

8.5 – THC Potency Limits on Infused Products

The Task Force recommends that the General Assembly pass appropriate legislation granting regulatory authority to the Colorado Department of Revenue, with appropriate assistance from the Colorado Department of Public Health and Environment, to promulgate rules relating to edible forms of marijuana products. Those rules should initially establish that a “serving” of marijuana in edible form (not including concentrates, topicals, or similar products) shall have no more than 10 mg of active THC. The product labels shall clearly provide the total number of servings in any single product package and identify the “serving size” for items that are packaged together.

The General Assembly should also grant authority to the Colorado Department of Revenue to create labeling guidelines concerning the total content of THC per unit of weight, similar to the “proofing” of alcohol, namely milligrams of THC divided by total gram weight of the edible product.

The General Assembly should also ~~direct grant authority to~~ the Colorado Department of Revenue to create regulations establishing appropriate limitations on the total THC content that can be contained in a single package containing multiple servings of an edible food-type marijuana product, with any such limitation to be established at no ~~more less than 100mg 200mg~~ of total active THC per package. These limitations on the number of servings should only apply to non-medical food-type products that are infused with activated forms of THC that are also packaged in smaller serving sizes and therefore have a reasonable possibility of being over-consumed accidentally.

These limitations should NOT apply to marijuana concentrates, tinctures, topicals, or products that are sold in pill, capsule or similar form, it being the intention of this recommendation to prevent accidental overconsumption of a single food-type product or products contained in one package. This recommendation specifically contemplates that larger multi-serving food-type products (entire cakes, pizzas, or other large multi-serving items) shall be permitted if labeled in accordance with applicable laws and regulations.