

SB279_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.SB18-279 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. Legislative declaration. (1) The general
4 assembly finds and declares that the inability of state marijuana regulators
5 and law enforcement agencies to positively distinguish between legal and
6 illegal marijuana compromises public safety, state revenue, the economic
7 health of the legal marijuana industry, and the ability of law enforcement
8 to deter the sale and distribution of illegal marijuana.

9 (2) The general assembly further finds and declares that
10 identifying legal marijuana in Colorado and scientifically distinguishing
11 it from illegal marijuana after the point of sale is currently not possible.
12 New technologies to positively certify legally produced marijuana may in
13 the future benefit Colorado by increasing the ability of law enforcement
14 agencies to properly enforce Colorado marijuana laws, which in turn will
15 enhance the regulated marijuana market by differentiating between legal
16 and illegal marijuana and protect state revenue from unregulated
17 marijuana sales. Research and development integrated by Colorado state
18 university - Pueblo, the institute of cannabis research, and other academic,
19 government, and commercial partners should develop and demonstrate
20 technological solutions to:

21 (a) Certify that marijuana products produced and sold in Colorado
22 under the supervision of the department of revenue are legal, meet state
23 safety standards, and can be proved to be legal after the point of sale;

24 (b) Insert unique identifiers into or onto legal medical and retail
25 marijuana that can be detected to positively confirm whether it is legal
26 medical or retail marijuana;

27 (c) Assure that any identifiers are safe for human consumption
28 according to standards approved by the department of public health and
29 environment and preferably undetectable without secure scanning
30 devices;

31 (d) Code unique identifier characteristics into secure digital
32 records using distributed ledger technologies, such as blockchains, that,
33 in compliance with federal guidelines and industry best practices, could
34 be designed for use by law enforcement agencies or the department of
35 revenue but be inaccessible to any agency or individual without the
36 permission of the department of revenue; and

37 (e) Demonstrate secure scanning technologies to law enforcement
38 agencies and the department of revenue that can detect unique identifiers
39 to determine whether medical and retail marijuana has been pre-certified
40 as legal.

41 SECTION 2. In Colorado Revised Statutes, add 23-31.5-113 as

1 follows:

2 **23-31.5-113. Institute of cannabis research - marijuana**
3 **certification project - rules.** (1) THE INSTITUTE OF CANNABIS RESEARCH
4 AT COLORADO STATE UNIVERSITY - PUEBLO, REFERRED TO IN THIS
5 SECTION AS THE "INSTITUTE", MAY, WITHIN NINETY DAYS AFTER THE
6 EFFECTIVE DATE OF THIS SECTION, USE EXISTING STATE PROCUREMENT
7 PRACTICES TO DEVELOP AND DEMONSTRATE MARIJUANA CERTIFICATION
8 TECHNOLOGY. THE INSTITUTE MAY CONSULT WITH THE NATIONAL
9 INSTITUTE OF STANDARDS AND TECHNOLOGY.

10 (2) THE MARIJUANA CERTIFICATION TECHNOLOGY MUST INCLUDE
11 TWO COMPONENTS: AN AGENT APPLIED TO MARIJUANA PLANTS OR
12 MARIJUANA PRODUCTS AND A DEVICE CAPABLE OF SCANNING THE AGENT.
13 THE AGENT MUST BE APPLIED TO A MARIJUANA PLANT OR A MARIJUANA
14 PRODUCT AND THEN SCANNED BY A DEVICE THAT AT A MINIMUM WOULD
15 INDICATE WHETHER THE MEDICAL OR RETAIL MARIJUANA PLANT OR
16 MEDICAL MARIJUANA-INFUSED PRODUCT OR RETAIL MARIJUANA PRODUCT
17 WAS LEGALLY AND SAFELY CULTIVATED, MANUFACTURED, OR SOLD. ANY
18 AGENTS USED AS TRACEABLE IDENTIFIERS MUST BE SAFE FOR HUMAN
19 CONSUMPTION ACCORDING TO STANDARDS APPROVED BY THE
20 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THE APPLIED AGENT
21 MUST CONTAIN IDENTIFIERS THAT CAN BE POSITIVELY CONFIRMED USING
22 DISTRIBUTED LEDGER TECHNOLOGY, SUCH AS BLOCKCHAINS, TO STORE
23 RECORDS THAT CAN DISTINGUISH WHETHER THE MARIJUANA IS LEGAL
24 MEDICAL OR RETAIL MARIJUANA. FOR THE PURPOSES OF THEIR RESEARCH,
25 THE INSTITUTE MAY DETERMINE WHETHER THE MARIJUANA CERTIFICATION
26 TECHNOLOGY SHOULD BE NANOTECHNOLOGY; ISOTOPIC, CHEMICAL, OR
27 BIOLOGICAL IDENTIFIERS; OTHER AVAILABLE TECHNOLOGY; OR A
28 COMBINATION OF ANY TECHNOLOGIES.

29 (3) THE INSTITUTE MAY SELECT A VENDOR TO DEVELOP AND
30 DEMONSTRATE THE MARIJUANA SCANNING TECHNOLOGY.

31 (4) TECHNOLOGY DEVELOPERS SHOULD CONSIDER WHETHER
32 RESEARCH AND DEVELOPMENT LICENSING FROM THE DEPARTMENT OF
33 REGULATORY AGENCIES IS APPROPRIATE OR NECESSARY FOR THESE TASKS.

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

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