

**House Bill 14-1366 Work Group  
Legislative Report Recommendation Form**

**1. Work Group Sponsor (s): Ian Barringer, Rm3 Labs**

**2. Describe the Recommendation:**

The Working Group to date has largely focused on different potential options for the shaping, stamping, coloring, etc. of edible products. In conjunction with this effort, marijuana industry members have agreed to provide information as to the potential cost per manufacturer of implementing certain technologies for shaping, stamping, etc.

However, to enact effective, sensible regulations it is necessary to establish the parameters of the issue that is to be solved. To date we have been presented with few facts as to the magnitude of the problem, or even, to a certain extent, its nature. Inherent in the concept of “practicability” is a weighing of costs and benefits; it has been entirely unclear what benefits will be achieved through shaping, stamping, coloring or otherwise demarcating infused edible products. The industry has indicated its willingness to adopt measures reasonably calculated to promote the health, safety and welfare of Colorado citizens. To create effective regulations, it is highly desirable that those benefits be made clear.

To this end, we would recommend that the following issues be studied as a part of the cost-benefit and practicability analysis for any relevant regulations:

1. The number of infused edible ingestion incidents per year (calls to poison control, hospital visits, hospital admissions, etc.) statewide;
2. The nature of the incidents (adult vs child; accidental vs intentional ingestion, etc.) and their outcomes;
3. The source of the ingested items (regulated market, black market, home production);
4. A comparison to the rate of incidence and outcomes of other accidental ingestions;
5. A comparison to other rates of injury for the same age groups;
6. An estimate of compliance costs (initial capital costs plus continuing costs) for shaping, stamping, etc.;
7. An analysis of cost per quality-adjusted life year (QALY); and
8. A comparison of cost per QALY against other public health initiatives and regulations in other industries.

3. **Which portion or portions of House Bill 14-1366 does this recommendation address (underline all those that apply)?**

- a. Protect people from the unintentional ingestion of edible retail marijuana products.
- b. Ensure that edible retail marijuana products are readily identifiable by the general public.
- c. Makes it clear that the product is not for consumption by children.
- d. Makes it clear that the product is safe for consumers.
- e. Utilize a universal symbol.

4. **Please summarize the rationale for the recommendation – why is it important?**

To meet the “practicability” requirements of the statute, to make for rational regulation, and to get the support of industry behind any program adopted, it will be necessary to gain access to additional information about the scope and nature of the problem to be solved.

5. **Describe how your recommendation addresses the rulemaking guiding principles of being transparent, operable, defensible and systematic for the licensees as well as the Marijuana Enforcement Division.**

Additional data is necessary to establish transparent and defensible rules for the industry. Without additional information on the scope and nature of the problem, the rules cannot be specifically tailored nor can enforcement criteria be set.

6. **What stakeholders, other than licensees and the Marijuana Enforcement Division, would be positively or negatively impacted by this recommendation? Please explain the impact.**

The public will benefit through the prioritization of public and private time and money towards high-priority, high-impact public health and safety issues. These may or may not include stamping, shaping or otherwise demarcating infused products.

7. **What issue or issues does your recommendation resolve? (Please identify the issues)**

The data will serve as the basis for future regulatory and legislative action.

8. **Is there a dissenting voice on the working group concerning this recommendation? If yes, please provide a summary of the minority opinion about this recommendation.**

N/A

9. **Are you aware of any statutory authority or regulation that supports the basis of this recommendation? If yes, please include it here.**

Amendment 64 provides that implementing regulations shall not “prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable”. As part of the analysis of what is and is not “unreasonably impracticable”, it is necessary to determine whether there is a reasonable relationship between the expenses and the harm to be prevented.

10. **Is the implementation of your recommendation dependent on another decision or action? If yes, specifically what actions or decisions are required before this recommendation can be implemented?**

An allocation would need to be made by the MED, the CDPHE or the legislature for the collection and analysis of the relevant data. Given the expertise required, the task may best be suited for the CDPHE.

11. **Will the recommendation have a cost to implement? If yes, please explain the reason for the cost and provide an estimate.**

There will be a cost to designing the data collections system, putting the systems in place, collecting and analyzing the data. We estimate that a simple system could be put in place by less than 1 FTE over a number of months, but a more elaborate system would require greater time and expense.

12. **Provide an estimate of how long it would take to implement the recommendation.**

It would likely take a number of months to establish the data collection systems. Thereafter, data could be collected and analyzed on a continuing basis.