

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

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
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MARIJUANA TESTING, AND, IN CONNECTION THEREWITH,
102 CREATING A REFERENCE LAB BY DECEMBER 31, 2015, THAT
103 WILL HOUSE A LIBRARY OF TESTING METHODOLOGIES AND
104 ALLOWING ALL LICENSED AND REGISTERED MARIJUANA
105 BUSINESSES OR PERSONS AND HEMP REGISTRANTS ACCESS TO
106 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.

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

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

4 **25-1.5-106. Medical marijuana program - powers and duties**
5 **of state health agency - rules - medical review board - medical**
6 **marijuana program cash fund - subaccount - created - repeal.**

7 (3.5) **Marijuana laboratory testing reference library.** THE STATE
8 HEALTH AGENCY SHALL DEVELOP AND MAINTAIN A MARIJUANA
9 LABORATORY TESTING REFERENCE LIBRARY OR CONTRACT WITH AN
10 ORGANIZATION THAT REPRESENTS MARIJUANA TESTING LABORATORIES
11 FOR THE DEVELOPMENT AND MAINTENANCE OF THE REFERENCE LIBRARY.
12 THE REFERENCE LIBRARY SHALL BE RESPONSIBLE FOR PROFICIENCY
13 TESTING AND REMEDIATING PROBLEMS WITH LABORATORIES LICENSED
14 PURSUANT TO ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S. THE REFERENCE

1 LIBRARY MUST CONTAIN A LIBRARY OF METHODOLOGIES FOR MARIJUANA
2 TESTING IN THE AREAS OF POTENCY, HOMOGENEITY, CONTAMINANTS, AND
3 SOLVENTS. THE REFERENCE LIBRARY MAY ALSO GENERATE STANDARD
4 SAMPLE ATTAINMENT PROCEDURES AND STANDARDS RELATED TO SAMPLE
5 PREPARATION FOR LABORATORY ANALYSIS. THE STATE HEALTH AGENCY
6 SHALL CONVENE A STAKEHOLDER PROCESS AND COMPLETE IT BY
7 SEPTEMBER 1, 2015. THE STATE HEALTH AGENCY SHALL COMPLETE OR
8 REQUIRE THE COMPLETION OF THE REFERENCE LIBRARY AND THE
9 METHODOLOGIES BY DECEMBER 31, 2015.

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

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

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

21 (2) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES
22 PURSUANT TO ITS AUTHORITY IN SECTION 12-43.3-202 (1) (b) RELATED TO
23 ACCEPTABLE TESTING AND RESEARCH PRACTICES, INCLUDING BUT NOT
24 LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS,
25 EQUIPMENT CERTIFICATION AND CALIBRATION, AND CHEMICAL
26 IDENTIFICATION AND OTHER SUBSTANCES USED IN BONA FIDE RESEARCH
27 METHODS.

1 (3) A PERSON WHO HAS AN INTEREST IN A MEDICAL MARIJUANA
2 TESTING FACILITY LICENSE FROM THE STATE LICENSING AUTHORITY FOR
3 TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED
4 MEDICAL MARIJUANA CENTER, A LICENSED OPTIONAL PREMISES
5 CULTIVATION OPERATION, A LICENSED MEDICAL MARIJUANA-INFUSED
6 PRODUCTS MANUFACTURER, A LICENSED RETAIL MARIJUANA STORE, A
7 LICENSED RETAIL MARIJUANA CULTIVATION FACILITY, OR A LICENSED
8 RETAIL MARIJUANA PRODUCTS MANUFACTURER. A PERSON THAT HAS AN
9 INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER, A LICENSED
10 OPTIONAL PREMISES CULTIVATION OPERATION, A LICENSED MEDICAL
11 MARIJUANA-INFUSED PRODUCTS MANUFACTURER, A LICENSED RETAIL
12 MARIJUANA STORE, A LICENSED RETAIL MARIJUANA CULTIVATION
13 FACILITY, OR A LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER
14 SHALL NOT HAVE AN INTEREST IN A FACILITY THAT HAS A MEDICAL
15 MARIJUANA TESTING FACILITY LICENSE.

16 (4) A LICENSEE WHO HOLDS A LICENSE PURSUANT TO THIS SECTION
17 MAY ALSO HOLD A LICENSE PURSUANT TO SECTION 12-43.4-405.

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

20 **12-43.4-202. Powers and duties of state licensing authority -**
21 **rules.** (3) (a) Rules promulgated pursuant to paragraph (b) of subsection
22 (2) of this section must include, but need not be limited to, the following
23 subjects:

24 (IV) (D) Testing shall also verify THC potency representations for
25 correct labeling. AN INDIVIDUAL MARIJUANA PIECE OF TEN MILLIGRAMS
26 OR LESS THAT HAS GONE THROUGH PROCESS VALIDATION IS EXEMPT FROM
27 CONTINUED HOMOGENEITY TESTING. HOMOGENEITY TESTING FOR ONE

1 HUNDRED MILLIGRAM SERVINGS MAY UTILIZE VALIDATION MEASURES.

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

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

7 **12-43.4-405. Retail marijuana testing facility license - rules.**

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

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

17 **39-28.8-501. Marijuana tax cash fund - creation - distribution**

18 **- repeal.** (2) (b) Subject to the limitations in subsection (5) of this
19 section, any moneys in the fund that are not appropriated to the
20 department of revenue pursuant to paragraph (a) of this subsection (2) are
21 subject to annual appropriation by the general assembly for any fiscal
22 year following the fiscal year in which they were received by the state.
23 The general assembly shall initially appropriate moneys in the fund based
24 on the most recent estimate of revenue prepared by the staff of the
25 legislative council or the department of revenue for the applicable fiscal
26 year. The general assembly may appropriate moneys in the fund for the
27 following purposes:

1 (XIV) The industrial hemp grant research program created in
2 section 35-61-104.5, C.R.S.; and

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

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

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