

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0988.01 Jerry Barry x4341

HOUSE BILL 14-1366

HOUSE SPONSORSHIP

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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/bills summaries>.)

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.

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.** In Colorado Revised Statutes, 12-43.4-202, **amend**
3 (3) (c) (III) (A); and **add** (3) (c.5) as follows:

4 **12-43.4-202. Powers and duties of state licensing authority -**
5 **rules.** (3) (c) Rules promulgated pursuant to paragraph (b) of subsection
6 (2) of this section must also include the following subjects, and the state
7 licensing authority may seek the assistance of the department of public
8 health and environment when necessary before promulgating the rules:

9 (III) Prohibiting the sale of retail marijuana and retail marijuana
10 products unless:

11 (A) FOR EDIBLE RETAIL MARIJUANA PRODUCTS, the product is
12 packaged by the retail marijuana store or the retail marijuana products
13 manufacturer in packaging meeting requirements established by the state
14 licensing authority similar to the federal "Poison Prevention Packaging
15 Act of 1970", 15 U.S.C. sec. 1471 et seq.; or

16 (c.5) PURSUANT TO THE AUTHORITY GRANTED IN PARAGRAPH (b)
17 OF SUBSECTION (2) OF THIS SECTION, ON OR BEFORE JANUARY 1, 2016, THE
18 STATE LICENSING AUTHORITY SHALL PROMULGATE RULES REQUIRING THAT
19 EDIBLE RETAIL MARIJUANA PRODUCTS BE SHAPED, STAMPED, COLORED, OR

1 OTHERWISE MARKED, WHEN PRACTICABLE, WITH A STANDARD SYMBOL
2 INDICATING THAT IT CONTAINS MARIJUANA AND IS NOT FOR CONSUMPTION
3 BY CHILDREN.

4 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-404, **add** (1)
5 (e) (I.5) as follows:

6 **12-43.4-404. Retail marijuana products manufacturing license**

7 **- repeal.** (1) (e) A retail marijuana products manufacturer shall not:

8 (I.5) KNOWINGLY ADD ANY MARIJUANA TO A FOOD PRODUCT THAT
9 IS PRIMARILY MARKETED TO CHILDREN OR ADD ANY MARIJUANA TO A
10 FOOD PRODUCT THAT A REASONABLE CONSUMER WOULD CONFUSE WITH
11 A TRADEMARKED FOOD PRODUCT; EXCEPT THAT A MANUFACTURER MAY
12 USE A FOOD PRODUCT SIMILAR TO A TRADEMARKED FOOD PRODUCT IF THE
13 MANUFACTURER USES THE PRODUCT AS A COMPONENT OR AS PART OF A
14 RECIPE AND THE MARIJUANA PRODUCT MANUFACTURER DOES NOT STATE
15 OR ADVERTISE TO THE CONSUMER THAT THE FINAL RETAIL MARIJUANA
16 PRODUCT CONTAINS A TRADEMARKED FOOD PRODUCT OR A PRODUCT
17 SIMILAR TO A TRADEMARKED FOOD PRODUCT;

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.