

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

1. **Work Group Sponsor (s):** Colorado Department of Public Health and Environment
2. **Describe the Recommendation:** Prohibit the production of retail edible marijuana products other than a simple lozenge/hard candy or tinctures that are plainly labeled using universal symbol(s) and that users can add to their products at home. Hard candy/lozenges would be manufactured in single 10 mg doses/lozenges and tinctures would be produced and labeled with dosing instructions, such as two drops equals 10 mg.
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?**

To allow the production of retail marijuana edibles that are naturally attractive to children is counter to the Amendment 64 requirement to prevent the marketing of marijuana products to children. The intent of the Amendment and subsequent laws and rules was to decriminalize the use of retail marijuana, not to encourage market expansion within the marijuana edibles industry that subsequently create potential consumer confusion or mixed messages to children.

The intent of producing edible products (marijuana infused or otherwise) is to make them attractive to consumers. Attempts to mask this attractiveness through the use of post hoc labeling on market-targeted edible products are contradictory and any assumed effectiveness would be suspect. Disallowing the production of a limited scope of certain products supports the requirements of Amendment 64, including the prevention of marketing or the provision of themarijuana-infused products to children.
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.**

It simplifies the regulatory framework, thus making it more operable and systematic to implement. The House Bill's intent was to prevent accidental ingestion of products by children. By limiting the scope of allowable retail marijuana edibles to products that are not easily confused with ubiquitous food products, this recommendation creates a more defensible and transparent regulatory framework.

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

The general public would be positively impacted because the confusion around retail marijuana edibles and the ability/need to readily identify them from other food products is simplified.

Parents' concerns regarding infused candies and other edibles that resemble traditional food items are addressed because those types of retail marijuana products would not be allowed.

Users of retail products would be positively impacted as the dosing and homogeneity of the products would be clearer and more uniform. For example, one lozenge equals 10 mg, or two drops of a produced tincture (can be used in drinks and food items as desired by the user) equal 10 mg.

7. What issue or issues does your recommendation resolve? (Please identify the issues)

- A. The unintentional ingestion of retail marijuana edible products by children.
- B. The need to identify edible marijuana products that are produced in a manner to be naturally attractive to the consumer in such a way that they are easy to recognize and also rendered unattractive to children.
- C. The development and marketing of marijuana products to children.

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.

While this recommendation has not been discussed with other working group members, it is understandable and expected that industry representatives will be a dissenting voice. However, their investment in the development of these products does not have to be lost. All edible products being produced could also be produced as a traditional food product (without marijuana) and marketed to the general public and not just in Colorado.

9. Are you aware of any statutory authority or regulation that supports the basis of this recommendation? If yes, please include it here.

Yes. The language in HB 1366 requires prevention of accidental ingestion of marijuana-infused products by children. The language in Amendment 64 prevents marijuana-infused products from being directly marketed to children. By allowing the production of edibles that are naturally attractive to children we are directly allowing the marketing of these products to children and therefore indirectly contributing to the accidental ingestion of these products by children.

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?

Not directly. Any regulations developed that connected medicinal and retail edibles would need to have the retail aspects reviewed and potential removed.

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 implement would be dependent on the timing of implementation. Regulators would have to ensure that production of the disallowed products had ceased and that any products that remained at the retail level were removed after the agreed upon date of implementation. Limiting the types of products allowed for production may also reduce inspection and testing costs as the products have been streamlined, thus subject to less regulatory variability.

12. Provide an estimate of how long it would take to implement the recommendation.

Between 3-12 months.