



COLORADO

Department of Revenue

Enforcement Division - Marijuana
1707 Cole Blvd., Suite 300
Lakewood, CO 80401

September 13, 2017

INDUSTRY-WIDE BULLETIN: 17-07

RE: REMINDER OF LABELING RULES EFFECTIVE OCTOBER 1, 2017

Dear Marijuana Industry Stakeholders:

This Industry-Wide Bulletin is intended to address stakeholder requests for clarification on the deadline for compliance with rules prohibiting edibles in the shape of a human, animal or fruit, and establishing potency labeling requirements. Both of these rules are effective October 1, 2017.

Edibles in the Shape of Human, Animal or Fruit

The Medical Marijuana Code (“Medical Code”) and Retail Marijuana Code (“Retail Code”) mandate that the State Licensing Authority promulgate rules prohibiting the production and sale of marijuana products “that are in the distinct shape of a human, animal, or fruit” and that such rules shall take effect on October 1, 2017.¹ Consistent with this requirement, the State Licensing Authority promulgated rules expressly prohibiting the production, sale or donation of edible medical marijuana-infused products and edible retail marijuana products (collectively referred to herein as “Edible Products”) in the distinct shape of a human, animal or fruit, or a shape that bears the likeness or contains the characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.²

- **Medical Marijuana Centers and Retail Marijuana Stores:** Beginning October 1, 2017, Medical Marijuana Centers and Retail Marijuana Stores shall not purchase, take possession of, sell, or donate non-compliant Edible Products.
- **Medical Marijuana-Infused Products Manufacturers and Retail Marijuana Products Manufacturing Facilities:** Beginning October 1, 2017, Medical Marijuana-Infused Products Manufacturers and Retail Marijuana Product Manufacturing Facilities shall neither produce non-compliant Edible Products nor sell, transfer or donate non-compliant Edible Products to another Medical Marijuana Business or Retail Marijuana Establishment.

Any Medical Marijuana Business or Retail Marijuana Establishment in possession of non-compliant Edible Products on or after October 1, 2017 shall follow waste disposal procedures pursuant to Rules M and R 307, 1 CCR 212-1 and 1 CCR 212-2.

¹ Subsections 12-43.3-202(2.5)(III)(A) and 12-43.4-202(3)(c)(IX)(A), C.R.S.

² Rules M 403(G.3) and 604(C.5)(7), 1 CCR 212-1 and Rules R 402(P) and 604(C.5)(12), 1 CCR 212-2.



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Potency Labeling

Pursuant to Medical Marijuana Rules and Retail Marijuana Rules effective October 1, 2017, potency for medical and retail marijuana, concentrate, and product shall be labeled either (a) in a font size that is at least two font sizes larger than the surrounding label text and also not less than 10 point font, bold, and enclosed within an outlined shape such as a circle or square; or (b) highlighted with a bright color such as yellow.³

- **Medical Marijuana Centers:** Beginning October 1, 2017, Medical Marijuana Centers shall not purchase or take possession of non-compliant medical marijuana, concentrate or product. Medical marijuana, concentrate or product that was transferred to and accepted by a Medical Marijuana Center prior to October 1, 2017, and which remains in the possession of a Medical Marijuana Center on or after October 1, 2017, may reflect potency labeling pursuant to the pre October 1, 2017, labeling rules for sale to the consumer.
- **Medical Marijuana-Infused Products Manufacturers and Optional Premises Cultivation Operations:** Beginning October 1, 2017, Medical Marijuana-Infused Products Manufacturers and Optional Premises Cultivation Operations shall not produce, package, label, sell, donate, or transfer non-compliant medical marijuana, concentrate or product to another Medical Marijuana Business.
- **Required Potency Testing and Labeling of Medical Marijuana:** Regarding potency testing and labeling requirements in the Medical Code and rules promulgated pursuant to the Medical Code, note that Licensees are currently only subject to potency testing and labeling requirements for Medical Marijuana flower and trim. As proficiency testing for potency of Medical Marijuana Concentrate and Medical Marijuana-Infused Product has not yet been established, these categories of inventory are not currently subject to potency testing and labeling requirements. As such, labels for Medical Marijuana Concentrate and Medical Marijuana-Infused Product should not reflect potency or other testing statements that would otherwise result in inaccurate labeling. However, if a Medical Marijuana Concentrate or Medical Marijuana-Infused Product reflects potency information or makes any claim with respect to its potency, relevant labeling requirements apply.
- **Retail Marijuana Stores:** Beginning October 1, 2017, Retail Marijuana Stores shall not purchase or take possession of non-compliant retail marijuana, concentrate or product. Retail marijuana, concentrate or product that was transferred to and accepted by a Retail Marijuana Store prior to October 1, 2017, and which remains in the possession of a Retail Marijuana Store on or after October 1, 2017, may reflect potency labeling pursuant to the pre October 1, 2017, labeling rules for sale to the consumer.

³ See Rules M 1004.5(B)(1)(m), 1005(B)(2.1), 1006(B)(1)(g), and 1007(B)(2.1), 1 CCR 212-1 and Rules R 1004(B)(m), 1005.5(B)(2.1), 1006(B)(f), and 1007.5(B)(2.1), 1 CCR 212-2.



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- **Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Cultivation Facilities:** Beginning October 1, 2017, Retail Marijuana Product Manufacturing Facilities and Retail Marijuana Cultivation Facilities shall not produce, package, label, sell, donate or transfer non-compliant retail marijuana, concentrate or product to another Retail Marijuana Establishment.

A complete copy of the Division's rules can be found on the Division's website at <https://www.colorado.gov/pacific/enforcement/laws-constitution-statutes-and-rules-marijuana-enforcement>. Please be aware that the information contained in these documents is not legal advice, and should not be treated as such. Nothing in these documents replaces a licensee's responsibility to read, understand, and maintain full compliance with all relevant statutes and rules.

James Burack
Director
Marijuana Enforcement Division