

NOTE: The governor signed this measure on 6/5/2015.

# An Act

HOUSE BILL 15-1283

BY REPRESENTATIVE(S) Lebsack, Singer, Esgar, Ginal, Humphrey, Kagan, Kraft-Tharp, McCann, Mitsch Bush, Ryden, Pabon, Young, Hullinghorst;  
also SENATOR(S) Holbert, Aguilar, Heath, Jahn, Jones, Newell, Steadman.

CONCERNING MARIJUANA TESTING, AND, IN CONNECTION THEREWITH, CREATING A REFERENCE LAB BY DECEMBER 31, 2015, THAT WILL HOUSE A LIBRARY OF TESTING METHODOLOGIES AND MAKING AN APPROPRIATION.

*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) and (3.7) 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.** (a) THE STATE HEALTH AGENCY SHALL DEVELOP AND MAINTAIN A MARIJUANA LABORATORY TESTING REFERENCE LIBRARY. LABORATORIES LICENSED BY THE DEPARTMENT OF REVENUE SHALL BE REQUIRED TO PROVIDE MATERIALS FOR THE REFERENCE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

LIBRARY; EXCEPT THAT NO LICENSEE SHALL BE REQUIRED TO PROVIDE TESTING PROTOCOLS.

(b) THE REFERENCE LIBRARY MUST CONTAIN A LIBRARY OF METHODOLOGIES FOR MARIJUANA TESTING IN THE AREAS OF POTENCY, HOMOGENEITY, CONTAMINANTS, AND SOLVENTS CONSISTENT WITH THE LABORATORY REQUIREMENTS SET BY THE DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S.

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

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

(3.7) (a) THE STATE HEALTH AGENCY OR AN ORGANIZATION WITH WHOM THE STATE HEALTH AGENCY CONTRACTS 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.

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

**SECTION 2.** 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 AND CREATE PROCESS VALIDATION FOR EDIBLE MARIJUANA PRODUCTS AND OTHER MARIJUANA PRODUCTS IN MULTI-SERVING PACKAGES

FOR A TEN MILLIGRAM SERVING IN A ONE HUNDRED MILLIGRAM PACKAGE, INCLUDING HOMOGENEITY, POTENCY, SOLVENTS, AND PESTICIDES. 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 OR MINUS FIFTEEN PERCENT for potency representations and procedures to address potency misrepresentations.

**SECTION 3.** 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 4. Appropriation.** For the 2015-16 state fiscal year, \$23,850 is appropriated to the department of public health and environment. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., and is based on an assumption

that the department will require an additional 0.2 FTE. To implement this act, the department may use this appropriation for certification related to laboratory services.

**SECTION 5. Effective date.** This act takes effect upon passage; except that section 3 of this act only takes effect if House Bill 15-1367 does not pass and become law.

**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.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO