

HB1266_L.006

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.HB16-1266 be amended as follows:

- 1 Amend reengrossed bill, page 2, line 12, after "marijuana" insert "AND
2 MEDICAL MARIJUANA-INFUSED PRODUCTS".
- 3 Page 2, line 13, after "that" insert "MEDICAL MARIJUANA AND MEDICAL
4 MARIJUANA-INFUSED".
- 5 Page 2, line 15, strike "RULES," and substitute "STATE LICENSING
6 AUTHORITY RULES;".
- 7 Page 2, strike lines 16 and 17 and substitute:
- 8 "(II) LICENSEES TO UNDERGO TESTING TO ENSURE, AT A MINIMUM,
9 THAT MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS
10 SOLD FOR HUMAN CONSUMPTION DO NOT CONTAIN ANY PESTICIDE THAT IS
11 NOT AUTHORIZED BY DEPARTMENT OF AGRICULTURE RULES ADOPTED
12 PURSUANT TO SECTION 24-20-112 (1), C.R.S.
13 (III) and LICENSEES to ensure correct labeling;".
- 14 Renumber succeeding subparagraphs accordingly.
- 15 Page 2, lines 19 and 20, strike "PESTICIDES THAT ARE NOT AUTHORIZED
16 PURSUANT TO SECTION 24-20-112 (1), C.R.S.,".
- 17 Page 2, line 24, after "results" insert "FROM EITHER A MEDICAL
18 MARIJUANA TESTING FACILITY LICENSED AND CERTIFIED TO TEST FOR
19 PESTICIDES OR THE DEPARTMENT OF AGRICULTURE LABORATORY".
- 20 Page 3, strike lines 1 through 21 and substitute "AND SET FORTH IN STATE
21 LICENSING AUTHORITY RULES, OR THE PRESENCE OF PESTICIDES THAT ARE
22 NOT AUTHORIZED BY THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF
23 TITLE 35, C.R.S., AND DEPARTMENT OF AGRICULTURE RULES ADOPTED
24 PURSUANT TO SECTION 24-20-112 (1), C.R.S., SUCH MEDICAL MARIJUANA
25 AND MEDICAL MARIJUANA-INFUSED PRODUCTS SHALL BE PRESUMED TO BE
26 CONTAMINATED AND:
- 27 (A) The licensee shall immediately quarantine THE
28 CONTAMINATED MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED
29 products and notify the state licensing authority; ~~The licensee shall~~
30 ~~document and properly destroy the adulterated product;~~



1 (B) THE STATE LICENSING AUTHORITY MAY IMMEDIATELY ORDER
2 AN ADMINISTRATIVE HOLD OF THE CONTAMINATED MEDICAL MARIJUANA
3 AND MEDICAL MARIJUANA-INFUSED PRODUCTS;

4 (C) THE LICENSEE MAY VOLUNTARILY DESTROY THE
5 CONTAMINATED MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED
6 PRODUCTS IN ACCORDANCE WITH PROCEDURES SET FORTH IN STATE
7 LICENSING AUTHORITY RULES;

8 (D) IF THE TESTING RESULTING IN THE ADMINISTRATIVE HOLD WAS
9 PERFORMED BY THE DEPARTMENT OF AGRICULTURE AND THE LICENSEE
10 HAS NOT VOLUNTARILY DESTROYED ALL CONTAMINATED MEDICAL
11 MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS IN
12 ACCORDANCE WITH STATE LICENSING AUTHORITY RULES, THE
13 ADMINISTRATIVE HOLD CONTINUES UNTIL: THE DEPARTMENT OF
14 AGRICULTURE NOTIFIES THE STATE LICENSING AUTHORITY THAT NO
15 CONTAMINATION WAS FOUND, FOLLOWING WHICH THE STATE LICENSING
16 AUTHORITY SHALL PROMPTLY LIFT ANY ADMINISTRATIVE HOLD THAT WAS
17 IMPOSED BASED UPON DEPARTMENT OF AGRICULTURE TESTING; OR THE
18 DEPARTMENT OF AGRICULTURE NOTIFIES THE STATE LICENSING
19 AUTHORITY THAT THE COMMISSIONER OF THE DEPARTMENT OF
20 AGRICULTURE HAS ISSUED A FINDING THAT THE MEDICAL MARIJUANA AND
21 MEDICAL MARIJUANA PRODUCT IS CONTAMINATED WITH ONE OR MORE
22 PESTICIDE PRODUCTS, THE USE OF WHICH ON MARIJUANA IS PROHIBITED
23 UNDER THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF TITLE 35,
24 C.R.S., AND RULES OF THE DEPARTMENT OF AGRICULTURE ADOPTED
25 PURSUANT TO SECTION 24-20-112 (1), C.R.S., AND SPECIFYING THE SCOPE
26 OF THAT CONTAMINATION. THE DEPARTMENT OF AGRICULTURE HAS SOLE
27 DISCRETION TO DETERMINE WHAT TESTING AND INVESTIGATION IS
28 SUFFICIENT TO DETERMINE CONTAMINATION AND SCOPE OF
29 CONTAMINATION FOR PURPOSES OF THIS SECTION.

30 (E) FOLLOWING THE ISSUANCE OF A CONTAMINATION FINDING AS
31 SET FORTH IN SUB-SUBPARAGRAPH (D) OF THIS SUBPARAGRAPH (V), THE
32 STATE LICENSING AUTHORITY SHALL, IN ADDITION TO ANY OTHER
33 ENFORCEMENT ACTION AUTHORIZED BY LAW, PROMPTLY ISSUE AN ORDER
34 OF DESTRUCTION OF CONTAMINATED MEDICAL MARIJUANA AND MEDICAL
35 MARIJUANA-INFUSED PRODUCT. THE STATE LICENSING AUTHORITY SHALL
36 EXECUTE THE ORDER OF DESTRUCTION UNLESS, WITHIN FOURTEEN DAYS
37 AFTER THE ISSUANCE OF THE ORDER, THE LICENSEE FILES AN EMERGENCY
38 PETITION TO PREVENT THE DESTRUCTION WITH THE DISTRICT COURT FOR
39 THE CITY AND COUNTY OF DENVER, WHICH THE LICENSEE SHALL SERVE ON
40 THE STATE LICENSING AUTHORITY AND THE ATTORNEY GENERAL IN
41 ACCORDANCE WITH THE RULES OF CIVIL PROCEDURE. IN ANY SUCH

1 PROCEEDING, THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE
2 TESTIMONY WITH RESPECT TO ALL ASPECTS OF PROCEDURES USED TO
3 DETERMINE THE SCOPE OF CONTAMINATION. THE DISTRICT COURT SHALL
4 EXPEDITE RESOLUTION OF SUCH PETITIONS TO THE EXTENT PRACTICABLE.

5 (F) UPON A FINDING BY THE DEPARTMENT OF AGRICULTURE OF A
6 VIOLATION OF THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF TITLE
7 35, C.R.S., THE STATE LICENSING AUTHORITY SHALL PROMPTLY INITIATE
8 AN ENFORCEMENT ACTION, WHICH MAY INCLUDE ANY ACTION
9 AUTHORIZED BY LAW.

10 (G) IF THE TESTING RESULTING IN THE ADMINISTRATIVE HOLD WAS
11 PERFORMED BY A MEDICAL MARIJUANA TESTING FACILITY LICENSED AND
12 CERTIFIED TO TEST FOR PESTICIDES, THE LICENSEE MAY PETITION THE
13 STATE LICENSING AUTHORITY FOR AUTHORIZATION TO PROVIDE THE
14 SAMPLE FOR FURTHER TESTING BY A MEDICAL MARIJUANA TESTING
15 FACILITY THAT IS LICENSED AND CERTIFIED TO TEST FOR PESTICIDES, AND
16 THE ADMINISTRATIVE HOLD CONTINUES UNTIL THE STATE LICENSING
17 AUTHORITY DETERMINES THAT FURTHER ADMINISTRATIVE HOLD IS NOT
18 WARRANTED, OR THE CONCLUSION OF THE RESULTING STATE LICENSING
19 AUTHORITY ENFORCEMENT ACTION, WHICH SHALL BE PROMPTLY
20 INSTITUTED. SUCH ENFORCEMENT ACTIONS MAY INCLUDE ANY ACTION
21 AUTHORIZED BY LAW, SUCH AS A DISCIPLINARY ACTION PURSUANT TO
22 ARTICLE 4 OF TITLE 24, C.R.S., AND THE FILING OF A PETITION FOR AN
23 ADMINISTRATIVE WARRANT AND ORDER OF DESTRUCTION OF
24 CONTAMINATED MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED
25 PRODUCT IN DISTRICT COURT."

26 Page 4, line 4, strike "(H)" and substitute "(A.3), (3) (a) (IV) (A.7), (3) (a)
27 (IV) (C.1), (3) (a) (IV) (C.2), (3) (a) (IV) (C.3), (3) (a) (IV) (C.4), (3) (a)
28 (IV) (C.5), (3) (a) (IV) (C.6), and (3) (a) (IV) (C.7)".

29 Page 4, line 13, after the comma insert "and to".

30 Page 4, line 15, strike everything after "THE" and substitute "STATE
31 LICENSING AUTHORITY RULES;".

32 Page 4, strike lines 16 and 17 and substitute:

33 "(A.3) A REQUIREMENT THAT LICENSEES TO UNDERGO TESTING TO
34 ENSURE, AT A MINIMUM, THAT MARIJUANA AND MARIJUANA PRODUCTS
35 SOLD FOR HUMAN CONSUMPTION DO NOT CONTAIN ANY PESTICIDE THAT IS
36 NOT AUTHORIZED BY DEPARTMENT OF AGRICULTURE RULES ADOPTED



1 PURSUANT TO SECTION 24-20-112 (1), C.R.S.;

2 (A.7) A REQUIREMENT THAT LICENSEES ensure correct labeling."

3 Page 4, line 18, after "results" insert "FROM EITHER A MARIJUANA TESTING
4 FACILITY LICENSED AND CERTIFIED TO TEST FOR PESTICIDES OR THE
5 DEPARTMENT OF AGRICULTURE LABORATORY".

6 Page 4, strike lines 19 through 27.

7 Page 5, strike lines 1 through 15 and substitute "quantities of any
8 substance determined to be injurious to health ~~such products shall be~~
9 ~~immediately quarantined and immediate notification to the marijuana~~
10 ~~enforcement division shall be made. The adulterated product shall be~~
11 ~~documented and properly destroyed~~ AS DETERMINED BY THE DEPARTMENT
12 OF PUBLIC HEALTH AND ENVIRONMENT AND SET FORTH IN STATE
13 LICENSING AUTHORITY RULES, OR THE PRESENCE OF PESTICIDES THAT ARE
14 NOT AUTHORIZED BY THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF
15 TITLE 35, C.R.S., AND DEPARTMENT OF AGRICULTURE RULES ADOPTED
16 PURSUANT TO SECTION 24-20-112 (1), C.R.S., THE MARIJUANA AND
17 MARIJUANA PRODUCTS SHALL BE PRESUMED TO BE CONTAMINATED, AND
18 THE LICENSEE AND STATE LICENSING AUTHORITY ARE GOVERNED BY
19 SUB-SUBPARAGRAPHS (C.1) TO (C.7) OF THIS SUBPARAGRAPH (IV).

20 (C.1) THE LICENSEE SHALL IMMEDIATELY QUARANTINE THE
21 CONTAMINATED MARIJUANA AND MARIJUANA PRODUCTS AND NOTIFY THE
22 STATE LICENSING AUTHORITY.

23 (C.2) THE STATE LICENSING AUTHORITY MAY IMMEDIATELY ORDER
24 AN ADMINISTRATIVE HOLD OF THE CONTAMINATED MARIJUANA AND
25 MARIJUANA PRODUCTS.

26 (C.3) THE LICENSEE MAY VOLUNTARILY DESTROY THE
27 CONTAMINATED MARIJUANA AND MARIJUANA PRODUCTS IN ACCORDANCE
28 WITH PROCEDURES SET FORTH IN STATE LICENSING AUTHORITY RULES.

29 (C.4) IF THE TESTING RESULTING IN THE ADMINISTRATIVE HOLD
30 WAS PERFORMED BY THE DEPARTMENT OF AGRICULTURE AND THE
31 LICENSEE HAS NOT VOLUNTARILY DESTROYED ALL CONTAMINATED
32 MARIJUANA AND MARIJUANA PRODUCTS IN ACCORDANCE WITH STATE
33 LICENSING AUTHORITY RULES, THE ADMINISTRATIVE HOLD CONTINUES
34 UNTIL THE DEPARTMENT OF AGRICULTURE NOTIFIES THE STATE LICENSING
35 AUTHORITY THAT NO CONTAMINATION WAS FOUND, FOLLOWING WHICH
36 THE STATE LICENSING AUTHORITY SHALL PROMPTLY LIFT ANY
37 ADMINISTRATIVE HOLD THAT WAS IMPOSED BASED UPON DEPARTMENT OF
38 AGRICULTURE TESTING; OR THE DEPARTMENT OF AGRICULTURE NOTIFIES

1 THE STATE LICENSING AUTHORITY THAT THE COMMISSIONER OF THE
2 DEPARTMENT OF AGRICULTURE HAS ISSUED A FINDING THAT THE
3 MARIJUANA AND MARIJUANA PRODUCT IS CONTAMINATED WITH ONE OR
4 MORE PESTICIDE PRODUCTS, THE USE OF WHICH ON MARIJUANA IS
5 PROHIBITED UNDER THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF
6 TITLE 35, C.R.S., AND RULES OF THE DEPARTMENT OF AGRICULTURE
7 ADOPTED PURSUANT TO SECTION 24-20-112 (1), C.R.S., AND SPECIFYING
8 THE SCOPE OF THAT CONTAMINATION. THE DEPARTMENT OF AGRICULTURE
9 HAS SOLE DISCRETION TO DETERMINE WHAT TESTING AND INVESTIGATION
10 IS SUFFICIENT TO DETERMINE CONTAMINATION AND SCOPE OF
11 CONTAMINATION FOR PURPOSES OF THIS SECTION.

12 (C.5) FOLLOWING THE ISSUANCE OF A CONTAMINATION FINDING AS
13 SET FORTH IN SUB-SUBPARAGRAPH (C.4) OF THIS SUBPARAGRAPH (IV), THE
14 STATE LICENSING AUTHORITY SHALL, IN ADDITION TO ANY OTHER
15 ENFORCEMENT ACTION AUTHORIZED BY LAW, PROMPTLY ISSUE AN ORDER
16 OF DESTRUCTION OF CONTAMINATED MARIJUANA AND MARIJUANA
17 PRODUCT. THE STATE LICENSING AUTHORITY SHALL EXECUTE THE ORDER
18 OF DESTRUCTION UNLESS, WITHIN FOURTEEN DAYS AFTER THE ISSUANCE
19 OF THE ORDER, THE LICENSEE FILES AN EMERGENCY PETITION TO PREVENT
20 THE DESTRUCTION WITH THE DISTRICT COURT FOR THE CITY AND COUNTY
21 OF DENVER, WHICH THE LICENSEE SHALL SERVE ON THE STATE LICENSING
22 AUTHORITY AND THE ATTORNEY GENERAL IN ACCORDANCE WITH THE
23 RULES OF CIVIL PROCEDURE. IN ANY SUCH PROCEEDING, THE DEPARTMENT
24 OF AGRICULTURE SHALL PROVIDE TESTIMONY WITH RESPECT TO ALL
25 ASPECTS OF PROCEDURES USED TO DETERMINE THE SCOPE OF
26 CONTAMINATION. THE DISTRICT COURT SHALL EXPEDITE RESOLUTION OF
27 SUCH PETITIONS TO THE EXTENT PRACTICABLE.

28 (C.6) UPON A FINDING BY THE DEPARTMENT OF AGRICULTURE OF
29 A VIOLATION OF THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF TITLE
30 35, C.R.S., THE STATE LICENSING AUTHORITY SHALL PROMPTLY INITIATE
31 AN ENFORCEMENT ACTION, WHICH MAY INCLUDE ANY ACTION
32 AUTHORIZED BY LAW.

33 (C.7) IF THE TESTING RESULTING IN THE ADMINISTRATIVE HOLD
34 WAS PERFORMED BY A MARIJUANA TESTING FACILITY LICENSED AND
35 CERTIFIED TO TEST FOR PESTICIDES, THE LICENSEE MAY PETITION THE
36 STATE LICENSING AUTHORITY FOR AUTHORIZATION TO PROVIDE THE
37 SAMPLE FOR FURTHER TESTING BY A MARIJUANA TESTING FACILITY THAT
38 IS LICENSED AND CERTIFIED TO TEST FOR PESTICIDES, AND THE
39 ADMINISTRATIVE HOLD CONTINUES UNTIL THE STATE LICENSING
40 AUTHORITY DETERMINES THAT FURTHER ADMINISTRATIVE HOLD IS NOT
41 WARRANTED, OR THE CONCLUSION OF THE RESULTING STATE LICENSING



1 AUTHORITY ENFORCEMENT ACTION, WHICH SHALL BE PROMPTLY
2 INSTITUTED. SUCH ENFORCEMENT ACTIONS MAY INCLUDE ANY ACTION
3 AUTHORIZED BY LAW, SUCH AS A DISCIPLINARY ACTION PURSUANT TO
4 ARTICLE 4 OF TITLE 24, C.R.S., AND THE FILING OF A PETITION FOR AN
5 ADMINISTRATIVE WARRANT AND ORDER OF DESTRUCTION OF
6 CONTAMINATED MARIJUANA AND MARIJUANA PRODUCT IN DISTRICT
7 COURT."

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