

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-1202.01 Michael Dohr x4347

HOUSE BILL 18-1422

HOUSE SPONSORSHIP

Gray, Pabon, Singer

SENATE SPONSORSHIP

Jahn, Neville T.

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR MARIJUANA TESTING FACILITIES,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 requires medical and retail marijuana testing facilities to be accredited pursuant to the International Organization for Standardization/International Electrotechnical Commission 17025:2005 standard by January 1, 2019. The state licensing authority can adopt rules providing for an extension of time to comply with the standard. The bill states that medical and retail marijuana testing is a matter of statewide

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.*

HOUSE
3rd Reading Unamended
May 3, 2018

HOUSE
Amended 2nd Reading
May 2, 2018



concern.

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

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

4 **12-43.3-405. Medical marijuana testing facility license - rules.**

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

17  
18 (b) THE TESTING OF MEDICAL MARIJUANA, MEDICAL
19 MARIJUANA-INFUSED PRODUCTS, AND MEDICAL MARIJUANA
20 CONCENTRATE, AND THE ASSOCIATED STANDARDS, IS A MATTER OF
21 STATEWIDE CONCERN.

22 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-202, **add**
23 (2.5)(a)(I)(H) as follows:

24 **12-43.3-202. Powers and duties of state licensing authority -**
25 **rules.** (2.5) (a) Rules promulgated pursuant to subsection (1)(b) of this

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

2 (I) (H) ON OR BEFORE JANUARY 1, 2019, REQUIRING A MEDICAL
3 MARIJUANA TESTING FACILITY TO BE ACCREDITED BY A BODY THAT IS
4 ITSELF RECOGNIZED BY THE INTERNATIONAL LABORATORY
5 ACCREDITATION COOPERATION IN A CATEGORY OF TESTING PURSUANT TO
6 THE INTERNATIONAL ORGANIZATION FOR
7 STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION
8 17025:2005 STANDARD, OR A SUBSEQUENT SUPERSEDING STANDARD, IN
9 ORDER TO RECEIVE CERTIFICATION OR MAINTAIN CERTIFICATION; EXCEPT
10 THAT THE STATE LICENSING AUTHORITY MAY BY RULE ESTABLISH
11 CONDITIONS FOR PROVIDING EXTENSIONS TO A NEWLY LICENSED MEDICAL
12 MARIJUANA TESTING FACILITY FOR A PERIOD NOT TO EXCEED TWELVE
13 MONTHS OR A MEDICAL MARIJUANA TESTING FACILITY FOR GOOD CAUSE
14 AS DEFINED BY RULES PROMULGATED BY THE STATE LICENSING
15 AUTHORITY, WHICH SHALL INCLUDE BUT MAY NOT BE LIMITED TO WHEN
16 AN APPLICATION FOR ACCREDITATION HAS BEEN SUBMITTED AND IS
17 PENDING WITH A RECOGNIZED ACCREDITING BODY.

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

20 **12-43.4-405. Retail marijuana testing facility license - rules.**

21 (1) (a) A retail marijuana testing facility license may be issued to a
22 person who performs testing and research on retail marijuana and
23 industrial hemp as regulated by article 61 of title 35. ~~C.R.S.~~ The facility
24 may develop and test retail marijuana products and industrial hemp as
25 regulated by article 61 of title 35. ~~C.R.S.~~ Prior to performing testing on
26 industrial hemp, a facility shall verify that the person requesting the
27 testing has received a registration from the commissioner as required by

1 section 35-61-104. ~~C.R.S.~~

2

3 (b) THE TESTING OF RETAIL MARIJUANA, RETAIL MARIJUANA
4 PRODUCTS, AND RETAIL MARIJUANA CONCENTRATE, AND THE ASSOCIATED
5 STANDARDS, IS A MATTER OF STATEWIDE CONCERN.

6 **SECTION 4.** In Colorado Revised Statutes, 12-43.4-202, add
7 (3)(a)(IV)(I) as follows:

8 **12-43.4-202. Powers and duties of state licensing authority -**
9 **rules.** (3) (a) Rules promulgated pursuant to subsection (2)(b) of this
10 section must include, but need not be limited to, the following subjects:

11 (IV) (I) ON OR BEFORE JANUARY 1, 2019, REQUIRING A RETAIL
12 MARIJUANA TESTING FACILITY TO BE ACCREDITED BY A BODY THAT IS
13 ITSELF RECOGNIZED BY THE INTERNATIONAL LABORATORY
14 ACCREDITATION COOPERATION IN A CATEGORY OF TESTING PURSUANT TO
15 THE INTERNATIONAL ORGANIZATION FOR
16 STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION
17 17025:2005 STANDARD, OR A SUBSEQUENT SUPERSEDING STANDARD, IN
18 ORDER TO RECEIVE CERTIFICATION OR MAINTAIN CERTIFICATION; EXCEPT
19 THAT THE STATE LICENSING AUTHORITY MAY BY RULE ESTABLISH
20 CONDITIONS FOR PROVIDING EXTENSIONS TO A NEWLY LICENSED RETAIL
21 MARIJUANA TESTING FACILITY FOR A PERIOD NOT TO EXCEED TWELVE
22 MONTHS OR A RETAIL MARIJUANA TESTING FACILITY FOR GOOD CAUSE AS
23 DEFINED BY RULES PROMULGATED BY THE STATE LICENSING AUTHORITY,
24 WHICH SHALL INCLUDE BUT MAY NOT BE LIMITED TO WHEN AN
25 APPLICATION FOR ACCREDITATION HAS BEEN SUBMITTED AND IS PENDING
26 WITH A RECOGNIZED ACCREDITING BODY.

27 **SECTION 5. Appropriation.** (1) For the 2018-19 state fiscal

1 year, \$10,656 is appropriated to the department of revenue. This
2 appropriation is from the marijuana cash fund created in section
3 12-43.3-501 (1)(a), C.R.S. To implement this act, the department may use
4 this appropriation for the purchase of legal services.

5 (2) For the 2018-19 state fiscal year, \$10,656 is appropriated to
6 the department of law. This appropriation is from reappropriated funds
7 received from the department of revenue under subsection (1) of this
8 section. To implement this act, the department of law may use this
9 appropriation to provide legal services for the department of revenue.

10 **SECTION 6. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.