

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 18-0777.01 Michael Dohr x4347

HOUSE BILL 18-1259

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

Marble,

House Committees
Finance

Senate Committees
Business, Labor, & Technology

A BILL FOR AN ACT

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

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.

SENATE
3rd Reading Unamended
April 6, 2018

SENATE
Amended 2nd Reading
April 5, 2018

HOUSE
3rd Reading Unamended
March 19, 2018

HOUSE
Amended 2nd Reading
March 16, 2018

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.

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 NO MORE THAN FIVE MANAGERS EMPLOYED BY THE LICENSEE
8 FOR PURPOSES OF QUALITY CONTROL AND PRODUCT DEVELOPMENT. AN
9 OPTIONAL PREMISES CULTIVATION LICENSEE MAY DESIGNATE NO MORE
10 THAN FIVE MANAGERS PER CALENDAR MONTH AS RECIPIENTS OF QUALITY
11 CONTROL AND PRODUCT DEVELOPMENT SAMPLES AUTHORIZED PURSUANT
12 TO THIS SUBSECTION (4)(a).

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

16 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (4)(a) OF
17 THIS SECTION IS LIMITED TO ONE GRAM OF MEDICAL MARIJUANA PER
18 BATCH AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING
19 AUTHORITY, AND ONE-QUARTER GRAM OF A MEDICAL MARIJUANA
20 CONCENTRATE PER BATCH AS DEFINED IN RULES PROMULGATED BY THE
21 STATE LICENSING AUTHORITY; EXCEPT THAT THE LIMIT IS ONE-HALF GRAM
22 OF MEDICAL MARIJUANA CONCENTRATE IF THE INTENDED USE OF THE

1 FINAL PRODUCT IS TO BE USED IN A DEVICE THAT CAN BE USED TO DELIVER
2 MEDICAL MARIJUANA CONCENTRATE IN A VAPORIZED FORM TO THE
3 PERSON INHALING FROM THE DEVICE. ■

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

8 (e) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (4)(a) OF THIS
9 SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING SYSTEM.
10 PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST BE
11 DESIGNATED IN THE SEED-TO-SALE TRACKING SYSTEM AS A RECIPIENT OF
12 QUALITY CONTROL AND PRODUCT DEVELOPMENT SAMPLES. A MANAGER
13 RECEIVING A SAMPLE MUST MAKE A VOLUNTARY DECISION TO BE TRACKED
14 IN THE SEED-TO-SALE TRACKING SYSTEM AND IS NOT A CONSUMER
15 PURSUANT TO SECTION 16 (5)(c) OF ARTICLE XVIII OF THE STATE
16 CONSTITUTION. THE OPTIONAL PREMISES CULTIVATION LICENSEE SHALL
17 MAINTAIN DOCUMENTATION OF ALL SAMPLES AND SHALL MAKE THE
18 DOCUMENTATION AVAILABLE TO THE STATE LICENSING AUTHORITY.

19 (f) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO
20 SUBSECTION (4)(a) OF THIS SECTION, AN OPTIONAL PREMISES CULTIVATION
21 LICENSEE SHALL PROVIDE A STANDARD OPERATING PROCEDURE TO THE
22 MANAGER EXPLAINING REQUIREMENTS PURSUANT TO THIS SECTION AND
23 PERSONAL POSSESSION LIMITS PURSUANT TO SECTION 18-18-406.

24 (g) A MANAGER SHALL NOT:

25 (I) RECEIVE MORE THAN ONE OUNCE TOTAL OF MEDICAL
26 MARIJUANA SAMPLES OR FIFTEEN GRAMS OF MEDICAL MARIJUANA
27 CONCENTRATE ■ SAMPLES PER CALENDAR MONTH, REGARDLESS OF THE

1 NUMBER OF LICENSES THAT THE MANAGER IS ASSOCIATED WITH; OR
2 (II) PROVIDE TO OR RESELL THE SAMPLE TO ANOTHER LICENSED
3 EMPLOYEE, A CUSTOMER, OR ANY OTHER INDIVIDUAL.
4 (h) AN OPTIONAL PREMISES CULTIVATION LICENSEE SHALL NOT:
5 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE
6 LICENSED PREMISES; OR
7 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A
8 MANAGER.
9 (i) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL
10 INVENTORY TRACKING AND RECORD KEEPING, INCLUDING ADDITIONAL
11 REPORTING REQUIRED FOR IMPLEMENTATION. THE OPTIONAL PREMISES
12 CULTIVATION LICENSEE SHALL MAINTAIN THE INFORMATION REQUIRED BY
13 THIS SUBSECTION (4)(i) ON THE LICENSED PREMISES FOR INSPECTION BY
14 THE STATE AND LOCAL LICENSING AUTHORITIES.
15 (j) FOR PURPOSES OF THIS SUBSECTION (4) ONLY, "MANAGER"
16 MEANS AN EMPLOYEE OF THE MEDICAL MARIJUANA BUSINESS WHO HOLDS
17 A VALID KEY LICENSE OR ASSOCIATED KEY LICENSE AND IS CURRENTLY
18 DESIGNATED PURSUANT TO STATE LICENSING AUTHORITY RULES AS THE
19 MANAGER OF THE MEDICAL MARIJUANA BUSINESS.

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

22 **12-43.3-404. Medical marijuana-infused products**
23 **manufacturing license - rules.** (12)(a) A MEDICAL MARIJUANA-INFUSED
24 PRODUCTS MANUFACTURING LICENSEE MAY PROVIDE A MEDICAL
25 MARIJUANA CONCENTRATE AND A MEDICAL MARIJUANA-INFUSED PRODUCT
26 SAMPLE TO NO MORE THAN FIVE MANAGERS EMPLOYED BY THE LICENSEE
27 FOR PURPOSES OF QUALITY CONTROL AND PRODUCT DEVELOPMENT. A

1 MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURING LICENSEE MAY
2 DESIGNATE NO MORE THAN FIVE MANAGERS PER CALENDAR MONTH AS
3 RECIPIENTS OF QUALITY CONTROL AND PRODUCT DEVELOPMENT SAMPLES
4 AUTHORIZED PURSUANT TO THIS SUBSECTION (12)(a).

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

8 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (12)(a) OF
9 THIS SECTION IS LIMITED TO ONE SERVING SIZE OF EDIBLE MEDICAL
10 MARIJUANA-INFUSED PRODUCT AND ITS APPLICABLE EQUIVALENT SERVING
11 SIZE OF NONEDIBLE MEDICAL MARIJUANA-INFUSED PRODUCT PER BATCH
12 AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING AUTHORITY
13 AND ONE-QUARTER GRAM OF MEDICAL MARIJUANA CONCENTRATE PER
14 BATCH AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING
15 AUTHORITY; EXCEPT THAT THE LIMIT IS ONE-HALF GRAM OF MEDICAL
16 MARIJUANA CONCENTRATE IF THE INTENDED USE OF THE FINAL PRODUCT
17 IS TO BE USED IN A DEVICE THAT CAN BE USED TO DELIVER MEDICAL
18 MARIJUANA CONCENTRATE IN A VAPORIZED FORM TO THE PERSON
19 INHALING FROM THE DEVICE.

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 DESIGNATED IN THE SEED-TO-SALE TRACKING SYSTEM AS A RECIPIENT OF

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

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

15 (g) A MANAGER SHALL NOT:

16 (I) RECEIVE MORE THAN A TOTAL OF FIFTEEN GRAMS OF MEDICAL
17 MARIJUANA CONCENTRATE OR FOURTEEN INDIVIDUAL SERVING-SIZE
18 EDIBLES OR ITS APPLICABLE EQUIVALENT IN NONEDIBLE MEDICAL
19 MARIJUANA-INFUSED PRODUCTS PER CALENDAR MONTH, REGARDLESS OF
20 THE NUMBER OF LICENSES THAT THE MANAGER IS ASSOCIATED WITH; OR

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

23 (h) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
24 LICENSEE SHALL NOT:

25 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE
26 LICENSED PREMISES; OR

27 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A

1 MANAGER.

2 (i) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL
3 INVENTORY TRACKING AND RECORD KEEPING, INCLUDING ADDITIONAL
4 REPORTING REQUIRED FOR IMPLEMENTATION. THE MEDICAL
5 MARIJUANA-INFUSED PRODUCT MANUFACTURING LICENSEE SHALL
6 MAINTAIN THE INFORMATION REQUIRED BY THIS SUBSECTION (12)(i) ON
7 THE LICENSED PREMISES FOR INSPECTION BY THE STATE AND LOCAL
8 LICENSING AUTHORITIES.

9 (j) FOR PURPOSES OF THIS SUBSECTION (12) ONLY, "MANAGER"
10 MEANS AN EMPLOYEE OF THE MEDICAL MARIJUANA BUSINESS WHO HOLDS
11 A VALID KEY LICENSE OR ASSOCIATED KEY LICENSE AND IS CURRENTLY
12 DESIGNATED PURSUANT TO STATE LICENSING AUTHORITY RULES AS THE
13 MANAGER OF THE MEDICAL MARIJUANA BUSINESS.

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

16 **12-43.4-403. Retail marijuana cultivation facility license -**
17 **rules.** (7) (a) A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE MAY
18 PROVIDE A RETAIL MARIJUANA SAMPLE AND A RETAIL MARIJUANA
19 CONCENTRATE SAMPLE TO NO MORE THAN FIVE MANAGERS EMPLOYED BY
20 THE LICENSEE FOR PURPOSES OF QUALITY CONTROL AND PRODUCT
21 DEVELOPMENT. A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE
22 MAY DESIGNATE NO MORE THAN FIVE MANAGERS PER CALENDAR MONTH
23 AS RECIPIENTS OF QUALITY CONTROL AND PRODUCT DEVELOPMENT
24 SAMPLES AUTHORIZED PURSUANT TO THIS SUBSECTION (7)(a).

25 (b) AN EXCISE TAX SHALL BE LEVIED AND COLLECTED ON THE
26 SAMPLE OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA
27 CULTIVATION FACILITY. THE EXCISE TAX MUST BE CALCULATED BASED ON

1 THE AVERAGE MARKET RATE OF THE UNPROCESSED RETAIL MARIJUANA.

2 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (7)(a) OF
3 THIS SECTION IS LIMITED TO ONE GRAM OF RETAIL MARIJUANA PER BATCH
4 AS DEFINED IN RULES PROMULGATED BY THE STATE LICENSING
5 AUTHORITY, [REDACTED] AND ONE-QUARTER GRAM OF A RETAIL MARIJUANA
6 CONCENTRATE PER BATCH AS DEFINED IN RULES PROMULGATED BY THE
7 STATE LICENSING AUTHORITY; EXCEPT THAT THE LIMIT IS ONE-HALF GRAM
8 OF RETAIL MARIJUANA CONCENTRATE IF THE INTENDED USE OF THE FINAL
9 PRODUCT IS TO BE USED IN A DEVICE THAT CAN BE USED TO DELIVER
10 RETAIL MARIJUANA CONCENTRATE IN A VAPORIZED FORM TO THE PERSON
11 INHALING FROM THE DEVICE. [REDACTED]

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

16 (e) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (7)(a) OF THIS
17 SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING SYSTEM.
18 PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST BE
19 DESIGNATED IN THE SEED-TO-SALE TRACKING SYSTEM AS A RECIPIENT OF
20 QUALITY CONTROL AND PRODUCT DEVELOPMENT SAMPLES. A MANAGER
21 RECEIVING A SAMPLE MUST MAKE A VOLUNTARY DECISION TO BE TRACKED
22 IN THE SEED-TO-SALE TRACKING SYSTEM AND IS NOT A CONSUMER
23 PURSUANT TO SECTION 16 (5)(c) OF ARTICLE XVIII OF THE STATE
24 CONSTITUTION. THE RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE
25 SHALL MAINTAIN DOCUMENTATION OF ALL SAMPLES AND SHALL MAKE THE
26 DOCUMENTATION AVAILABLE TO THE STATE LICENSING AUTHORITY.

27 (f) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO

1 SUBSECTION (7)(a) OF THIS SECTION, A RETAIL MARIJUANA CULTIVATION
2 FACILITY LICENSEE SHALL PROVIDE A STANDARD OPERATING PROCEDURE
3 TO THE MANAGER EXPLAINING REQUIREMENTS PURSUANT TO THIS SECTION
4 AND PERSONAL POSSESSION LIMITS PURSUANT TO SECTION 18-18-406.

5 (g) A MANAGER SHALL NOT:

6 (I) RECEIVE MORE THAN ONE OUNCE TOTAL OF RETAIL MARIJUANA
7 OR EIGHT GRAMS OF RETAIL MARIJUANA CONCENTRATE SAMPLES PER
8 CALENDAR MONTH, REGARDLESS OF THE NUMBER OF LICENSES THAT THE
9 MANAGER IS ASSOCIATED WITH; OR

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

12 (h) A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE SHALL
13 NOT:

14 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE
15 LICENSED PREMISES; OR

16 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A
17 MANAGER.

18 (i) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL
19 INVENTORY TRACKING AND RECORD KEEPING, INCLUDING ADDITIONAL
20 REPORTING REQUIRED FOR IMPLEMENTATION. THE RETAIL MARIJUANA
21 CULTIVATION FACILITY LICENSEE SHALL MAINTAIN THE INFORMATION
22 REQUIRED BY THIS SUBSECTION (7)(i) ON THE LICENSED PREMISES FOR
23 INSPECTION BY THE STATE AND LOCAL LICENSING AUTHORITIES.

24 (j) FOR PURPOSES OF THIS SUBSECTION (7) ONLY, "MANAGER"
25 MEANS AN EMPLOYEE OF THE RETAIL MARIJUANA BUSINESS WHO HOLDS A
26 VALID KEY LICENSE OR ASSOCIATED KEY LICENSE AND IS CURRENTLY
27 DESIGNATED PURSUANT TO STATE LICENSING AUTHORITY RULES AS THE

1 MANAGER OF THE RETAIL MARIJUANA BUSINESS.

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

4 **12-43.4-404. Retail marijuana products manufacturing license**

5 **- rules.** (10) (a) A RETAIL MARIJUANA PRODUCTS MANUFACTURING
6 LICENSEE MAY PROVIDE A RETAIL MARIJUANA PRODUCT SAMPLE AND A
7 RETAIL MARIJUANA CONCENTRATE SAMPLE TO NO MORE THAN FIVE
8 MANAGERS EMPLOYED BY THE LICENSEE FOR PURPOSES OF QUALITY
9 CONTROL AND PRODUCT DEVELOPMENT. A RETAIL MARIJUANA PRODUCTS
10 MANUFACTURING LICENSEE MAY DESIGNATE NO MORE THAN FIVE
11 MANAGERS PER CALENDAR MONTH AS RECIPIENTS OF QUALITY CONTROL
12 AND PRODUCT DEVELOPMENT SAMPLES AUTHORIZED PURSUANT TO THIS
13 SUBSECTION (10)(a).

14 (b) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (10)(a) OF
15 THIS SECTION IS LIMITED TO ONE SERVING SIZE OF AN EDIBLE RETAIL
16 MARIJUANA PRODUCT NOT EXCEEDING TEN MILLIGRAMS OF THC AND ITS
17 APPLICABLE EQUIVALENT SERVING SIZE OF NONEDIBLE RETAIL MARIJUANA
18 PRODUCT PER BATCH AS DEFINED IN RULES PROMULGATED BY THE STATE
19 LICENSING AUTHORITY AND ONE-QUARTER GRAM OF RETAIL MARIJUANA
20 CONCENTRATE PER BATCH AS DEFINED IN RULES PROMULGATED BY THE
21 STATE LICENSING AUTHORITY; EXCEPT THAT THE LIMIT IS ONE-HALF GRAM
22 OF RETAIL MARIJUANA CONCENTRATE IF THE INTENDED USE OF THE FINAL
23 PRODUCT IS TO BE USED IN A DEVICE THAT CAN BE USED TO DELIVER
24 RETAIL MARIJUANA CONCENTRATE IN A VAPORIZED FORM TO THE PERSON
25 INHALING FROM THE DEVICE. ■

26 (c) A SAMPLE AUTHORIZED PURSUANT TO SUBSECTION (10)(a) OF
27 THIS SECTION MUST BE LABELED AND PACKAGED PURSUANT TO THE RULES

1 PROMULGATED PURSUANT TO SECTION 12-43.4-202 (3)(a)(VII) AND
2 (3)(c)(III).

3 (d) A SAMPLE PROVIDED PURSUANT TO SUBSECTION (10)(a) OF
4 THIS SECTION MUST BE TRACKED WITH THE SEED-TO-SALE TRACKING
5 SYSTEM. PRIOR TO A MANAGER RECEIVING A SAMPLE, A MANAGER MUST
6 BE DESIGNATED IN THE SEED-TO-SALE TRACKING SYSTEM AS A RECIPIENT
7 OF QUALITY CONTROL AND PRODUCT DEVELOPMENT SAMPLES. A
8 MANAGER RECEIVING A SAMPLE MUST MAKE A VOLUNTARY DECISION TO
9 BE TRACKED IN THE SEED-TO-SALE TRACKING SYSTEM AND IS NOT A
10 CONSUMER PURSUANT TO SECTION 16 (5)(c) OF ARTICLE XVIII OF THE
11 STATE CONSTITUTION. THE RETAIL MARIJUANA PRODUCTS
12 MANUFACTURING LICENSEE SHALL MAINTAIN DOCUMENTATION OF ALL
13 SAMPLES AND SHALL MAKE THE DOCUMENTATION AVAILABLE TO THE
14 STATE LICENSING AUTHORITY.

15 (e) PRIOR TO A MANAGER RECEIVING A SAMPLE PURSUANT TO
16 SUBSECTION (10)(a) OF THIS SECTION, A RETAIL MARIJUANA PRODUCTS
17 MANUFACTURING LICENSEE SHALL PROVIDE A STANDARD OPERATING
18 PROCEDURE TO THE MANAGER EXPLAINING REQUIREMENTS PURSUANT TO
19 THIS SECTION AND PERSONAL POSSESSION LIMITS PURSUANT TO SECTION
20 18-18-406.

21 (f) A MANAGER SHALL NOT:

22 (I) RECEIVE MORE THAN A TOTAL OF EIGHT GRAMS OF RETAIL
23 MARIJUANA CONCENTRATE OR FOURTEEN INDIVIDUAL SERVING-SIZE
24 EDIBLES OR ITS APPLICABLE EQUIVALENT IN NONEDIBLE RETAIL
25 MARIJUANA PRODUCTS PER CALENDAR MONTH, REGARDLESS OF THE
26 NUMBER OF LICENSES THAT THE MANAGER IS ASSOCIATED WITH; OR

27 (II) PROVIDE TO OR RESELL THE SAMPLE TO ANOTHER LICENSED

1 EMPLOYEE, A CUSTOMER, OR ANY OTHER INDIVIDUAL.

2 (g) A RETAIL MARIJUANA PRODUCTS MANUFACTURING LICENSEE
3 SHALL NOT:

4 (I) ALLOW A MANAGER TO CONSUME THE SAMPLE ON THE
5 LICENSED PREMISES; OR

6 (II) USE THE SAMPLE AS A MEANS OF COMPENSATION TO A
7 MANAGER.

8 (h) THE STATE LICENSING AUTHORITY MAY ESTABLISH ADDITIONAL
9 INVENTORY TRACKING AND RECORD KEEPING, INCLUDING ADDITIONAL
10 REPORTING REQUIRED FOR IMPLEMENTATION. THE RETAIL MARIJUANA
11 PRODUCTS MANUFACTURING LICENSEE SHALL MAINTAIN THE
12 INFORMATION REQUIRED BY THIS SUBSECTION (10)(h) ON THE LICENSED
13 PREMISES FOR INSPECTION BY THE STATE AND LOCAL LICENSING
14 AUTHORITIES.

15 (i) FOR PURPOSES OF THIS SUBSECTION (10) ONLY, "MANAGER"
16 MEANS AN EMPLOYEE OF THE RETAIL MARIJUANA BUSINESS WHO HOLDS A
17 VALID KEY LICENSE OR ASSOCIATED KEY LICENSE AND IS CURRENTLY
18 DESIGNATED PURSUANT TO STATE LICENSING AUTHORITY RULES AS THE
19 MANAGER OF THE RETAIL MARIJUANA BUSINESS.

20 **SECTION 5. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.