



COLORADO
Department of Revenue
Enforcement Division - Marijuana
1707 Cole Blvd., Suite 300
Lakewood, CO 80401

December 3, 2018

Sent via email

Kady Cravens
ACT Compliant

[REDACTED]
[REDACTED]
[REDACTED]

Dear Ms. Cravens:

This letter is in response to your request for a Statement of Position pursuant to Rule M 104(A), 1 CCR 212-2, submitted to the Marijuana Enforcement Division (“Division”). Your position statement asked the following question:

“How is Kief defined? Is it defined as raw [marijuana] plant material or is it defined as infused concentrate product being that it goes through processing to separate the Kief from the whole plant?”

The current medical and retail rules mention Kief only once – in the rules governing the statement of intended use to be included on the label of marijuana, marijuana concentrate, or marijuana product. Under those rules, Kief is treated as a subset of marijuana flower or trim. *See* Rules M and R 1003-1(B)(1)(a)(i) and (B)(2)(a), 1 CCR 212-1 and 212-2.

As part of the State Licensing Authority’s ongoing rulemaking process, however, the Marijuana Enforcement Division proposed a new definition of Kief and new requirements for potency testing of Kief. After notice and an opportunity for public comment in accordance with section 24-4-103, C.R.S., on November 9, 2018, the State Licensing Authority adopted the proposed rules. The new rules become effective January 1, 2019, and are currently accessible on the Division’s website. *See* <https://www.colorado.gov/pacific/enforcement/med-2018-rulemaking>

Under the new rules, the term Kief is defined to mean *“the resinous crystal-like trichomes that are found on [Medical or Retail Marijuana flower] and that are accumulated, resulting in a higher concentration of cannabinoids.”* *See* Rules M and R 103, 1 CCR 212-1 and 212-2. The new rules require every Harvest Batch of Kief to undergo potency testing prior to Transfer by the cultivation or manufacturing facility that produced the Kief. *See* Rules M and R 1503(C.1), 1 CCR 212-1 and 212-2.

Thank you for your inquiry.

Sincerely,

James Burack
Director
Marijuana Enforcement Division