INTRODUCED

LLS NO. 15-0840.02 Michael Dohr x4347

HOUSE BILL 15-1283

HOUSE SPONSORSHIP

Lebsock, Singer

SENATE SPONSORSHIP

Holbert,

House Committees

Health, Insurance, & Environment

Senate Committees

Appropriations

A BILL FOR AN ACT

CONCERNING MARIJUANA TESTING, AND, IN CONNECTION THEREWITH,

CREATING A REFERENCE LAB BY DECEMBER 31, 2015, THAT

WILL HOUSE A LIBRARY OF TESTING METHODOLOGIES AND

ALLOWING ALL LICENSED AND REGISTERED MARIJUANA

BUSINESSES OR PERSONS AND HEMP REGISTRANTS ACCESS TO

TESTING AT LICENSED LABORATORIES.

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 bill requires the department of public health and environment

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.
to develop and maintain a marijuana laboratory testing reference library (reference library) or contract with an organization that represents marijuana testing laboratories for the development and maintenance of the reference library. The reference library is responsible for proficiency testing and remediating problems with licensed laboratories. This library must contain a catalog of methodologies for marijuana testing in the areas of potency, homogeneity, contaminants, and solvents. The reference library and methodologies must be completed by December 31, 2015.

The bill creates a new license in the medical marijuana code for medical marijuana testing facilities. The medical marijuana testing facility licensee may test medical marijuana and medical marijuana products from a licensed medical marijuana business or a person registered with the state health agency.

The bill permits a retail marijuana laboratory licensee to test industrial hemp from a registered entity or person.

The bill addresses homogeneity testing and acceptable testing variances for both medical marijuana and retail marijuana.

The bill permits the use of moneys from the marijuana tax cash fund for the reference library.

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

SECTION 1. In Colorado Revised Statutes, 25-1.5-106, add (3.5)
as follows:

25-1.5-106. Medical marijuana program - powers and duties
of state health agency - rules - medical review board - medical
marijuana program cash fund - subaccount - created - repeal.
(3.5) Marijuana laboratory testing reference library. The state
health agency shall develop and maintain a marijuana
laboratory testing reference library or contract with an
organization that represents marijuana testing laboratories
for the development and maintenance of the reference library.
The reference library shall be responsible for proficiency
testing and remediating problems with laboratories licensed
pursuant to article 43.3 or 43.4 of title 12, C.R.S. The reference

SECTION 2. In Colorado Revised Statutes, add 12-43.3-405 as follows:

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

(1) A MEDICAL MARIJUANA TESTING FACILITY LICENSE MAY BE ISSUED TO A PERSON WHO PERFORMS TESTING AND RESEARCH ON MEDICAL MARIJUANA. THE MEDICAL MARIJUANA TESTING FACILITY LICENSEE MAY TEST MARIJUANA OR MARIJUANA-INFUSED PRODUCTS FOR ANYONE LICENSED PURSUANT TO THIS ARTICLE OR ANYONE REGISTERED PURSUANT TO SECTION 25-1.5-106, C.R.S.; EXCEPT THAT IT SHALL NOT PERFORM PROCESS VALIDATION TESTING FOR A PERSON REGISTERED PURSUANT TO SECTION 25-1.5-106, C.R.S.

(2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES PURSUANT TO ITS AUTHORITY IN SECTION 12-43.3-202 (1) (b) RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING BUT NOT LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS, EQUIPMENT CERTIFICATION AND CALIBRATION, AND CHEMICAL IDENTIFICATION AND OTHER SUBSTANCES USED IN BONA FIDE RESEARCH METHODS.
(3) A person who has an interest in a medical marijuana testing facility license from the state licensing authority for testing purposes shall not have any interest in a licensed medical marijuana center, a licensed optional premises cultivation operation, a licensed medical marijuana-infused products manufacturer, a licensed retail marijuana store, a licensed retail marijuana cultivation facility, or a licensed retail marijuana products manufacturer. A person that has an interest in a licensed medical marijuana center, a licensed optional premises cultivation operation, a licensed medical marijuana-infused products manufacturer, a licensed retail marijuana store, a licensed retail marijuana cultivation facility, or a licensed retail marijuana products manufacturer shall not have an interest in a facility that has a medical marijuana testing facility license.

(4) A licensee who holds a license pursuant to this section may also hold a license pursuant to section 12-43.4-405.

SECTION 3. In Colorado Revised Statutes, 12-43.4-202, amend (3) (a) (IV) (D) and (3) (a) (IV) (E) as follows:

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

(IV) (D) Testing shall also verify THC potency representations for correct labeling. An individual marijuana piece of ten milligrams or less that has gone through process validation is exempt from continued homogeneity testing. Homogeneity testing for one
HUNDRED MILLIGRAM SERVINGS MAY UTILIZE VALIDATION MEASURES.

(E) The agency shall determine an acceptable variance OF AT LEAST PLUS TEN PERCENT AND MINUS TWENTY PERCENT for potency representations and procedures to address potency misrepresentations.

SECTION 4. In Colorado Revised Statutes, 12-43.4-405, amend (1) as follows:

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

(1) A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana AND INDUSTRIAL HEMP AS REGULATED BY ARTICLE 61 OF TITLE 35, C.R.S. The facility may develop and test retail marijuana products AND INDUSTRIAL HEMP AS REGULATED BY ARTICLE 61 OF TITLE 35, C.R.S. A LICENSEE SHALL LIMIT INDUSTRIAL HEMP TESTING TO DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION-LEVEL TESTING.

SECTION 5. In Colorado Revised Statutes, 39-28.8-501, amend (2) (b) (XIV) and (2) (b) (XV); and add (2) (b) (XVI) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - repeal. (2) (b) Subject to the limitations in subsection (5) of this section, any moneys in the fund that are not appropriated to the department of revenue pursuant to paragraph (a) of this subsection (2) are subject to annual appropriation by the general assembly for any fiscal year following the fiscal year in which they were received by the state. The general assembly shall initially appropriate moneys in the fund based on the most recent estimate of revenue prepared by the staff of the legislative council or the department of revenue for the applicable fiscal year. The general assembly may appropriate moneys in the fund for the following purposes:
(XIV) The industrial hemp grant research program created in section 35-61-104.5, C.R.S.; and

(XV) For the start-up expenses of the division of financial services related to the regulation of marijuana financial services cooperatives pursuant to article 33 of title 11, C.R.S., and until the state commissioner of financial services first collects assessments on such cooperatives; AND

(XVI) FOR THE CREATION OF A MARIJUANA LABORATORY TESTING REFERENCE LIBRARY AS DESCRIBED IN SECTION 25-1.5-106 (3.5), C.R.S.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.