

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 14-0988.01 Jerry Barry x4341

HOUSE BILL 14-1366

HOUSE SPONSORSHIP

Singer and McNulty, Dore, Becker, Gardner, Ginal, Lawrence, McCann, Melton, Murray, Rankin, Ryden, Stephens, Szabo

SENATE SPONSORSHIP

Johnston and King,

House Committees

Health, Insurance, & Environment

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING REASONABLE RESTRICTIONS ON THE SALE OF EDIBLE**
102 **RETAIL MARIJUANA PRODUCTS.**

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://www.leg.state.co.us/billsummaries>.)

The department of revenue (department) rules currently require all retail marijuana and retail marijuana products to be in packaging meeting requirements similar to the federal "Poison Prevention Packaging Act of 1970". The bill limits this provision to edible retail marijuana products.

The bill requires the department, on or before January 1, 2016, to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 5, 2014

HOUSE
3rd Reading Unamended
April 21, 2014

HOUSE
Amended 2nd Reading
April 17, 2014

adopt rules requiring edible retail marijuana products to be shaped, stamped, colored, or otherwise marked with a standard symbol indicating that it contains marijuana and is not for consumption by children.

Current law prohibits a retail marijuana products licensee (manufacturer) from adding marijuana to a trademarked food product unless the trademarked food product is part of a recipe and the manufacturer does not represent that the final product contains a trademarked food product. The bill expands this prohibition to knowingly adding marijuana to food products that a reasonable consumer would confuse with a trademarked food product. It also prohibits knowingly adding marijuana to a product that is primarily marketed to children.

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

2 **SECTION 1. Legislative declaration.** (1) It is the intent of the
3 Colorado General Assembly that any person engaged in sale of retail
4 marijuana or its derivatives shall not explicitly or implicitly market or
5 offer for sale these products to anyone under the age of 21.

6 (2) It is further the intent of the general assembly to:

7 (a) Protect people from the unintentional ingestion of edible retail
8 marijuana products; and

9 (b) Ensure that edible retail marijuana products are readily
10 identifiable by the general public.

11 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-202, **add**
12 (3) (c.5) as follows:

13 **12-43.4-202. Powers and duties of state licensing authority -**
14 **rules - repeal.** (3) (c.5) (I) PURSUANT TO THE AUTHORITY GRANTED IN
15 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, ON OR BEFORE
16 JANUARY 1, 2016, THE STATE LICENSING AUTHORITY SHALL PROMULGATE
17 RULES REQUIRING THAT EDIBLE RETAIL MARIJUANA PRODUCTS BE
18 CLEARLY IDENTIFIABLE, WHEN PRACTICABLE, WITH A STANDARD SYMBOL
19 INDICATING THAT IT CONTAINS MARIJUANA AND IS NOT FOR CONSUMPTION

1 BY CHILDREN. THE SYMBOLS PROMULGATED BY RULE OF THE STATE
2 LICENSING AUTHORITY MUST NOT APPROPRIATE SIGNS OR SYMBOLS
3 ASSOCIATED WITH ANOTHER COLORADO BUSINESS OR INDUSTRY.

4 (II) ON OR BEFORE AUGUST 1, 2014, THE STATE LICENSING
5 AUTHORITY SHALL CONVENE A STAKEHOLDERS GROUP, INCLUDING BUT
6 NOT LIMITED TO REPRESENTATIVES OF THE DEPARTMENT OF PUBLIC
7 HEALTH AND ENVIRONMENT, RETAIL MARIJUANA STORE LICENSEES, RETAIL
8 MARIJUANA PRODUCTS MANUFACTURERS LICENSEES, CHILD ABUSE
9 PREVENTION EXPERTS, AND ADVOCATES FOR CHILDREN'S HEALTH, TO
10 MAKE RECOMMENDATIONS FOR RULES ON HOW EDIBLE RETAIL MARIJUANA
11 PRODUCTS CAN BE CLEARLY IDENTIFIABLE, WHEN PRACTICABLE, TO
12 INDICATE THAT IT CONTAINS MARIJUANA, IS NOT FOR CONSUMPTION BY
13 CHILDREN, AND IS SAFE FOR CONSUMERS. PRIOR TO FEBRUARY 1, 2015,
14 THE STATE LICENSING AUTHORITY SHALL REPORT ITS FINDINGS TO THE
15 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
16 HEALTH INSURANCE & ENVIRONMENT COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

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