COLORADO
Department of Revenue
Enforcement Division - Marijuana

Compliance Tip

May 25, 2018

Topic: Submitting Test Batches for Research Purposes

Applicable Statutory Sections/Rules: Colorado Medical Marijuana Code, Subsections 12-43.3-402(6), 12-43.3-404(10), and 12-43.3-405(1); Colorado Retail Marijuana Code, Subsections 12-43.4-402(4), 12-43.4-403(5), 12-43.4-404(6), 12-43.4-405(1), C.R.S.; Medical Marijuana Rules, M 1500 Series, 1 CCR 212-1; and Retail Marijuana Rules, R 1500 Series, 1 CCR 212-2

Tips:

- Licensees must comply with mandatory testing pursuant to the M and R 1500 Series Rules. In addition, Licensees may submit Samples of medical and retail marijuana, concentrate, and product to Medical Marijuana Testing Facilities and Retail Marijuana Testing Facilities, respectively, for research purposes.

- When submitting a Test Batch in the Inventory Tracking System for research purposes, Licensees must select the "R&D Testing" checkbox when creating a Test Batch package. After conducting testing for research purposes, a Medical and Retail Marijuana Testing Facility must enter the results for the specific type of research test(s) completed (e.g. R&D potency, R&D microbial contaminant). Note that all other test types displayed by checkbox when creating a Test Batch package in the Inventory Tracking System are intended only for submission of Test Batches for mandatory testing pursuant to the M and R 1500 Series Rules.

- If a Licensee has achieved process validation and is compliant with ongoing testing requirements pursuant to Rules M and R 1501 and 1503, the Licensee may Transfer marijuana from a Harvest and/or Production Batch that was subject to testing for research purposes, so long as the test result(s) for the Test Batch associated with the Harvest or Production Batch does not fail contaminant or potency testing and does not otherwise present a risk to public safety. *See* Rules M and R 712 & 1507.

- The submission of any Test Batch for research purposes will neither contribute to the achievement of process validation for testing required pursuant to the M and R 1500 Series Rules, nor apply to the ability of a Licensee to maintain process validation for testing required pursuant to the M and R 1500 Series Rules.

- Test Batches submitted in order to comply with mandatory testing pursuant to the M and R 1500 Series Rules must comply with minimum Sample requirements under Rules M and R 1504. However, Test Batches submitted for research purposes need not comply with minimum Sample requirements under Rules M and R 1504. Rather, the Medical Marijuana Testing Facility or Retail Marijuana

Testing Facility conducting testing for research purposes may determine the Sample size of Test Batches submitted for research purposes.

- Medical and Retail Marijuana Testing Facilities conducting testing for research purposes and Licensees submitting Test Batches for such purposes must comply with the same record retention and Inventory Tracking System requirements that apply to testing mandated by the M and R 1500 Series Rules.

- Licensees may subject a Test Batch to both state mandated testing pursuant to the M and R 1500 Series Rules, and testing for research purposes, so long as the Licensee fully complies with the aforementioned Rule provisions. Medical and Retail Marijuana Testing Facilities must accurately record in the Inventory Tracking System the results of state mandated tests *and* tests for research purposes.