
HB17-1034**Medical Marijuana License Issues**

**Calendar
Notification:**

NOT ON CALENDAR

Short Title:

Medical Marijuana License Issues

Sponsors:

D. Pabon / R. Baumgardner

Summary:

The retail marijuana code requires a license for retail marijuana business operators. The bill creates a corresponding medical marijuana business operator license. Under current law, a medical marijuana licensee may move his or her location within the city or county where the business is licensed upon approval of the local and state licensing authority. Under the retail marijuana code, a licensee can move his or her business anywhere in Colorado upon approval of the state and local jurisdiction. The bill allows a medical marijuana licensee to move his or her business anywhere in Colorado upon approval of the state and local jurisdiction to conform with the retail marijuana code.

Under the retail marijuana code, if a test result indicated the presence of any substance determined to be injurious to health, the licensee has an opportunity to remediate the product if the test indicated the presence of a microbial. If the licensee is unable to remediate the product, then the licensee shall document and properly destroy the adulterated product. The bill gives a medical marijuana licensee the same opportunity to remediate its product.

The bill allows medical marijuana-infused product manufacturers to sell or buy medical marijuana from another medical marijuana-infused product manufacturer.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

3/16/2017 Governor Signed

Amendments:[Amendments](#)

HB17-1148**Registration Of Industrial Hemp Cultivators**

**Calendar
Notification:**

NOT ON CALENDAR

Short Title:

Registration Of Industrial Hemp Cultivators

Sponsors:

J. Arndt / J. Cooke

Summary:

Current law requires persons who wish to cultivate industrial hemp to

apply to the department of agriculture for a registration. The bill adds a requirement that applicants to cultivate industrial hemp for commercial purposes provide the names of each officer, director, member, partner, or owner of 10% or more in the entity applying for registration and any person managing or controlling the entity. Applicants for a registration may be denied registration for up to 3 years if any individual or entity listed in the application was previously subject to discipline, or the individual or entity was previously listed by an entity that was subject to discipline. When a registration is suspended, revoked, or relinquished, a new application for registration may be denied for up to 3 years after the effective date of discipline.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/23/2017 Governor Signed

Amendments:

[HB17-1197](#) **Exclude Marijuana From Farm Products Definition**

Calendar NOT ON CALENDAR

Notification:

Short Title: Exclude Marijuana From Farm Products Definition

Sponsors: J. Ginal / D. Coram

Summary: Under the 'Farm Products Act', the commissioner of agriculture or his or her designee licenses farm product dealers, small-volume dealers, and their agents. The bill excludes marijuana from the definition of 'farm products' under the act.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 4/6/2017 Governor Signed

Amendments: [Amendments](#)

[HB17-1203](#) **Local Government Special Sales Tax On Retail Marijuana**

Calendar NOT ON CALENDAR

Notification:

Short Title: Local Government Special Sales Tax On Retail Marijuana

Sponsors: S. Lebsock / B. Martinez Humenik | L. Crowder

Summary: The Colorado court of appeals has held that current law does not authorize counties to levy and collect a sales tax on retail marijuana and

retail marijuana products in addition to any sales tax imposed by the state and the standard sales tax imposed by the county (special sales tax). Current law is also silent regarding the authority of a statutory municipality (municipality) to collect a special sales tax on retail marijuana and retail marijuana products. The bill authorizes counties and municipalities to levy, collect, and enforce a special sales tax on retail marijuana and retail marijuana products; except that a county may levy, collect, and enforce a special sales tax on retail marijuana and retail marijuana products only under the following circumstances:

- The county levies, collects, and enforces a special sales tax upon all sales of retail marijuana and retail marijuana products in the unincorporated areas of the county;
- The county levies, collects, and enforces a special sales tax upon all sales of retail marijuana and retail marijuana products in the municipalities within the county that do not levy a special sales tax on the sale of retail marijuana and retail marijuana products. The county special sales tax is authorized only until the municipality obtains voter approval for a special municipal tax on the sale of retail marijuana and retail marijuana products. After such time, any county special sales tax is invalid within the corporate boundaries of the municipality unless the county enters into an intergovernmental agreement with the municipality to allow the county to continue to levy, collect, and enforce the county's special sales tax.
- The governing body of any county and the governing body of any municipality within the boundaries of the county that levies a municipal special sales tax on the sale of retail marijuana and retail marijuana products enter into an intergovernmental agreement pertaining to the county's levy, collection, and enforcement of a special sales tax upon all sales of all retail marijuana and retail marijuana products. The intergovernmental agreement may include a provision for the apportionment of a specified percentage of the gross retail marijuana special sales tax revenue collected by the county to the municipality.

The bill specifies that a county or a municipality may not levy a special sales tax under any circumstance until the proposed tax has been referred to and approved by the eligible electors of the county or municipality, as applicable. A county or municipality must refer the proposed tax to the eligible electors only on the date of the state general election, on the first Tuesday in November of an odd-numbered year, or, in the case of a municipality, on the date of a municipal biennial election.

The bill specifies that if a county or municipality obtained voter approval prior to the effective date of the bill to levy, collect, and enforce

a special sales tax upon the sale of retail marijuana and retail marijuana products, the tax is valid; except that, for a county, the tax is valid only so long as the county complies with the conditions specified in the bill. If the county levies, collects, and enforces such tax in a municipality that has already obtained voter approval to levy a special sales tax on the sale of retail marijuana and retail marijuana products, the county's special sales tax is invalid unless the county enters into an intergovernmental agreement with the municipality.

Any special sales tax on retail marijuana and retail marijuana products shall not be collected, administered, or enforced by the department of revenue. Instead, such tax shall be collected, administered, and enforced by the county or municipality imposing the tax.

A county or municipality in which the eligible electors have approved a special sales tax on the sale of retail marijuana and retail marijuana products may credit the revenues collected from the tax to the general fund of the county or municipality or to any special fund created in the county or municipality's treasury. The governing body of a county or municipality may use the revenues collected from the tax for any purpose as determined by the governing body of the county or municipality.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/4/2017 Governor Signed

Amendments: [Amendments](#)

HB17-1220	Prevent Marijuana Diversion To Illegal Market
Calendar Notification:	NOT ON CALENDAR
Short Title:	Prevent Marijuana Diversion To Illegal Market
Sponsors:	K. Becker C. Wist / B. Gardner R. Fields
Summary:	<p>The bill places a cap on the number of plants that can be possessed or grown on a residential property at 16 plants unless a local jurisdiction permits possessing or growing more than 16 plants. The criminal penalties for violating the cultivation limit are:</p> <ul style="list-style-type: none">• A level 1 drug petty offense for a first offense if the offense involves more than twelve plants, punishable by a fine of up to one thousand dollars;• A level 4 drug felony for a second or subsequent offense if the offense involves more than twelve but not more than thirty plants;

or

- A level 3 drug felony for a second or subsequent offense if the offense involves more than thirty plants.

A medical marijuana patient or primary caregiver who cultivates more than 16 plants must cultivate the plants in compliance with applicable city, county, or city and county law.

The bill requires a patient or primary caregiver cultivating medical marijuana to comply with all local laws, regulations, and zoning requirements.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/2/2017 Sent to the Governor

Amendments: [Amendments](#)

[HB17-1221](#) **Grey And Black Market Marijuana Enforcement Efforts**

Calendar NOT ON CALENDAR

Notification:

Short Title: Grey And Black Market Marijuana Enforcement Efforts

Sponsors: Y. Willett | D. Pabon / J. Cooke | I. Aguilar

Summary: **Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado.** The state constitution grants a person the authority to assist another person in cultivating medical and recreational marijuana plants. The bill states that a person is not in compliance with the authority to assist another individual and is subject to marijuana cultivation criminal offenses and penalties if the person possesses any marijuana plant that he or she is growing on behalf of another individual, unless he or she is the primary caregiver for the individual and is in compliance with the requirements of section 25-1.5-106.

The bill creates the gray and black market marijuana enforcement grant program (grant program) in the division of local government in the department of local affairs (division). The grant program awards grants to local governments to reimburse the local governments, in part or in full, for law enforcement and prosecution costs associated with gray and black marijuana markets. A rural local government has priority in receiving grants. The general assembly may appropriate money from the marijuana tax cash fund or the proposition AA refund account to the division for the grant program. The bill appropriates \$5,945,392 from the marijuana tax cash fund to the division to fund the grant program. The division shall adopt policies and procedures for the administration of the grant program,

including rules related to the application process and the grant award criteria. The division shall include information regarding the effectiveness of the grant program in its SMART presentation beginning in November 2019.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/2/2017 Sent to the Governor

Amendments: [Amendments](#)

[HB17-1266](#)

Seal Misdemeanor Marijuana Conviction Records

Calendar NOT ON CALENDAR

Notification:

Short Title: Seal Misdemeanor Marijuana Conviction Records

Sponsors: J. Melton | E. Hooton / V. Marble | S. Fenberg

Summary: The bill allows persons who were convicted of misdemeanors for the use or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been a criminal offense if the behavior had occurred on or after December 10, 2012. The court shall order the record sealed after the filing fees are paid, the petitioner establishes the offense is eligible for sealing, and the petition is posted on the website of the state court administrator for 30 days.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/5/2017 Senate Committee on Finance Refer Unamended to Appropriations

Amendments: [Amendments](#)

[HB17-1295](#)

Repeal Governor's Office Of Marijuana Coordination

Calendar NOT ON CALENDAR

Notification:

Short Title: Repeal Governor's Office Of Marijuana Coordination

Sponsors: B. Rankin / D. Moreno

Summary: **Joint Budget Committee.** The general assembly created the governor's office of marijuana coordination in 2014 to coordinate the executive branch response to the legalization of retail marijuana as directed by the governor. The bill repeals the office of marijuana coordination, effective

July 1, 2017.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 4/28/2017 Senate Third Reading Passed - No Amendments

Amendments:

[HB17-1315](#) **Require Division Of Criminal Justice To Report Driving Under The Influence Of Drugs and Alcohol Data**

Calendar NOT ON CALENDAR

Notification:

Short Title: Require Division Of Criminal Justice To Report Driving Under The Influence Of Drugs and Alcohol Data

Sponsors: P. Lawrence | J. Singer / R. Fields | B. Gardner

Summary: The bill requires the division of criminal justice (division) within the department of public safety (department) to report annually to the general assembly certain data relating to substance-affected driving citations that occurred in the previous year.

For the purpose of producing the report, the division shall collect certain data from:

- The state judicial branch;
- Forensic toxicology laboratories;
- The department of public health and environment; and
- The division of probation services.

The bill creates a \$2 surcharge for persons convicted of substance-affected driving. Money collected as such surcharges must be deposited in the substance-affected driving data-analysis cash fund, which is created in the bill.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/5/2017 Senate Committee on Finance Refer Amended to Appropriations

Amendments: [Amendments](#)

[HB17-1333](#) **Seal Criminal Records Of Marijuana Offenses**

Calendar NOT ON CALENDAR

Notification:

Short Title: Seal Criminal Records Of Marijuana Offenses

Sponsors: J. Melton | E. Hooton
Summary: The bill allows persons who were convicted of criminal offenses for the use, cultivation, or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been illegal if it had occurred on or after December 10, 2012.

(Note: This summary applies to this bill as introduced.)

Status: 4/25/2017 House Committee on Judiciary Postpone Indefinitely

Amendments:

[HB17-1345](#) Retail Marijuana Sales Tax Rate

Calendar NOT ON CALENDAR

Notification:

Short Title: Retail Marijuana Sales Tax Rate

Sponsors: B. Rankin / D. Moreno

Summary: **Joint Budget Committee.** Under current law, the retail marijuana sales tax rate is scheduled to decrease on July 1, 2017, from 10% to 8%. The bill eliminates the reduction and keeps the tax rate at 10%.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/4/2017 Senate Committee on Finance Postpone Indefinitely

Amendments:

[HB17-1367](#) Authorize Marijuana Clinical Research

Calendar Monday, May 8 2017

Notification: THIRD READING OF BILLS - FINAL PASSAGE
(22) in house calendar.

Short Title: Authorize Marijuana Clinical Research

Sponsors: J. Arndt | D. Pabon / R. Baumgardner | C. Jahn

Summary: The bill creates a marijuana research and development license that allows the holder to possess marijuana for research purposes and a marijuana research and development cultivation license that allows the holder to grow, cultivate, possess, and transfer marijuana for research purposes. An applicant must submit with the license application a description of the research to be conducted, and if the research involves a public entity or public money, then the scientific advisory commission shall review and assess the research project. A marijuana research and development cultivation licensee may only sell marijuana it grows to other marijuana research and development cultivation licensees. A marijuana research and development licensee or marijuana research and development cultivation

licensee may contract with a public research institution of higher education or another marijuana research and development licensee. The state licensing authority may promulgate rules related to marijuana research and development licenses and marijuana research and development cultivation licenses.

The bill allows a medical marijuana testing facility licensee to test medical marijuana and medical marijuana-infused products for marijuana research and development licensees and marijuana research and development cultivation licensees, and marijuana or marijuana-infused products grown or produced by a registered patient or registered primary caregiver on behalf of a registered patient, upon verification of registration and verification that the patient is a participant in a clinical or observational study conducted by a marijuana research and development licensee or marijuana research and development cultivation licensee.

The bill takes effect July 1, 2018.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/8/2017 House Third Reading Passed - No Amendments

Amendments: [Amendments](#)

[SB17-015](#) **Unlawful Marijuana Advertising**

Calendar NOT ON CALENDAR

Notification:

Short Title: Unlawful Marijuana Advertising

Sponsors: I. Aguilar / D. Pabon

Summary: **Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado.** The bill makes it a level 2 drug misdemeanor for a person not licensed to sell medical or retail marijuana to advertise for the sale of marijuana or marijuana concentrate. The bill excludes from the crime primary caregivers, medical marijuana-infused product manufacturers, retail marijuana product manufacturers, and retail marijuana testing facilities.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 4/4/2017 Governor Signed

Amendments: [Amendments](#)

[SB17-017](#) **Allow Medical Marijuana Use For Stress Disorders**

Calendar Notification: NOT ON CALENDAR

Short Title: Allow Medical Marijuana Use For Stress Disorders

Sponsors: I. Aguilar / J. Singer

Summary: **Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado.**

The bill creates a statutory right to use medical marijuana for a patient with acute stress disorder or post-traumatic stress disorder. The bill creates the same rights, limitations, and criminal defenses and exceptions as the constitutional right to use medical marijuana.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/1/2017 Signed by the President of the Senate

Amendments: [Amendments](#)

[SB17-025](#) **Marijuana Education Materials Resource Bank**

Calendar Notification: Monday, May 8 2017
THIRD READING OF BILLS - FINAL PASSAGE
(4) in house calendar.

Short Title: Marijuana Education Materials Resource Bank

Sponsors: R. Baumgardner | C. Holbert / J. Singer

Summary: **Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado.**

The bill directs the department of education (department):

- By July 1, 2017, to create and maintain a resource bank, to be known as the 'Jack Splitt Memorial Resource Bank' (resource bank), for public schools to use without charge, that consists of materials and curricula pertaining to marijuana use; and
- Upon request of a public school, to provide technical assistance in designing age-appropriate curricula on marijuana use.

The bill authorizes the department to contract for the maintenance of the resource bank and the development of the curricula and directs the department to solicit input from persons within and outside of the marijuana industry.

After the resource bank and curricula are available, school districts, charter schools, and boards of cooperative services are

encouraged to report to the department the effectiveness of them and recommendations for changes.

The bill authorizes resource bank expenses to be paid from the marijuana tax cash fund.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/8/2017 House Third Reading Passed - No Amendments

Amendments: [Amendments](#)

[SB17-063](#) **Marijuana Club License**

Calendar NOT ON CALENDAR

Notification:

Short Title: Marijuana Club License

Sponsors: V. Marble / J. Melton

Summary: The bill creates a marijuana consumption club (club) license. The license is subject to the same licensing requirements as other retail marijuana licenses. The license may be issued to a person who operates an establishment where retail or medical marijuana may be sold and consumed. The club's sales are limited to the same limits as a retail marijuana store or a medical marijuana center. The club may not serve food prepared on site or alcohol. Entry to the club is restricted to those persons at least 21 years of age. A club shall purchase its marijuana, marijuana concentrate, or marijuana products from a licensed marijuana business or get a cultivation license and sell its own marijuana. A club may not permit outside marijuana, marijuana concentrate, or marijuana products. All marijuana, marijuana concentrate, or marijuana products must be consumed or disposed of on site. A club and its employees shall successfully complete a responsible vendor program annually. A club has the same immunity to a lawsuit for an injury caused by a club patron that a bar enjoys.

The bill allows a local government to permit clubs in its jurisdiction. If a local government permits clubs, it may require the clubs to be licensed. In order to operate as a club, the club must comply with the local and state licensing regulations. A club is exempt from the 'Colorado Clean Indoor Air Act' for marijuana consumption purposes if it is fully ventilated. Public display, consumption, or use in a club is not a criminal offense.

(Note: This summary applies to this bill as introduced.)

Status: 3/1/2017 Senate Committee on Business, Labor, & Technology Postpone Indefinitely

Amendments:

[SB17-090](#) **Measuring Delta-9 Tetrahydrocannabinol In Industrial Hemp**

Calendar Notification: NOT ON CALENDAR

Short Title: Measuring Delta-9 Tetrahydrocannabinol In Industrial Hemp

Sponsors: R. Baumgardner / D. Mitsch Bush

Summary: The bill requires the commissioner of agriculture to determine the level of delta-9 tetrahydrocannabinol in industrial hemp by measuring the combined concentration of delta-9 tetrahydrocannabinol and its precursor tetrahydrocannabinolic acid.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/16/2017 Governor Signed

Amendments: [Amendments](#)

[SB17-111](#) **Medical Marijuana Inventory Shortfall Fixes**

Calendar Notification: NOT ON CALENDAR

Short Title: Medical Marijuana Inventory Shortfall Fixes

Sponsors: T. Neville / M. Gray | D. Michaelson Jenet

Summary: The medical marijuana system is a vertically integrated regulatory scheme, meaning a medical marijuana center must grow the marijuana that it sells. There is one exception to the vertically integrated market: A medical marijuana center can sell to or buy from other medical marijuana licensees up to 30% of its inventory. The bill eliminates the statutory limit and requires the limit to be set in rule by the state licensing authority as long as it is not set below 30%. The bill states that a medical marijuana center may transfer medical marijuana to another medical marijuana licensee if the licensees have a common owner without the medical marijuana counting towards the limit set in rule.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/5/2017 Senate Considered House Amendments - Result was to Adhere

Amendments: [Amendments](#)

<u>SB17-178</u>	Marijuana Use As A Condition Of Bond
Calendar Notification:	NOT ON CALENDAR
Short Title:	Marijuana Use As A Condition Of Bond
Sponsors:	V. Marble / J. Melton
Summary:	The bill prohibits a court from imposing as a bond condition a ban on marijuana use if the person possesses a valid medical marijuana registry identification card. <i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i>
Status:	4/6/2017 Governor Signed
Amendments:	

<u>SB17-184</u>	Private Marijuana Clubs Open And Public Use
Calendar Notification:	Tuesday, May 9 2017 Conference Committee on SB17-184 (1) in house calendar. Tuesday, May 9 2017 CONFERENCE COMMITTEES TO REPORT (1) in senate calendar.
Short Title:	Private Marijuana Clubs Open And Public Use
Sponsors:	B. Gardner / D. Pabon
Summary:	The bill authorizes the operation of a marijuana membership club (club) only if the local jurisdiction has authorized clubs. A club must meet the following qualifications: <ul style="list-style-type: none">• All members and employees of the club must be 21 years of age or older;• The club's employees must be Colorado residents;• The club cannot sell or serve alcohol;• The club cannot be a retail food establishment;• A club owner shall not sell marijuana on the premises; and• A club owner shall not permit the sale or exchange of marijuana for remuneration on the premises.

The bill prohibits the open and public consumption of marijuana and defines the terms 'open and public', 'openly', and 'publicly'.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 4/21/2017 Senate Considered House Amendments - Result was to Not Concur - Request Conference Committee

Amendments: [Amendments](#)

[SB17-187](#)

Residency Exemption Marijuana Education-based Occupational License

Calendar NOT ON CALENDAR

Notification:

Short Title: Residency Exemption Marijuana Education-based Occupational License

Sponsors: L. Crowder / J. Ginal

Summary: Under current law, when an employee or manager of a retail business applies for an occupational license, the person must be a Colorado resident on the date of his or her application. The bill gives the state licensing authority the ability to create an exemption to the residency requirement for a person applying for an occupational license for participation in a marijuana-based workforce development or education program if the person files an affirmation that he or she is participating in a program that requires access to licensed premises.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/1/2017 Signed by the Speaker of the House

Amendments: [Amendments](#)

[SB17-192](#)

Marijuana Business Efficiency Measures

Calendar Monday, May 8 2017

Notification: THIRD READING OF BILLS - FINAL PASSAGE (18) in house calendar.

Short Title: Marijuana Business Efficiency Measures

Sponsors: T. Neville / J. Singer | J. Melton

Summary: The bill allows the state licensing authority to authorize single-instance transfers of retail marijuana or retail marijuana products from a retail marijuana licensee to a medical marijuana licensee. If granted, the transfer must be completed within 30 days of the date the transfer was approved. A retail marijuana license that is subject to suspension is not eligible for the transfer and any retail marijuana or retail marijuana product that is subject to an administrative hold is not eligible for

transfer.

Under current law, the department of revenue determines the average market rate for purposes of excise tax collection on retail marijuana every 6 months. The bill gives the department the authority to calculate the average market rate on a quarterly basis. The average market rate cannot include taxes paid on sales or transfers. The bill requires a separate average market rate for unprocessed marijuana for extraction that is lower than the average market rate for unprocessed marijuana for direct sale. The bill states that the average market rate should be used to calculate the state excise tax on affiliated transactions, and the contract price should be used to calculate the excise tax on unaffiliated transactions. The bill clarifies that the average market rate will be used to calculate the excise tax on all county, municipal, or metropolitan district transactions.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/8/2017 House Third Reading Passed - No Amendments

Amendments: [Amendments](#)

[SB17-275](#)

Marijuana Pesticides Test Medical Effectiveness

**Calendar
Notification:**

Tuesday, May 9 2017
GENERAL ORDERS - SECOND READING OF BILLS
(1) in senate calendar.

Short Title:

Marijuana Pesticides Test Medical Effectiveness

Sponsors:

R. Baumgardner | C. Jahn / J. Singer | J. Melton

Summary:

Section 1 of the bill directs the department of public health and environment to use marijuana taxes to make research grants regarding the medical efficacy of Colorado-grown strains of medical marijuana and requires the person appointed to the scientific advisory council who represents medical marijuana patient interests to have scientific expertise. **Sections 2 and 3** allow a licensed medical or retail marijuana facility to transfer marijuana to a research facility for purposes of the medical research.

Sections 2 and 3 also allow the use of medical or retail marijuana by a pesticide manufacturer in limited quantities as specified in rules promulgated by the state licensing authority that authorize a pesticide manufacturer to conduct research to establish safe and effective protocols for the use of pesticides on medical or retail marijuana.

Sections 4 and 5 allow medical and retail marijuana cultivators to

use a pesticide in the cultivation and production of marijuana if the pesticide:

- Is exempt from registration pursuant to federal law; can be used on crop group 19, hops, or unspecified crops or plants; or has been listed by the Organic Materials Review Institute;
- Has affixed to it a label that allows the pesticide to be used at the intended site of application; and
- Has affixed to it a label that allows the pesticide to be used on crops and plants intended for human consumption.

Once the department has certified marijuana test laboratories, if a test result indicates the presence of unauthorized pesticides, the state licensing authority shall allow the licensee to provide a sample for further testing. If no further testing occurs or if the second test indicates the presence of unauthorized pesticides, the licensee shall destroy the product. In determining whether the marijuana is contaminated with pesticides, the state licensing authority shall reasonably consider:

- The analytical variability and sensitivity in testing results;
- How the marijuana was grown or produced;
- Whether the cultivator actually applied unauthorized pesticides; and
- Whether the amount of pesticide falls within a reasonable tolerance based on scientific research.

(Note: This summary applies to this bill as introduced.)

Status: 5/8/2017 Senate Second Reading Special Order - Passed with Amendments - Committee, Floor

Amendments: [Amendments](#)