may develop and test medical marijuana products.

17 ■ ■
18 (b) THE TESTING OF MEDICAL MARIJUANA, MEDICAL
19 MARIJUANA-INFUSED PRODUCTS, AND MEDICAL MARIJUANA
20 CONCENTRATE, AND THE ASSOCIATED STANDARDS, IS A MATTER OF
21 STATEWIDE CONCERN.

22 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-202, **add**
23 (2.5)(a)(I)(H) as follows:

24 **12-43.3-202. Powers and duties of state licensing authority -**
25 **rules.** (2.5) (a) Rules promulgated pursuant to subsection (1)(b) of this
26 section must include, but need not be limited to, the following subjects:

1 (I) (H) ON OR BEFORE JANUARY 1, 2019, REQUIRING A MEDICAL
2 MARIJUANA TESTING FACILITY TO BE ACCREDITED BY A BODY THAT IS
3 ITSELF RECOGNIZED BY THE INTERNATIONAL LABORATORY
4 ACCREDITATION COOPERATION IN A CATEGORY OF TESTING PURSUANT TO
5 THE INTERNATIONAL ORGANIZATION FOR
6 STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION
7 17025:2005 STANDARD, OR A SUBSEQUENT SUPERSEDING STANDARD, IN
8 ORDER TO RECEIVE CERTIFICATION OR MAINTAIN CERTIFICATION; EXCEPT
9 THAT THE STATE LICENSING AUTHORITY MAY BY RULE ESTABLISH
10 CONDITIONS FOR PROVIDING EXTENSIONS TO A NEWLY LICENSED MEDICAL
11 MARIJUANA TESTING FACILITY FOR A PERIOD NOT TO EXCEED TWELVE
12 MONTHS OR A MEDICAL MARIJUANA TESTING FACILITY FOR GOOD CAUSE
13 AS DEFINED BY RULES PROMULGATED BY THE STATE LICENSING
14 AUTHORITY, WHICH SHALL INCLUDE BUT MAY NOT BE LIMITED TO WHEN
15 AN APPLICATION FOR ACCREDITATION HAS BEEN SUBMITTED AND IS
16 PENDING WITH A RECOGNIZED ACCREDITING BODY.

17 **SECTION 3.** In Colorado Revised Statutes, 12-43.4-405, **amend**
18 (1) as follows:

19 **12-43.4-405. Retail marijuana testing facility license - rules.**

20 (1) (a) A retail marijuana testing facility license may be issued to a
21 person who performs testing and research on retail marijuana and
22 industrial hemp as regulated by article 61 of title 35. ~~C.R.S.~~ The facility
23 may develop and test retail marijuana products and industrial hemp as
24 regulated by article 61 of title 35. ~~C.R.S.~~ Prior to performing testing on
25 industrial hemp, a facility shall verify that the person requesting the
26 testing has received a registration from the commissioner as required by
27 section 35-61-104. ~~C.R.S.~~

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(b) THE TESTING OF RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL MARIJUANA CONCENTRATE, AND THE ASSOCIATED STANDARDS, IS A MATTER OF STATEWIDE CONCERN.

SECTION 4. In Colorado Revised Statutes, 12-43.4-202, add (3)(a)(IV)(I) as follows:

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

(IV) (I) ON OR BEFORE JANUARY 1, 2019, REQUIRING A RETAIL MARIJUANA TESTING FACILITY TO BE ACCREDITED BY A BODY THAT IS ITSELF RECOGNIZED BY THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION IN A CATEGORY OF TESTING PURSUANT TO THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION 17025:2005 STANDARD, OR A SUBSEQUENT SUPERSEDING STANDARD, IN ORDER TO RECEIVE CERTIFICATION OR MAINTAIN CERTIFICATION; EXCEPT THAT THE STATE LICENSING AUTHORITY MAY BY RULE ESTABLISH CONDITIONS FOR PROVIDING EXTENSIONS TO A NEWLY LICENSED RETAIL MARIJUANA TESTING FACILITY FOR A PERIOD NOT TO EXCEED TWELVE MONTHS OR A RETAIL MARIJUANA TESTING FACILITY FOR GOOD CAUSE AS DEFINED BY RULES PROMULGATED BY THE STATE LICENSING AUTHORITY, WHICH SHALL INCLUDE BUT MAY NOT BE LIMITED TO WHEN AN APPLICATION FOR ACCREDITATION HAS BEEN SUBMITTED AND IS PENDING WITH A RECOGNIZED ACCREDITING BODY.

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SECTION 5. Act subject to petition - effective date. This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.