

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB25-1209 be amended as follows:

- 1 Amend the reengrossed bill, page 6, line 14, strike "MANUFACTURE OF
- 2 INFUSED".
- 3 Page 9, line 17, strike "THE RULES MUST INCLUDE:".
- 4 Page 9, strike lines 18 through 21.
- 5 Page 10, line 3, after "**amend**" insert "(1)(j) and".
- 6 Page 10, after line 10 insert:
 - 7 "(j) A person applying for a license for a location that is currently
 - 8 licensed as a retail food establishment, EXCEPT FOR AN APPLICATION FOR
 - 9 A MARIJUANA HOSPITALITY BUSINESS LICENSE ISSUED PURSUANT TO
 - 10 SECTION 44-10-609 OR A RETAIL MARIJUANA HOSPITALITY AND SALES
 - 11 BUSINESS LICENSE ISSUED PURSUANT TO SECTION 44-10-610."
- 12 Page 11, after line 14 insert:
 - 13 "**SECTION 4.** In Colorado Revised Statutes, 44-10-308, **repeal**
 - 14 (3)(a) as follows:
 - 15 **44-10-308. Business and owner requirements - legislative**
 - 16 **declaration - definition - rules.** (3) (a) ~~All natural persons with~~
 - 17 ~~day-to-day operational control over the business must be Colorado~~
 - 18 ~~residents."~~
- 19 Renumber succeeding sections accordingly.
- 20 Page 11, line 16, strike "(4)" and substitute "(3), (4), (12),".
- 21 Page 11, line 17, strike "**repeal.** (4) A medical" and substitute "**repeal.**
- 22 (3) A medical marijuana business OR RETAIL MARIJUANA BUSINESS that
- 23 is not a publicly traded corporation shall notify the state licensing
- 24 authority in writing within ten days after a controlling beneficial owner,
- 25 passive beneficial owner, or manager ceases to work at, manage, own, or
- 26 otherwise be associated with the operation. The controlling beneficial
- 27 owner, passive beneficial owner, or manager shall surrender to the state
- 28 licensing authority any identification card that may have been issued by
- 29 the state licensing authority on or before the date of the notification.
- 30 (4) A medical".

1 Page 12, strike lines 1 through 4 and substitute:

2 "(12) Each licensee shall manage the licensed premises ~~himself or~~
3 ~~herself~~ PERSONALLY or employ a separate and distinct manager on the
4 premises and shall report the name of the manager to the state and local
5 licensing authorities. ~~The licensee shall report any change in manager to~~
6 ~~the state and local licensing authorities prior to the change pursuant to~~
7 ~~subsection (4) of this section."~~

8 Page 13, strike lines 14 through 17 and substitute:

9 "(2) The state licensing authority may require an ~~additional~~
10 ~~fingerprint request~~ APPLICANT FOR A CONTROLLING BENEFICIAL OWNER
11 LICENSE TO SUBMIT AN ADDITIONAL FINGERPRINT-BASED CRIMINAL
12 HISTORY RECORD CHECK when there is a demonstrated investigative need.

13 **SECTION 7.** In Colorado Revised Statutes, 44-10-401, **amend**
14 (3)(a), (3)(b), and (3)(d) as follows:

15 **44-10-401. Classes of licenses.** (3) (a) Prior to accepting a court
16 appointment as a receiver, personal representative, executor,
17 administrator, guardian, conservator, trustee, or any other similarly
18 situated person to take possession of, operate, manage, or control a
19 licensed medical marijuana business OR RETAIL MARIJUANA BUSINESS, the
20 proposed appointee shall certify to the court that the proposed appointee
21 is not prohibited from being issued, PURSUANT TO SECTION 44-10-307(1),
22 a medical marijuana license OR RETAIL MARIJUANA LICENSE. ~~pursuant to~~
23 ~~section 44-10-307 (1).~~ Within the time frame established by rules
24 ~~promulgated~~ ADOPTED by the state licensing authority pursuant to section
25 44-10-203 (2)(q), an appointee shall notify the state and local licensing
26 authorities of the appointment and shall apply to the state licensing
27 authority for a finding of suitability.

28 (b) Upon notification of an appointment required by subsection
29 (3)(a) of this section, the state licensing authority shall issue a temporary
30 appointee registration to the appointee effective as of the date of the
31 appointment. Pursuant to sections 24-4-104, 44-10-202 (1)(b), and
32 44-10-901, the appointee's temporary appointee registration may be
33 suspended, revoked, or subject to other sanction if the state licensing
34 authority finds the appointee to be unsuitable or if the appointee fails to
35 comply with this article 10, the rules ~~promulgated pursuant thereto~~
36 ADOPTED UNDER THIS ARTICLE 10, or any order of the state licensing
37 authority. If an appointee's temporary appointee registration is suspended
38 or revoked, the appointee shall immediately cease performing all
39 activities for which a license is required by this article 10. For purposes

1 of section 44-10-901 (1), the appointee is deemed an agent of the licensed
2 medical marijuana business OR RETAIL MARIJUANA BUSINESS.

3 (d) Unless otherwise permitted by this article 10 and rules
4 ~~promulgated pursuant to~~ ADOPTED UNDER this article 10, a person shall
5 not take possession of, operate, manage, or control a medical marijuana
6 business OR RETAIL MARIJUANA BUSINESS on behalf of another except by
7 court appointment and in accordance with this subsection (3) and rules
8 ~~promulgated pursuant thereto~~ ADOPTED UNDER THIS SUBSECTION (3).

9 **SECTION 8.** In Colorado Revised Statutes, 44-10-501, **amend**
10 (3)(e) as follows:

11 **44-10-501. Medical marijuana store license.** (3) (e) (I) A
12 medical marijuana store that sells a hemp product shall ensure that the
13 hemp product has passed all testing required by rules ~~promulgated~~
14 ADOPTED by the state licensing authority pursuant to section 44-10-203
15 (2)(d). Prior to taking possession of the hemp product, a medical
16 marijuana store shall verify the hemp product passed all testing required
17 for medical marijuana products at a licensed medical marijuana testing
18 facility and that the person transferring the hemp product has received a
19 registration from the department of public health and environment
20 pursuant to section ~~25-5-426~~ 25-5-427.

21 (II) Absent sampling and testing standards established by the
22 department of public health and environment for the sampling and testing
23 of a hemp product, a person transferring a hemp product to a medical
24 marijuana store pursuant to this section shall comply with sampling and
25 testing standards consistent with those established by the state licensing
26 authority pursuant to this article 10. The state licensing authority shall
27 report to the department of public health and environment any
28 investigations or findings of violations of this section by a person
29 registered pursuant to section ~~25-5-426~~ 25-5-427."

30 Renumber succeeding sections accordingly.

31 Page 17, line 3, strike "(2)" and substitute "(2), (5)(b),".

32 Page 17, after line 16 insert:

33 "(5) (b) (I) A medical marijuana products manufacturer that uses
34 a hemp product as an ingredient in a medical marijuana product shall
35 ensure that the hemp product has passed all testing required by rules
36 ~~promulgated~~ ADOPTED by the state licensing authority pursuant to section
37 44-10-203 (2)(d). Prior to taking possession of the hemp product, a
38 medical marijuana products manufacturer shall verify the hemp product
39 passed all testing required for medical marijuana products at a licensed

1 medical marijuana testing facility and that the person transferring the
2 hemp product has received a registration from the department of public
3 health and environment pursuant to section ~~25-5-426~~ 25-5-427.

4 (II) Absent sampling and testing standards established by the
5 department of public health and environment for the sampling and testing
6 of a hemp product, a person transferring a hemp product to a medical
7 marijuana products manufacturer pursuant to this section shall comply
8 with sampling and testing standards consistent with those established by
9 the state licensing authority pursuant to this article 10. The state licensing
10 authority shall report to the department of public health and environment
11 any investigations or findings of violations of this section by a person
12 registered pursuant to section ~~25-5-426~~ 25-5-427."

13 Page 20, after line 21 insert:

14 "SECTION 11. In Colorado Revised Statutes, 44-10-601, **amend**
15 (3)(c) as follows:

16 **44-10-601. Retail marijuana store license - rules - definitions.**

17 (3) (c) (I) A retail marijuana store that sells a hemp product shall ensure
18 that the hemp product has passed all testing required by rules ~~promulgated~~
19 ADOPTED by the state licensing authority pursuant to section 44-10-203
20 (2)(d). Prior to taking possession of the hemp product, a retail marijuana
21 store shall verify the hemp product passed all testing required for retail
22 marijuana products at a licensed retail marijuana testing facility and that
23 the person transferring the hemp product has received a registration from
24 the department of public health and environment pursuant to section
25 ~~25-5-426~~ 25-5-427.

26 (II) Absent sampling and testing standards established by the
27 department of public health and environment for the sampling and testing
28 of a hemp product, a person transferring a hemp product to a retail
29 marijuana store pursuant to this section shall comply with sampling and
30 testing standards consistent with those established by the state licensing
31 authority pursuant to this article 10. The state licensing authority shall
32 report to the department of public health and environment any
33 investigations or findings of violations of this section by a person
34 registered pursuant to section ~~25-5-426~~ 25-5-427."

35 Page 24, line 1, strike "portion and (10)" and substitute "portion, (10), and
36 (11)".

37 Page 27, after line 10 insert:

38 "(11) (a) A retail marijuana products manufacturer that uses a

1 hemp product as an ingredient in a retail marijuana product shall ensure
2 that the hemp product has passed all testing required by rules promulgated
3 ADOPTED by the state licensing authority pursuant to section 44-10-203
4 (2)(d). Prior to taking possession of the hemp product, a retail marijuana
5 products manufacturer shall verify that the hemp product passed all
6 testing required for retail marijuana products at a licensed retail marijuana
7 testing facility and that the person transferring the hemp product has
8 received a registration from the department of public health and
9 environment pursuant to section ~~25-5-426~~ 25-5-427.

10 (b) Absent sampling and testing standards established by the
11 department of public health and environment for the sampling and testing
12 of a hemp product, a person transferring a hemp product to a retail
13 marijuana products manufacturer pursuant to this section shall comply
14 with sampling and testing standards consistent with those established by
15 the state licensing authority pursuant to this article 10. The state licensing
16 authority shall report to the department of public health and environment
17 any investigations or findings in violation of this section by a person
18 registered pursuant to section ~~25-5-426~~ 25-5-427.

19 **SECTION 14.** In Colorado Revised Statutes, 44-10-604, **amend**
20 (1)(a) as follows:

21 **44-10-604. Retail marijuana testing facility license - rules.**
22 (1) (a) A retail marijuana testing facility license may be issued to a
23 person who performs testing and research on retail marijuana and
24 industrial hemp as regulated by article 61 of title 35 and hemp products
25 as regulated by part 4 of article 5 of title 25. The facility may develop and
26 test retail marijuana products, industrial hemp as regulated by article 61
27 of title 35, and hemp products as regulated by part 4 of article 5 of title
28 25. Prior to performing testing on industrial hemp, a facility shall verify
29 that the person requesting the testing has received a registration from the
30 commissioner as required by section 35-61-104. Prior to performing
31 testing on hemp products, a facility shall verify that the person requesting
32 the testing has received a registration as required by section ~~25-5-426~~
33 25-5-427."

34 Renumber succeeding sections accordingly.

35 Page 29, after line 6 insert:

36 **"SECTION 18.** In Colorado Revised Statutes, 25-1.5-106, **repeal**
37 (3.8)(a); and **add** (3.9) as follows:

38 **25-1.5-106. Medical marijuana program - powers and duties**
39 **of state health agency - rules - medical review board - medical**
40 **marijuana program cash fund - subaccount - created - "Ethan's**

1 **Law" - definitions - repeal.** (3.8) (a) ~~The state health agency or an~~
2 ~~organization with whom the state health agency contracts shall be~~
3 ~~responsible for proficiency testing and remediating problems with~~
4 ~~laboratories licensed pursuant to article 10 of title 44.~~

5 (3.9) (a) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
6 IN COORDINATION WITH THE DEPARTMENT OF REVENUE, TO ENSURE
7 CONSISTENCY BETWEEN RULES, SHALL ADOPT RULES CONCERNING TESTING
8 STANDARDS AND LABORATORY CERTIFICATION REQUIREMENTS FOR
9 REGULATED MARIJUANA AND REGULATED MARIJUANA PRODUCTS THAT
10 ARE REGULATED BY THE DEPARTMENT OF REVENUE PURSUANT TO ARTICLE
11 10 OF TITLE 44.

12 (b) AT A MINIMUM, THE RULES MUST:

13 (I) ESTABLISH LABORATORY TESTING STANDARDS AND
14 REQUIREMENTS FOR BOTH REGULATED MARIJUANA AND REGULATED
15 MARIJUANA PRODUCTS;

16 (II) ESTABLISH A REGULATED MARIJUANA INDEPENDENT
17 LABORATORY TESTING CERTIFICATION PROGRAM FOR LICENSES ISSUED
18 PURSUANT TO ARTICLE 10 OF TITLE 44, WITHIN AN IMPLEMENTATION TIME
19 FRAME ESTABLISHED BY THE DEPARTMENT OF REVENUE, REQUIRING
20 LICENSEES TO TEST REGULATED MARIJUANA AND REGULATED MARIJUANA
21 PRODUCTS TO ENSURE, AT A MINIMUM, THAT PRODUCTS TRANSFERRED FOR
22 HUMAN CONSUMPTION DO NOT CONTAIN CONTAMINANTS THAT ARE
23 INJURIOUS TO HEALTH AND TO ENSURE CORRECT LABELING; AND

24 (III) ESTABLISH PROCEDURES THAT REQUIRE NOTIFICATION TO THE
25 STATE LICENSING AUTHORITY IF TEST RESULTS INDICATE THE PRESENCE OF
26 QUANTITIES OF ANY SUBSTANCE DETERMINED TO BE INJURIOUS TO
27 HEALTH.

28 **SECTION 19.** In Colorado Revised Statutes, 44-10-1201, **amend**
29 (2) introductory portion as follows:

30 **44-10-1201. Responsible vendor program - standards -**
31 **designation.** (2) An approved training program must contain, at a
32 minimum, the following standards and be taught in a classroom setting ~~in~~
33 ~~a minimum of a two-hour~~ FOR A MINIMUM TIME PERIOD AS DETERMINED BY
34 RULE:".

35 Renumber succeeding sections accordingly.

36 Page 29, line 7, strike "Section". and substitute "SECTION".

37 Page 31, line 16, strike "16" and substitute "20".

38 Page 31, line 18, strike "16" and substitute "20".

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