

CHAPTER 361

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1436

BY REPRESENTATIVE(S) Pabon and Ginal, Dore, Lundeen, Becker K., Brown, Conti, Landgraf, Lontine, Navarro, Primavera, Rankin, Thurlow, Windholz, Buckner, Carver, Court, Duran, Hamner, Klingenschmitt, Kraft-Tharp, Lee, Mitsch Bush, Pettersen, Priola, Rosenthal, Young, Hullinghorst;
also SENATOR(S) Newell and Baumgardner, Heath, Johnston, Todd.

AN ACT

CONCERNING A PROHIBITION ON EDIBLE MARIJUANA PRODUCTS THAT ARE SHAPED IN A MANNER TO ENTICE A CHILD.

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

SECTION 1. In Colorado Revised Statutes, 12-43.3-202 (2.5), **as it will become effective July 1, 2016, add (2.5) (a) (III) 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:

(III) (A) A PROHIBITION ON THE PRODUCTION AND SALE OF EDIBLE MEDICAL MARIJUANA-INFUSED PRODUCTS THAT ARE IN THE DISTINCT SHAPE OF A HUMAN, ANIMAL, OR FRUIT. GEOMETRIC SHAPES AND PRODUCTS THAT ARE SIMPLY FRUIT FLAVORED ARE NOT CONSIDERED FRUIT. PRODUCTS IN THE SHAPE OF A MARIJUANA LEAF ARE PERMISSIBLE. NOTHING IN THIS SUBPARAGRAPH (III) APPLIES TO A COMPANY LOGO.

(B) THE RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT ON OCTOBER 1, 2017.

SECTION 2. In Colorado Revised Statutes, 12-43.4-202, **amend (3) (c) (VII) and (3) (c) (VIII); and add (3) (c) (IX) as follows:**

12-43.4-202. Powers and duties of state licensing authority - rules. (3) (c) Rules promulgated pursuant to paragraph (b) of subsection (2) of this section

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

must also include the following subjects, and the state licensing authority may seek the assistance of the department of public health and environment when necessary before promulgating the rules:

(VII) Prohibition or regulation of additives to any retail marijuana product, including but not limited to those that are toxic, designed to make the product more addictive, designed to make the product more appealing to children, or misleading to consumers, but not including common baking and cooking items; ~~and~~

(VIII) Permission for a local fire department to conduct an annual fire inspection of a retail marijuana cultivation facility; AND

(IX) (A) A PROHIBITION ON THE PRODUCTION AND SALE OF EDIBLE RETAIL MARIJUANA PRODUCTS THAT ARE IN THE DISTINCT SHAPE OF A HUMAN, ANIMAL, OR FRUIT. GEOMETRIC SHAPES AND PRODUCTS THAT ARE SIMPLY FRUIT FLAVORED ARE NOT CONSIDERED FRUIT. PRODUCTS IN THE SHAPE OF A MARIJUANA LEAF ARE PERMISSIBLE. NOTHING IN THIS SUBPARAGRAPH (IX) APPLIES TO A COMPANY LOGO.

(B) THE RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH (IX) SHALL TAKE EFFECT ON OCTOBER 1, 2017.

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

Approved: June 10, 2016