

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 15-0648.01 Jerry Barry x4341

**SENATE BILL 15-136**

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**SENATE SPONSORSHIP**

**Hill,**

**HOUSE SPONSORSHIP**

**Pabon,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE LABELING OF RETAIL MARIJUANA PACKAGING.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Currently the department of revenue (department) is authorized to adopt rules concerning the labeling of retail marijuana and retail marijuana products (retail marijuana). The bill repeals this authority and establishes in statute information that is required to be on labels of packages of retail marijuana. One of the required items on a label is a quick response code or web site address that allows a consumer of retail marijuana access to additional specified information not contained on the label.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

The department is required as part of its seed-to-sale tracking system to create a web site for the additional information available to consumers of retail marijuana.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.4-402, **amend**  
3 (2) (a) and (5); and **add** (2.5) as follows:

4 **12-43.4-402. Retail marijuana store license - definitions -**  
5 **repeal.** (2) (a) Notwithstanding the provisions of this section, a retail  
6 marijuana store licensee may also sell retail marijuana products that are  
7 prepackaged ~~and labeled~~ as required by rules of the state licensing  
8 authority pursuant to section 12-43.4-202.

9 (2.5) ON AND AFTER SEPTEMBER 1, 2015, A RETAIL MARIJUANA  
10 STORE LICENSEE SHALL NOT SELL RETAIL MARIJUANA OR RETAIL  
11 MARIJUANA PRODUCTS UNLESS PACKAGING OF THE RETAIL MARIJUANA OR  
12 RETAIL MARIJUANA PRODUCT CONTAINS A LABEL OR LABELS THAT  
13 INCLUDE ONLY THE FOLLOWING INFORMATION:

14 (a) EXPIRATION DATE;

15 (b) INGREDIENT LIST THAT INCLUDES:

16 (I) SOLVENT LIST;

17 (II) INGREDIENTS;

18 (III) INFORMATION CONCERNING ANY ALLERGENS;

19 (IV) A STATEMENT TO "KEEP REFRIGERATED" IF PRODUCT  
20 REQUIRES REFRIGERATION;

21 (V) A WARNING STATEMENT THAT INCLUDES THE FOLLOWING  
22 WARNINGS:

23 (A) "THIS PRODUCT IS INFUSED WITH MARIJUANA.";

24 (B) "DO NOT OPERATE A VEHICLE OR HEAVY MACHINERY AFTER

1 CONSUMING.";

2 (C) "THIS PRODUCT MAY HAVE POSSIBLE RISKS TO WOMEN WHO

3 ARE PREGNANT OR BREASTFEEDING."; AND

4 (D) "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE

5 DELAYED BY TWO HOURS.";

6 (VI) THE PRODUCT NAME OR BRAND;

7 (VII) SERVING SIZE;

8 (VIII) THC AMOUNT IN MILLIGRAMS PER SERVING;

9 (IX) SERVINGS PER PACKAGE;

10 (X) NET WEIGHT;

11 (XI) THC AMOUNT IN MILLIGRAMS FOR PACKAGE TOTAL;

12 (XII) THE FOLLOWING WARNING STATEMENTS IN ONE-QUARTER

13 INCH, BOLD-FACED FONT: "KEEP OUT OF REACH AND SIGHT OF

14 CHILDREN." AND "KEEP PRODUCT IN ORIGINAL PACKAGING.";

15 (XIII) THE UNIVERSAL SYMBOL FOR MARIJUANA; AND

16 (XIV) A QUICK RESPONSE CODE OR WEB SITE ADDRESS THAT WILL

17 PROVIDE THE CONSUMER WITH ONLY THE FOLLOWING INFORMATION:

18 (A) CULTIVATION LICENSE NUMBER;

19 (B) PRODUCTION DATE;

20 (C) CANNABINOID PROFILE;

21 (D) MANUFACTURING PLANT LICENSE NUMBER;

22 (E) TESTING RESULTS; AND

23 (F) NUTRITIONAL FACTS.

24 (5) All retail marijuana and retail marijuana products sold at a

25 licensed retail marijuana store shall be packaged ~~and labeled~~ as required

26 by rules of the state licensing authority pursuant to section 12-43.4-202.

27 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-404, **amend**

1 (8) as follows:

2 **12-43.4-404. Retail marijuana products manufacturing license**

3 - **repeal.** (8) A licensed retail marijuana products manufacturer shall  
4 package ~~and label~~ each product manufactured as required by rules of the  
5 state licensing authority pursuant to section 12-43.4-202.

6 **SECTION 3.** In Colorado Revised Statutes, 12-43.4-202, **amend**  
7 (1) and (3) (c) (V); and **repeal** (3) (a) (VII), (3) (c) (VI), and (3) (c.5) as  
8 follows:

9 **12-43.4-202. Powers and duties of state licensing authority -**  
10 **rules.** (1) (a) The state licensing authority shall develop and maintain a  
11 seed-to-sale tracking system that tracks retail marijuana from either seed  
12 or immature plant stage until the marijuana or retail marijuana product is  
13 sold to a customer at a retail marijuana store to ensure that no marijuana  
14 grown or processed by a retail marijuana establishment is sold or  
15 otherwise transferred except by a retail marijuana store.

16 (b) BY SEPTEMBER 1, 2015, THE STATE LICENSING AUTHORITY  
17 SHALL ESTABLISH IN THE SEED-TO-SALE TRACKING SYSTEM DEVELOPED  
18 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), OR CONTRACT FOR  
19 THE ESTABLISHMENT OF, A WEB SITE THAT WILL ALLOW A PURCHASER OF  
20 RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS TO ACCESS  
21 INFORMATION CONCERNING THE RETAIL MARIJUANA OR RETAIL  
22 MARIJUANA PRODUCT THAT THE PERSON PURCHASED AS REQUIRED  
23 PURSUANT TO SECTION 12-43.4-202 (2.5).

24 (3) (a) Rules promulgated pursuant to paragraph (b) of subsection  
25 (2) of this section must include, but need not be limited to, the following  
26 subjects:

27 (VII) ~~Labeling requirements for retail marijuana and retail~~

1 ~~marijuana products sold by a retail marijuana establishment that are at~~  
2 ~~least as stringent as imposed by section 25-4-1614 (3) (a), C.R.S., and~~  
3 ~~include but are not limited to:~~

4 ~~(A) The license number of the retail marijuana cultivation license;~~

5 ~~(B) The license number of the retail marijuana store;~~

6 ~~(C) An identity statement and standardized graphic symbol;~~

7 ~~(D) The batch number;~~

8 ~~(E) A net weight statement;~~

9 ~~(F) THC potency and the potency of such other cannabinoids or~~  
10 ~~other chemicals, including but not limited to CBD, as determined relevant~~  
11 ~~by the state licensing authority;~~

12 ~~(G) A list of the nonorganic pesticides, fungicides, herbicides, and~~  
13 ~~solvents used during cultivation or production;~~

14 ~~(H) A statement to the effect of: "This product contains marijuana~~  
15 ~~and was cultivated or produced without regulatory oversight for health,~~  
16 ~~safety, or efficacy, and there may be health risks associated with the~~  
17 ~~consumption of the product.";~~

18 ~~(I) Warning labels;~~

19 ~~(J) Solvents used in the extraction process;~~

20 ~~(K) Amount of THC per serving and the number of servings per~~  
21 ~~package for marijuana products;~~

22 ~~(L) A list of ingredients and possible allergens for retail marijuana~~  
23 ~~products;~~

24 ~~(M) A recommended use by or expiration date for retail marijuana~~  
25 ~~products;~~

26 ~~(N) A nutritional fact panel for edible marijuana products; and~~

27 ~~(O) A universal symbol indicating the package contains~~

1 marijuana;

2 (c) Rules promulgated pursuant to paragraph (b) of subsection (2)  
3 of this section must also include the following subjects, and the state  
4 licensing authority may seek the assistance of the department of public  
5 health and environment when necessary before promulgating the rules:

6 (V) A standardized marijuana serving size amount for edible retail  
7 marijuana products that does not contain more than ten milligrams of  
8 active THC designed only to provide consumers with information about  
9 the total number of servings of active THC in a particular retail marijuana  
10 product, not as a limitation on the total amount of THC in any particular  
11 item, ~~labeling requirements regarding servings for edible retail marijuana~~  
12 ~~products~~; and limitations on the total amount of active THC in a sealed  
13 internal package that is no more than one hundred milligrams of active  
14 THC;

15 (VI) ~~Labeling guidelines concerning the total content of THC per~~  
16 ~~unit of weight;~~

17 (c.5) ~~(f) Pursuant to the authority granted in paragraph (b) of~~  
18 ~~subsection (2) of this section, on or before January 1, 2016, the state~~  
19 ~~licensing authority shall promulgate rules requiring that edible retail~~  
20 ~~marijuana products be clearly identifiable, when practicable, with a~~  
21 ~~standard symbol indicating that it contains marijuana and is not for~~  
22 ~~consumption by children. The symbols promulgated by rule of the state~~  
23 ~~licensing authority must not appropriate signs or symbols associated with~~  
24 ~~another Colorado business or industry.~~

25 ~~(H) On or before August 1, 2014, the state licensing authority~~  
26 ~~shall convene a stakeholders group, including but not limited to~~  
27 ~~representatives of the department of public health and environment, retail~~

1 ~~marijuana store licensees, retail marijuana products manufacturers~~  
2 ~~licensees, child abuse prevention experts, and advocates for children's~~  
3 ~~health, to make recommendations for rules on how edible retail marijuana~~  
4 ~~products can be clearly identifiable, when practicable, to indicate that it~~  
5 ~~contains marijuana, is not for consumption by children, and is safe for~~  
6 ~~consumers. Prior to February 1, 2015, the state licensing authority shall~~  
7 ~~report its findings to the health and human services committee of the~~  
8 ~~senate and the health insurance and environment committee of the house~~  
9 ~~of representatives, or any successor committees.~~

10           **SECTION 4. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2016 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.