

MINUTES
MARIJUANA ENFORCEMENT DIVISION
HOUSE BILL 14-1366 EDIBLES WORK GROUP

Meeting of August 1, 2014
9:00 a.m. - 12:00 p.m.

Colorado Division of Gaming
17301 W. Colfax Ave., #135
Golden, CO 80401

Working Group Members Present

Chair: Ron Kammerzell (Colorado Department of Revenue)
Co-Chair: Lewis Koski (Marijuana Enforcement Division)
Donia Amick (School Resource Officer)
Ian Barringer (Testing Facility Owner)
Gina Carbone (SMART Colorado)
Morgan Carr (Center Owner)
Julie Dooley (Marijuana Product Baker)
Skyler McKinley for Andrew Freedman (Governor's Office)
Lindsay Jacobsen (MIP Marketing Professional)
Ashley Kilroy (City and County of Denver, Mayor's Office)
Andy LaFrate (Testing Facility Owner)
Jeff Lawrence (Colorado Department of Health and Environment)
Jaime Lewis (MIP Owner)
Jonathan Singer (Colorado State Representative, District 11)
Philip Snow (MIP, Center Cultivation Representative)
Marco Vasquez (Colorado Association of Chiefs of Police)

Director Ron Kammerzell, Chair, opened the meeting at 9:05 am and thanked everyone for their participation. Each working group member introduced themselves. Director Kammerzell explained the ground rules. He then remarked on the recently released Brookings report, which highlighted the successful implementation of Amendment 64 and how working groups like this one are an important part of that success. Director Lewis Koski, Co-Chair, took the floor to address the first agenda item of this meeting's scope.

- House Bill 14-1366

Director Koski displayed a PowerPoint presentation that contained an overview of House Bill 14-1366, the timeline, and its mandates. He added that in order to maximize participation in this working group process, the Marijuana Enforcement Division (MED) will have a process similar to that of permanent rulemaking where the public will be able to submit written comments, and those comments will be shared with the working group.

- Rulemaking Guidelines

Director Koski displayed and explained the Guiding Principles that MED uses for rule development: Transparent, Systematic, Operable, and Defensible. He asked that the working group keep these principles in mind as they work to meet the requirements of House Bill 14-1366.

Next, Director Koski mentioned the work of the previous edibles working group and acknowledged that some of the members of that group are in the audience of this meeting. He recognized them for their hard work and the ground gained as a result. Then the director discussed the outcomes of that work group, which culminated with emergency rules that were adopted the night before this work group meeting (July 31) and became effective on August 1.

Marco Vasquez asked for clarification between the charge of the last edibles working group and the charge of this one. Director Koski responded that the conversation here today will flesh that out, but he thinks the focus here will really be on the universal symbol.

- Categories of Edibles

Director Koski offered that he thinks a good starting place for this working group is to categorize the types of marijuana edibles in order to understand the distinct challenges for each type. He opened the floor for group discussion and the group came up with the following categories: baked goods, liquids, pills, chocolate, hard candy, soft candy, bulk foods, mixes/effervescent, and tinctures. There was debate on whether tinctures are edibles.

Gina Carbone mentioned the approach taken by Washington State, where products like suckers and gummies are completely banned and manufacturers must send product information into the enforcement authority for product-by-product approval. Many group members expressed concern that discussing the banning of products is outside the scope of HB1366. Representative Jonathan Singer responded that caution and deliberation must be exercised because if products are all-out banned, the black market will step up and fill the void. He remarked further to keep in mind that safety remains an issue, particularly to keep marijuana out of the hands of children.

The discussion then shifted to modes of making edible marijuana products clearly identifiable. Methods discussed were labeling/packaging, marking, shape, coloring, and smell. The group discussed particular methods within these categories.

An issue of packaging arose, specifically that if it is opaque it may encourage the product to be taken out of the packaging and thus it will be more difficult to identify as something containing marijuana. The group discussed whether it would be possible to convince people to keep the product in the packaging until the moment of consumption.

The group moved on to discuss options for the universal symbol. Members of the working group expressed the need to exercise caution and really think about a universal symbol because it may have the undesired effect of making the product more appealing to children. Jeff Lawrence said this would be an important issue for MED and the Colorado Department of Public Health & Environment (CDPHE) to look at because there is data on what effect symbols have on children. He offered to work with colleagues in his division and present on this issue at the next work group meeting.

BREAK

Reconvened at 10:55 AM

The group continued to discuss identifying modes, focusing on coloring. Director Koski asked what the coloring would look like for marijuana edibles. In response to whether coloring

products green would be a viable option, working group members pointed out that most people would not want to consume a green-colored product because it would look odd and possibly spoiled or moldy.

Philip Snow asked the School Resource Officer, Donia Amick, what schools are seeing with marijuana edibles. She responded that they are seeing a lot of homemade edibles. The group clarified that the industry cannot do anything about products made at home.

The discussion moved on to what information would be helpful for marijuana edible packaging/labeling. The general consensus of the group was that there is too much info on the packaging as it is. Lyndsey Jacobsen asked if there were labeling requirements that could be removed in order to make other labeling requirements larger. Director Koski responded that there are constraints on what can be changed because a good amount of the requirements are directly out of the statute.

- Next Steps:
 - Working group members should come up with a list of edibles that are currently in the market and send to Director Koski to consolidate.
 - MED will identify the next date of the meeting, and request submission of the lists a week before that. Julie Dooley offered that the CBA Edibles Council could compile a complete list and share it with the group.
 - The Working Group Chairs requested that Donia Amick talk with other School Resource Officers and collect information to share with the group at the next meeting on what the schools are seeing from students regarding marijuana edibles.
 - Jeff Lawrence will work with colleagues at CDPHE to put together a presentation for the next meeting on symbols and child psychology.

The meeting moved on to public comment. Members of the public were given the opportunity to speak, and the following individuals came forward:

Dan Anglin
Jason Medrano
Meg Collins
Mike Elliott

Director Kammerzell thanked everyone for their time and closed the meeting at 11:30 am.