

CHAPTER 258

HEALTH AND ENVIRONMENT

SENATE BILL 15-260

BY SENATOR(S) Aguilar, Kerr, Crowder, Guzman, Heath, Johnston, Jones, Kefalas, Merrifield, Newell, Steadman, Todd, Ulibarri;
 also REPRESENTATIVE(S) Ginal, Becker K., Conti, Lebsack, Rankin, Roupe, Ryden, Young.

AN ACT**CONCERNING MEDICAL MARIJUANA PRODUCT TESTING.**

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

SECTION 1. In Colorado Revised Statutes, 12-43.3-202, **add** (2.5) as follows:

12-43.3-202. Powers and duties of state licensing authority - rules.
 (2.5) (a) RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING SUBJECTS:

(I) (A) ESTABLISHING A MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS INDEPENDENT TESTING AND CERTIFICATION PROGRAM FOR MEDICAL MARIJUANA LICENSEES, WITHIN AN IMPLEMENTATION TIME FRAME, REQUIRING LICENSEES TO TEST MEDICAL MARIJUANA TO ENSURE, AT A MINIMUM, THAT PRODUCTS SOLD FOR HUMAN CONSUMPTION DO NOT CONTAIN CONTAMINANTS THAT ARE INJURIOUS TO HEALTH AND TO ENSURE CORRECT LABELING;

(B) TESTING MAY INCLUDE ANALYSIS FOR MICROBIAL AND RESIDUAL SOLVENTS AND CHEMICAL AND BIOLOGICAL CONTAMINANTS DEEMED TO BE PUBLIC HEALTH HAZARDS BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT BASED ON MEDICAL REPORTS AND PUBLISHED SCIENTIFIC LITERATURE;

(C) IN THE EVENT THAT TEST RESULTS INDICATE THE PRESENCE OF QUANTITIES OF ANY SUBSTANCE DETERMINED TO BE INJURIOUS TO HEALTH, THE LICENSEE SHALL IMMEDIATELY QUARANTINE THE PRODUCTS AND NOTIFY THE STATE LICENSING AUTHORITY. THE LICENSEE SHALL DOCUMENT AND PROPERLY DESTROY THE ADULTERATED PRODUCT.

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

(D) TESTING SHALL ALSO VERIFY THC POTENCY REPRESENTATIONS AND HOMOGENEITY FOR CORRECT LABELING AND PROVIDE A CANNABINOID PROFILE FOR THE MARIJUANA PRODUCT;

(E) THE STATE LICENSING AUTHORITY SHALL DETERMINE AN ACCEPTABLE VARIANCE FOR POTENCY REPRESENTATIONS AND PROCEDURES TO ADDRESS POTENCY MISREPRESENTATIONS; AND

(F) THE STATE LICENSING AUTHORITY SHALL DETERMINE THE PROTOCOLS AND FREQUENCY OF MARIJUANA TESTING BY LICENSEES.

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL PROVIDE TO THE STATE LICENSING AUTHORITY STANDARDS FOR LICENSING LABORATORIES PURSUANT TO THE REQUIREMENTS AS OUTLINED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5) FOR MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS.

(c) MANDATORY MEDICAL MARIJUANA TESTING SHALL NOT BEGIN UNTIL A MARIJUANA LABORATORY TESTING REFERENCE LIBRARY IS CREATED AND LICENSEES ARE SET UP FOR PROFICIENCY TESTS AND STANDARDS.

SECTION 2. In Colorado Revised Statutes, 12-43.3-401, **amend** (1) (c); and **add** (1) (c.5) as follows:

12-43.3-401. Classes of licenses. (1) For the purpose of regulating the cultivation, manufacture, distribution, and sale of medical marijuana, the state licensing authority in its discretion, upon application in the prescribed form made to it, may issue and grant to the applicant a license from any of the following classes, subject to the provisions and restrictions provided by this article:

(c) Medical marijuana-infused products manufacturing license; ~~and~~

(c.5) MEDICAL MARIJUANA TESTING FACILITY LICENSE; AND

SECTION 3. In Colorado Revised Statutes, 12-43.3-402, **amend** (6) as follows:

12-43.3-402. Medical marijuana center license. (6) A medical marijuana center may provide, EXCEPT AS REQUIRED BY SECTION 12-43.3-202 (2.5) (a) (I), a sample of its products to a ~~laboratory that has an occupational license~~ FACILITY THAT HAS A MEDICAL MARIJUANA TESTING FACILITY LICENSE from the state licensing authority for testing and research purposes. ~~The laboratory may develop, test, and produce medical marijuana-based products. The laboratory may contract method or product development with a licensed medical marijuana center or licensed medical marijuana-infused-product manufacturer. The state licensing authority shall promulgate rules pursuant to its authority in section 12-43.3-202 (1) (b) related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and calibration, and chemical identification and other substances used in bona fide research methods. A laboratory that has an occupational license from the state licensing authority for~~

~~testing purposes shall not have any interest in a licensed medical marijuana center or a licensed medical marijuana-infused products manufacturer.~~ A MEDICAL MARIJUANA CENTER SHALL MAINTAIN A RECORD OF WHAT WAS PROVIDED TO THE TESTING FACILITY, THE IDENTITY OF THE TESTING FACILITY, AND THE RESULTS OF THE TESTING.

SECTION 4. In Colorado Revised Statutes, 12-43.3-404, **amend** (10) as follows:

12-43.3-404. Medical marijuana-infused products manufacturing license.

(10) A medical marijuana-infused products manufacturer may provide, EXCEPT AS REQUIRED BY SECTION 12-43.3-202 (2.5) (a) (I), a sample of its products to a ~~laboratory that has an occupational license~~ FACILITY THAT HAS A MEDICAL MARIJUANA TESTING FACILITY LICENSE from the state licensing authority for testing and research purposes. ~~The state licensing authority shall promulgate rules pursuant to its authority in section 12-43.3-202 (1) (b) related to acceptable testing and research practices.~~ A laboratory that has an occupational license from the state licensing authority for testing purposes shall not have any interest in a licensed medical marijuana center or a licensed medical marijuana-infused products manufacturer. A MEDICAL MARIJUANA PRODUCTS MANUFACTURER SHALL MAINTAIN A RECORD OF WHAT WAS PROVIDED TO THE TESTING FACILITY, THE IDENTITY OF THE TESTING FACILITY, AND THE RESULTS OF THE TESTING.

SECTION 5. In Colorado Revised Statutes, **add** 12-43.3-405 as follows:

12-43.3-405. Medical marijuana testing facility license - rules. (1) A MEDICAL MARIJUANA TESTING FACILITY LICENSE MAY BE ISSUED TO A PERSON WHO PERFORMS TESTING AND RESEARCH ON MEDICAL MARIJUANA FOR MEDICAL MARIJUANA LICENSEES. THE FACILITY MAY DEVELOP AND TEST MEDICAL MARIJUANA PRODUCTS.

(2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES PURSUANT TO ITS AUTHORITY IN SECTION 12-43.3-202 (1) (b) RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING BUT NOT LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS, EQUIPMENT CERTIFICATION AND CALIBRATION, AND CHEMICAL IDENTIFICATION AND OTHER SUBSTANCES USED IN BONA FIDE RESEARCH METHODS.

(3) A PERSON WHO HAS AN INTEREST IN A MEDICAL MARIJUANA TESTING FACILITY LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER, A LICENSED OPTIONAL PREMISES CULTIVATION OPERATION, A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER, A LICENSED RETAIL MARIJUANA STORE, A LICENSED RETAIL MARIJUANA CULTIVATION FACILITY, OR A LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER. A PERSON THAT HAS AN INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER, A LICENSED OPTIONAL PREMISES CULTIVATION OPERATION, A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER, A LICENSED RETAIL MARIJUANA STORE, A LICENSED RETAIL MARIJUANA CULTIVATION FACILITY, OR A LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER SHALL NOT HAVE AN INTEREST IN A FACILITY THAT HAS A MEDICAL MARIJUANA TESTING FACILITY LICENSE.

SECTION 6. Act subject to petition - effective date. This act takes effect July

1, 2016; 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2015