

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

1. **Work Group Sponsor (s):** **Senator Owen Hill**

2. **Describe the Recommendation: Reconfigure the Universal Symbol for the labels to include a marijuana leaf behind the current symbol being used. This symbol can be used as a watermark on the label, which allows for the manufacturer to increase the size of the symbol, without the burden of creating larger labels. Also, for multi-serving packages, include language on the label that states: “Keep this product in its original package for safety”**

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? This recommendation fits the language of the statute and the legislative intent, that the product is more easily identifiable as a marijuana product by including the universally known image of a pot leaf, while also instructing the consumer to keep the product in its original packaging. This concept fits the information provided by the Colorado Department of Health and Environment, which stated that a specific size, shape, smell or color of an edible product would not prevent accidental ingestions; only correct packaging and label warnings are able to decrease the likelihood of an accidental ingestion.**

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. This recommendation is the only solution that fits all of the guiding principles, as it allows for transparency by being a universally recognized image for determining that the product inside the packaging contains marijuana, it is operable by all manufacturers as it does not require a retooling of any food-making process, defensible because it does not violate the unreasonably impracticable directive of the Colorado Constitution, and systematic in that all MED field officers will be able to easily identify whether the product is in compliance with the requirement, simply by looking at the label.**

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

persons who view the packaging will immediately recognize that the product contains marijuana, regardless of their ability to read. Additionally, the warning to keep multi-serving products in the original packaging ensures that the products cannot be confused with any other type of product because it is always labeled as a marijuana product and kept in a Child Resistant Package that is resealable. All stakeholders would be positively affected by this recommendation.

7. **What issue or issues does your recommendation resolve?** (Please identify the issues) By creating a universal symbol for the label that is easily identifiable as a marijuana product by anyone in the world, the issue of whether or not a marijuana infused product can be identified as such is completely resolved. By adding language instructing consumers to keep the product in its original packaging, it greatly decreases the likelihood of unintentional ingestion, by any person of any age group, because it is easy to identify it as a marijuana product.
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. Likely, there will be dissenting voices that want the product itself to be marked in some way, however, HB 1366 did not direct the working group to specifically determine a way to change the product itself to make it identifiable. Additionally, the information provided by the CDPHE and one of the working group members who works in an emergency room of a hospital, illustrates that for truly accidental ingestions, the shape, size, color or smell of any product does not dissuade children who are very young from ingesting the product. The information provided that more comprehensive and appropriate labeling and instruction for the consumers is the most effective method for preventing accidental ingestion.
9. **Are you aware of any statutory authority or regulation that supports the basis of this recommendation?** If yes, please include it here. Article XVII, section 16 of the Colorado Constitution. CRS 12-43.4-202.
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? By statute, the MED must present this recommendation to the Colorado General Assembly by February of 2015. From there, either the legislature can take the recommendation and introduce it as a proposed bill, for insertion into the Colorado Revised Statutes, or accept that the MED will promulgate a rule based on the recommendation of the working group.
11. **Will the recommendation have a cost to implement?** If yes, please explain the reason for the cost and provide an estimate. The cost to the Division will be to redesign the universal symbol, and implement the new symbol into any of its own documentation. Once redesigned, the cost to licensees is minimal, as it only requires adding language and the universal symbol to the labels for its products.
12. **Provide an estimate of how long it would take to implement the recommendation.** Three to six months after the presentation to the Colorado General Assembly, depending on whether the legislature determines that a change to statute is necessary or the promulgation of a rule

is required. Licensee should be given 90 days to change the labels to reflect the new requirements.