

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

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 **MAKING AN APPROPRIATION.**

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 to develop and maintain a marijuana laboratory testing reference library (reference library) or contract with an organization that represents

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.

HOUSE
Amended 2nd Reading
April 16, 2015

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 and (3.7) 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.** (a) THE STATE
8 HEALTH AGENCY SHALL DEVELOP AND MAINTAIN A MARIJUANA
9 LABORATORY TESTING REFERENCE LIBRARY. LABORATORIES LICENSED BY
10 THE DEPARTMENT OF REVENUE SHALL BE REQUIRED TO PROVIDE
11 MATERIALS FOR THE REFERENCE LIBRARY, EXCEPT THAT NO LICENSEE
12 SHALL BE REQUIRED TO PROVIDE TESTING PROTOCOLS.

13 (b) THE REFERENCE LIBRARY MUST CONTAIN A LIBRARY OF
14 METHODOLOGIES FOR MARIJUANA TESTING IN THE AREAS OF POTENCY,
15 HOMOGENEITY, CONTAMINANTS, AND SOLVENTS CONSISTENT WITH THE
16 LABORATORY REQUIREMENTS SET BY THE DEPARTMENT OF REVENUE

1 PURSUANT TO ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S.

2 (c) THE STATE HEALTH AGENCY MAY ALSO INCLUDE IN THE
3 REFERENCE LIBRARY STANDARD SAMPLE ATTAINMENT PROCEDURES AND
4 STANDARDS RELATED TO SAMPLE PREPARATION FOR LABORATORY
5 ANALYSIS.

6 (d) THE STATE HEALTH AGENCY SHALL MAKE REFERENCE LIBRARY
7 MATERIALS, INCLUDING THE METHODOLOGIES, PUBLICLY AVAILABLE NO
8 LATER THAN DECEMBER 31, 2015, AND MAY CONTINUOUSLY UPDATE THE
9 REFERENCE LIBRARY AS NEW MATERIALS BECOME AVAILABLE.

10 (3.7) (a) THE STATE HEALTH AGENCY OR AN ORGANIZATION WITH
11 WHOM THE STATE HEALTH AGENCY CONTRACTS SHALL BE RESPONSIBLE
12 FOR PROFICIENCY TESTING AND REMEDIATING PROBLEMS WITH
13 LABORATORIES LICENSED PURSUANT TO ARTICLE 43.3 OR 43.4 OF TITLE 12,
14 C.R.S.

15 (b) THE STATE HEALTH AGENCY SHALL CONVENE A STAKEHOLDER
16 PROCESS TO DISCUSS PROPOSED MODELS FOR SAMPLING AND PROFICIENCY
17 TESTING. THE STAKEHOLDER PROCESS SHALL BE COMPLETED BY
18 SEPTEMBER 1, 2015.

19 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-202, **amend**
20 (3) (a) (IV) (D) and (3) (a) (IV) (E) as follows:

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

25 (IV) (D) Testing shall also verify THC potency representations for
26 correct labeling AND CREATE PROCESS VALIDATION FOR EDIBLE
27 MARIJUANA PRODUCTS AND OTHER MARIJUANA PRODUCTS IN

1 MULTI-SERVING PACKAGES FOR A TEN MILLIGRAM SERVING IN A ONE
2 HUNDRED MILLIGRAM PACKAGE, INCLUDING HOMOGENEITY, POTENCY,
3 SOLVENTS, AND PESTICIDES. AN INDIVIDUAL MARIJUANA PIECE OF TEN
4 MILLIGRAMS OR LESS THAT HAS GONE THROUGH PROCESS VALIDATION IS
5 EXEMPT FROM CONTINUED HOMOGENEITY TESTING. HOMOGENEITY
6 TESTING FOR ONE HUNDRED MILLIGRAM SERVINGS MAY UTILIZE
7 VALIDATION MEASURES.

8 (E) The agency shall determine an acceptable variance OF AT
9 LEAST PLUS OR MINUS FIFTEEN PERCENT for potency representations and
10 procedures to address potency misrepresentations.

11
12 **SECTION 3.** In Colorado Revised Statutes, 39-28.8-501, **amend**
13 (2) (b) (XIV) and (2) (b) (XV); and **add** (2) (b) (XVI) as follows:

14 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
15 **- repeal.** (2) (b) Subject to the limitations in subsection (5) of this
16 section, any moneys in the fund that are not appropriated to the
17 department of revenue pursuant to paragraph (a) of this subsection (2) are
18 subject to annual appropriation by the general assembly for any fiscal year
19 following the fiscal year in which they were received by the state. The
20 general assembly shall initially appropriate moneys in the fund based on
21 the most recent estimate of revenue prepared by the staff of the legislative
22 council or the department of revenue for the applicable fiscal year. The
23 general assembly may appropriate moneys in the fund for the following
24 purposes:

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

27 (XV) For the start-up expenses of the division of financial

1 services related to the regulation of marijuana financial services
2 cooperatives pursuant to article 33 of title 11, C.R.S., and until the state
3 commissioner of financial services first collects assessments on such
4 cooperatives; AND

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

7 **SECTION 4. Appropriation.** For the 2015-16 state fiscal year,
8 \$23,850 is appropriated to the department of public health and
9 environment. This appropriation is from the marijuana tax cash fund
10 created in section 39-28.8-501 (1), C.R.S., and is based on an assumption
11 that the department will require an additional 0.2 FTE. To implement this
12 act, the department may use this appropriation for certification related to
13 laboratory services.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.