

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0777.01 Michael Dohr x4347

HOUSE BILL 18-1259

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HOUSE SPONSORSHIP

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House Committees

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A BILL FOR AN ACT

101 CONCERNING PROVIDING MARIJUANA SAMPLES TO EMPLOYEES FOR  
102 BUSINESS PURPOSES.

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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 permits a medical marijuana optional premises cultivation licensee, a medical marijuana-infused products manufacturing licensee, a retail marijuana cultivation facility licensee, and a retail marijuana products manufacturing licensee to provide samples to managers for quality control and product development purposes. The bill specifies limits on the amount that can be provided as a sample per batch. The bill

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.

prohibits the licensee from:

- ! Allowing the manager to consume the sample on site;
- ! Allowing the manager to exceed his or her personal possession limits;
- ! Providing or reselling the sample to another licensed employee, individual, or customer; and
- ! Using the sample as a means of compensating the manager.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-403, **add** (4)  
3 as follows:

4 **12-43.3-403. Optional premises cultivation license - rules.**

5 (4) (a) AN OPTIONAL PREMISES CULTIVATION LICENSEE MAY PROVIDE A  
6 MEDICAL MARIJUANA SAMPLE AND A MEDICAL MARIJUANA CONCENTRATE  
7 SAMPLE TO MANAGERS EMPLOYED BY THE LICENSEE FOR PURPOSES OF  
8 QUALITY CONTROL AND PRODUCT DEVELOPMENT.

9 (b) MANAGERS WHO RECEIVE A SAMPLE PURSUANT TO SUBSECTION  
10 (4)(a) OF THIS SECTION MUST HAVE A VALID REGISTRY IDENTIFICATION  
11 CARD ISSUED PURSUANT TO SECTION 25-1.5-106 (9).

12 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (4)(a) OF  
13 THIS SECTION IS LIMITED TO ONE GRAM OF MEDICAL MARIJUANA PER  
14 BATCH AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING  
15 AUTHORITY PER DAY, AND ONE-HALF GRAM OF A MEDICAL MARIJUANA  
16 CONCENTRATE PER BATCH AS DEFINED IN RULES PROMULGATED BY THE  
17 STATE LICENSING AUTHORITY PER DAY.

18 (d) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (4)(a) OF  
19 THIS SECTION MUST BE LABELED AND PACKAGED PURSUANT TO THE RULES  
20 PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2)(a)(XIV) AND  
21 (2)(a)(XIV.5).

22 (e) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (4)(a) OF THIS

1 SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING SYSTEM.  
2 PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST BE  
3 RECORDED IN THE SEED-TO-SALE TRACKING SYSTEM AS DESIGNATED TO  
4 RECEIVE SAMPLES. A MANAGER RECEIVING A SAMPLE MUST MAKE A  
5 VOLUNTARY DECISION TO BE TRACKED IN THE SEED-TO-SALE TRACKING  
6 SYSTEM AND IS NOT A CONSUMER PURSUANT TO SECTION 16 (5)(c) OF  
7 ARTICLE XVIII OF THE STATE CONSTITUTION. THE OPTIONAL PREMISES  
8 CULTIVATION LICENSEE SHALL MAINTAIN DOCUMENTATION OF ALL  
9 SAMPLES AND SHALL MAKE THE DOCUMENTATION AVAILABLE TO THE  
10 STATE LICENSING AUTHORITY.

11 (f) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO  
12 SUBSECTION (4)(a) OF THIS SECTION, AN OPTIONAL PREMISES CULTIVATION  
13 LICENSEE SHALL PROVIDE A STANDARD OPERATING PROCEDURE TO THE  
14 MANAGER EXPLAINING REQUIREMENTS PURSUANT TO THIS SECTION AND  
15 PERSONAL POSSESSION LIMITS PURSUANT TO SECTION 18-18-406.

16 (g) A MANAGER MAY NOT:

17 (I) RECEIVE MORE THAN ONE OUNCE TOTAL OF MEDICAL  
18 MARIJUANA SAMPLES OR SIXTEEN GRAMS OF MEDICAL MARIJUANA  
19 CONCENTRATE PRODUCT SAMPLES PER CALENDAR MONTH; OR

20 (II) PROVIDE TO OR RESELL THE SAMPLE TO ANOTHER LICENSED  
21 EMPLOYEE, A CUSTOMER, OR ANY OTHER INDIVIDUAL.

22 (h) AN OPTIONAL PREMISES CULTIVATION LICENSEE SHALL NOT:

23 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE  
24 LICENSED PREMISES; OR

25 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A  
26 MANAGER.

27 (i) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL

1 INVENTORY TRACKING AND RECORD KEEPING REQUIRED FOR  
2 IMPLEMENTATION.

3 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-404, **add**  
4 (12) as follows:

5 **12-43.3-404. Medical marijuana-infused products**  
6 **manufacturing license - rules.** (12)(a) A MEDICAL MARIJUANA-INFUSED  
7 PRODUCTS MANUFACTURING LICENSEE MAY PROVIDE A MEDICAL  
8 MARIJUANA CONCENTRATE AND A MEDICAL MARIJUANA-INFUSED PRODUCT  
9 SAMPLE TO MANAGERS EMPLOYED BY THE LICENSEE FOR PURPOSES OF  
10 QUALITY CONTROL AND PRODUCT DEVELOPMENT.

11 (b) MANAGERS WHO RECEIVE A SAMPLE PURSUANT TO SUBSECTION  
12 (12)(a) OF THIS SECTION MUST HAVE A VALID REGISTRY IDENTIFICATION  
13 CARD ISSUED PURSUANT TO SECTION 25-1.5-106 (9).

14 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (12)(a) OF  
15 THIS SECTION IS LIMITED TO ONE-HALF GRAM OF MEDICAL MARIJUANA  
16 CONCENTRATE PER BATCH AS DEFINED IN RULES PROMULGATED BY THE  
17 STATE LICENSING AUTHORITY PER DAY, AND ONE EDIBLE MEDICAL  
18 MARIJUANA-INFUSED PRODUCT PER BATCH AS DEFINED IN RULES  
19 PROMULGATED BY THE STATE LICENSING AUTHORITY PER DAY.

20 (d) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (12)(a) OF  
21 THIS SECTION MUST BE LABELED AND PACKAGED PURSUANT TO THE RULES  
22 PROMULGATED PURSUANT TO SECTION 12-43.3-202 (2)(a)(XIV) AND  
23 (2)(a)(XIV.5).

24 (e) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (12)(a) OF THIS  
25 SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING SYSTEM.  
26 PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST BE  
27 RECORDED IN THE SEED-TO-SALE TRACKING SYSTEM AS DESIGNATED TO

1 RECEIVE SAMPLES. A MANAGER RECEIVING A SAMPLE MUST MAKE A  
2 VOLUNTARY DECISION TO BE TRACKED IN THE SEED-TO-SALE TRACKING  
3 SYSTEM AND IS NOT A CONSUMER PURSUANT TO SECTION 16 (5)(c) OF  
4 ARTICLE XVIII OF THE STATE CONSTITUTION. THE MEDICAL  
5 MARIJUANA-INFUSED PRODUCTS MANUFACTURING LICENSEE SHALL  
6 MAINTAIN DOCUMENTATION OF ALL SAMPLES AND SHALL MAKE THE  
7 DOCUMENTATION AVAILABLE TO THE STATE LICENSING AUTHORITY.

8 (f) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO  
9 SUBSECTION (12)(a) OF THIS SECTION, A MEDICAL MARIJUANA-INFUSED  
10 PRODUCTS MANUFACTURING LICENSEE SHALL PROVIDE A STANDARD  
11 OPERATING PROCEDURE TO THE MANAGER EXPLAINING REQUIREMENTS  
12 PURSUANT TO THIS SECTION AND PERSONAL POSSESSION LIMITS PURSUANT  
13 TO SECTION 18-18-406.

14 (g) A MANAGER MAY NOT:

15 (I) RECEIVE MORE THAN A TOTAL OF SIXTEEN GRAMS OF MEDICAL  
16 MARIJUANA CONCENTRATE OR FOURTEEN INDIVIDUAL EDIBLES OR ITS  
17 EQUIVALENT IN NONEDIBLE MEDICAL MARIJUANA-INFUSED PRODUCTS PER  
18 CALENDAR MONTH; OR

19 (II) PROVIDE TO OR RESELL THE SAMPLE TO ANOTHER LICENSED  
20 EMPLOYEE, A CUSTOMER, OR ANY OTHER INDIVIDUAL.

21 (h) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING  
22 LICENSEE SHALL NOT:

23 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE  
24 LICENSED PREMISES; OR

25 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A  
26 MANAGER.

27 (i) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL

1 INVENTORY TRACKING AND RECORD KEEPING REQUIRED FOR  
2 IMPLEMENTATION.

3 **SECTION 3.** In Colorado Revised Statutes, 12-43.4-403, **add** (7)  
4 as follows:

5 **12-43.4-403. Retail marijuana cultivation facility license -**  
6 **rules.** (7)(a) A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE MAY  
7 PROVIDE A RETAIL MARIJUANA SAMPLE AND A RETAIL MARIJUANA  
8 CONCENTRATE SAMPLE TO MANAGERS EMPLOYED BY THE LICENSEE FOR  
9 PURPOSES OF QUALITY CONTROL AND PRODUCT DEVELOPMENT.

10 (b) AN EXCISE TAX SHALL BE LEVIED AND COLLECTED ON THE  
11 SAMPLE OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA  
12 CULTIVATION FACILITY. THE EXCISE TAX MUST BE CALCULATED BASED ON  
13 THE AVERAGE MARKET RATE OF THE UNPROCESSED RETAIL MARIJUANA.

14 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (7)(a) OF  
15 THIS SECTION IS LIMITED TO ONE GRAM OF RETAIL MARIJUANA PER BATCH  
16 AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING AUTHORITY  
17 PER DAY, AND ONE-HALF GRAM OF A RETAIL MARIJUANA CONCENTRATE  
18 PER BATCH AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING  
19 AUTHORITY PER DAY.

20 (d) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (7)(a) OF  
21 THIS SECTION MUST BE LABELED AND PACKAGED PURSUANT TO THE RULES  
22 PROMULGATED PURSUANT TO SECTION 12-43.4-202 (3)(a)(VII) AND  
23 (3)(c)(III).

24 (e) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (7)(a) OF THIS  
25 SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING SYSTEM.  
26 PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST BE  
27 RECORDED IN THE SEED-TO-SALE TRACKING SYSTEM AS DESIGNATED TO

1 RECEIVE SAMPLES. A MANAGER RECEIVING A SAMPLE MUST MAKE A  
2 VOLUNTARY DECISION TO BE TRACKED IN THE SEED-TO-SALE TRACKING  
3 SYSTEM AND IS NOT A CONSUMER PURSUANT TO SECTION 16 (5)(c) OF  
4 ARTICLE XVIII OF THE STATE CONSTITUTION. THE RETAIL MARIJUANA  
5 CULTIVATION FACILITY LICENSEE SHALL MAINTAIN DOCUMENTATION OF  
6 ALL SAMPLES AND SHALL MAKE THE DOCUMENTATION AVAILABLE TO THE  
7 STATE LICENSING AUTHORITY.

8 (f) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO  
9 SUBSECTION (7)(a) OF THIS SECTION, A RETAIL MARIJUANA CULTIVATION  
10 FACILITY LICENSEE SHALL PROVIDE A STANDARD OPERATING PROCEDURE  
11 TO THE MANAGER EXPLAINING REQUIREMENTS PURSUANT TO THIS SECTION  
12 AND PERSONAL POSSESSION LIMITS PURSUANT TO SECTION 18-18-406.

13 (g) A MANAGER MAY NOT:

14 (I) RECEIVE MORE THAN ONE OUNCE TOTAL OF RETAIL MARIJUANA  
15 OR EIGHT GRAMS OF RETAIL MARIJUANA CONCENTRATE SAMPLES PER  
16 CALENDAR MONTH; OR

17 (II) PROVIDE TO OR RESELL THE SAMPLE TO ANOTHER LICENSED  
18 EMPLOYEE, A CUSTOMER, OR ANY OTHER INDIVIDUAL.

19 (h) A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE SHALL  
20 NOT:

21 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE  
22 LICENSED PREMISES; OR

23 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A  
24 MANAGER.

25 (i) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL  
26 INVENTORY TRACKING AND RECORD KEEPING REQUIRED FOR  
27 IMPLEMENTATION.

1           **SECTION 4.** In Colorado Revised Statutes, 12-43.4-404, **add**  
2 (10) as follows:

3           **12-43.4-404. Retail marijuana products manufacturing license**

4           **- rules.** (10) (a) A RETAIL MARIJUANA PRODUCTS MANUFACTURING  
5 LICENSEE MAY PROVIDE A RETAIL MARIJUANA PRODUCT SAMPLE AND A  
6 RETAIL MARIJUANA CONCENTRATE SAMPLE TO MANAGERS EMPLOYED BY  
7 THE LICENSEE FOR PURPOSES OF QUALITY CONTROL AND PRODUCT  
8 DEVELOPMENT.

9           (b) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (10)(a) OF  
10 THIS SECTION IS LIMITED TO ONE-HALF GRAM OF RETAIL MARIJUANA  
11 CONCENTRATE PER BATCH AS DEFINED IN RULES PROMULGATED BY THE  
12 STATE LICENSING AUTHORITY PER DAY, AND ONE SERVING SIZE OF AN  
13 EDIBLE RETAIL MARIJUANA PRODUCT NOT EXCEEDING TEN MILLIGRAMS OF  
14 THC PER BATCH AS DEFINED IN RULES PROMULGATED BY THE STATE  
15 LICENSING AUTHORITY PER DAY.

16           (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (10)(a) OF  
17 THIS SECTION MUST BE LABELED AND PACKAGED PURSUANT TO THE RULES  
18 PROMULGATED PURSUANT TO SECTION 12-43.4-202 (3)(a)(VII) AND  
19 (3)(c)(III).

20           (d) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (10)(a) OF  
21 THIS SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING  
22 SYSTEM. PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST  
23 BE RECORDED IN THE SEED-TO-SALE TRACKING SYSTEM AS DESIGNATED TO  
24 RECEIVE SAMPLES. A MANAGER RECEIVING A SAMPLE MUST MAKE A  
25 VOLUNTARY DECISION TO BE TRACKED IN THE SEED-TO-SALE TRACKING  
26 SYSTEM AND IS NOT A CONSUMER PURSUANT TO SECTION 16 (5)(c) OF  
27 ARTICLE XVIII OF THE STATE CONSTITUTION. THE RETAIL MARIJUANA



1 PRODUCTS MANUFACTURING LICENSEE SHALL MAINTAIN DOCUMENTATION  
2 OF ALL SAMPLES AND SHALL MAKE THE DOCUMENTATION AVAILABLE TO  
3 THE STATE LICENSING AUTHORITY.

4 (e) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO  
5 SUBSECTION (10)(a) OF THIS SECTION, A RETAIL MARIJUANA PRODUCTS  
6 MANUFACTURING LICENSEE SHALL PROVIDE A STANDARD OPERATING  
7 PROCEDURE TO THE MANAGER EXPLAINING REQUIREMENTS PURSUANT TO  
8 THIS SECTION AND PERSONAL POSSESSION LIMITS PURSUANT TO SECTION  
9 18-18-406.

10 (f) A MANAGER MAY NOT:

11 (I) RECEIVE MORE THAN A TOTAL OF EIGHT GRAMS OF RETAIL  
12 MARIJUANA CONCENTRATE OR FOURTEEN INDIVIDUAL EDIBLES OR ITS  
13 EQUIVALENT IN NONEDIBLE RETAIL MARIJUANA PRODUCTS PER CALENDAR  
14 MONTH; OR

15 (II) PROVIDE TO OR RESELL THE SAMPLE TO ANOTHER LICENSED  
16 EMPLOYEE, A CUSTOMER, OR ANY OTHER INDIVIDUAL.

17 (g) A RETAIL MARIJUANA PRODUCTS MANUFACTURING LICENSEE  
18 SHALL NOT:

19 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE  
20 LICENSED PREMISES; OR

21 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A  
22 MANAGER.

23 (h) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL  
24 INVENTORY TRACKING AND RECORD KEEPING REQUIRED FOR  
25 IMPLEMENTATION.

26 **SECTION 5. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

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