

CHAPTER 396

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 18-1422

BY REPRESENTATIVE(S) Gray, Pabon, Singer, Ginal, Herod, Kraft-Tharp;
also SENATOR(S) Jahn, Neville T., Merrifield, Priola, Tate, Todd.

AN ACT**CONCERNING REQUIREMENTS FOR MARIJUANA TESTING FACILITIES.**

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

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

12-43.3-405. Medical marijuana testing facility license - rules. (1) (a) A medical marijuana testing facility license may be issued to a person who performs testing and research on medical marijuana for medical marijuana licensees, medical marijuana and medical marijuana-infused products for marijuana and research development licensees and marijuana research and development cultivation licensees, and marijuana or marijuana-infused products grown or produced by a registered patient or registered primary caregiver on behalf of a registered patient, upon verification of registration pursuant to section 25-1.5-106 (7)(e) and verification that the patient is a participant in a clinical or observational study conducted by a marijuana research and development licensee or marijuana research and development cultivation licensee. The facility may develop and test medical marijuana products.

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

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

12-43.3-202. Powers and duties of state licensing authority - rules. (2.5) (a) Rules promulgated pursuant to subsection (1)(b) of this section must

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

include, but need not be limited to, the following subjects:

(I) (H) ON OR BEFORE JANUARY 1, 2019, REQUIRING A MEDICAL 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 MEDICAL MARIJUANA TESTING FACILITY FOR A PERIOD NOT TO EXCEED TWELVE MONTHS OR A MEDICAL 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.

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

12-43.4-405. Retail marijuana testing facility license - rules. (1) (a) A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana and industrial hemp as regulated by article 61 of title 35. ~~C.R.S.~~ The facility may develop and test retail marijuana products and industrial hemp as regulated by article 61 of title 35. ~~C.R.S.~~ Prior to performing testing on industrial hemp, a facility shall verify that the person requesting the testing has received a registration from the commissioner as required by section 35-61-104. ~~C.R.S.~~

(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.

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

Approved: June 6, 2018