

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

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

2. Describe the Recommendation:

At present, the only entities that can access state licensed and certified laboratories are licensed growers, MIPS and dispensaries that can send products through MITS. We would recommend that the public be given access to testing by these laboratories .

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?

At present, the public cannot get access to testing by licensed, certified marijuana testing laboratories, which are the primary providers of state-of-the-art marijuana testing services in Colorado. There is a need for public access to these laboratories so that concerned parents, school officials, medical marijuana patients and other interested parties can ascertain whether or not items contain cannabis, whether the products are safe, and, if they contain cannabis, at what level.

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.

Giving the public access to certified laboratories would create greater transparency by reducing public uncertainty as to the identity, potency and safety of products available in Colorado.

Such access could be easily integrated into laboratory operations. As part of good laboratory practices, laboratories establish extensive procedures for the handling, tracking and disposal of samples in their laboratories. These procedures are reviewed during the certification process and compliance is checked during MED site visits. This ensures that there will be no “leakage” of products obtained by laboratories from outside the METRC system.

We understand that there is a concern that giving public access to certified laboratories could result in laboratory reports being used to support black market products, or that testing would allow black marketeers to improve their products. We believe that it would be unlikely that black marketeers would retain paperwork to establish the potency of their products, or that such reports would be believed if received in conjunction with black market products. In addition, the paper trail created by laboratory testing would only serve to improve law enforcement's ability to track and apprehend black marketeers. The alternative is to have black marketeers turn to unlicensed laboratories, which are not subject to the recordkeeping requirements of licensed businesses.

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 would benefit through access to state-of-the-art facilities with which to ascertain whether or not unknown samples contain cannabinoids, and, if so, at what level.

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

Parents, school authorities and other members of the public desire to know whether edibles or other products they may find in their child's possession, at school or in other locations. At present, they are not able to access licensed, certified laboratories in order to determine whether these products contain cannabis. Allowing public access to licensed laboratories would also enable medical patients to ascertain the dosing of materials they purchase or manufacture at home.

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 provided for the establishment of Marijuana Testing Facilities to “analyze and certify the safety and potency of marijuana”. HB13-1317 provides that the MED shall have the authority to grant or refuse licenses for testing facilities (Section 12-43.4-202(2)) and shall establish an “independent certification and testing program” (Section 12-43.4-202(3)(a)(IV)) for the recreational industry. However, both Amendment 64 and HB13-1317 are silent on the

question of whether licensed testing facilities would be restricted to testing for licensed recreational or medical facilities.

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?

Implementation could be on the adoption of a position statement or regulations from the Marijuana Enforcement Division. In the event that the MED were to determine that such an action would be outside its current authority, enabling legislation would be required.

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

Costs would be in the form of (a) the cost of drafting implementing regulations, if needed, and (b) the cost of compliance with any recordkeeping and reporting requirements on the laboratories. The costs to the laboratories would likely be fully offset by per-test fees charged to clients.

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

Implementation could begin immediately upon implementation of supporting regulations by the MED. The laboratories should be able to smoothly integrate any additional recordkeeping and reporting requirements into their existing systems.