



COLORADO

Department of Revenue

Specialized Business Group—Marijuana

May 14, 2021

Re: Industry-Wide Bulletin 21-07 - Industrial Hemp Product (Production/Use of Chemically Modified or Synthetically Derived THC Isomers from Industrial Hemp Precursors)

Dear Stakeholders:

The Marijuana Enforcement Division (Division) is providing clarification to licensees regarding the production or use of chemically modified or synthetically derived tetrahydrocannabinol (THC) isomers (including Delta-8, Delta-9, and Delta-10-THC) originating from Industrial Hemp precursors such as CBD isolate. This is an initial communication in response to numerous inquiries the Division has received. While we acknowledge this communication may not answer all outstanding questions, it is responsive to many inquiries we've received on this subject. We are continuing to gather information and engage with stakeholders to examine these complex matters further. Forums for such discussions include the [Science & Policy Workgroup](#), which the Division facilitates in partnership with the Colorado Department of Public Health & Environment.

Use of Industrial Hemp Product as an Ingredient

Authority:

44-10-503(5)(b)(I), 44-10-603(11)(a), 44-10-503(1)(a) & (2), 44-10-603(1)(a) & (2) C.R.S.

Medical and Retail Marijuana Products Manufacturers are permitted to use Industrial Hemp Product as an ingredient in their medical or retail marijuana product. A Medical and Retail Marijuana Products Manufacturer's Licensed Premises must be used exclusively for the manufacturer and preparation of Medical and Retail Marijuana and Marijuana Products. Medical marijuana product means "a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures." 44-10-103(38), C.R.S. Retail marijuana product is "concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures." 44-10-103(61), C.R.S., and Colo. Const. Art. XVIII, S 16 P(1)(k).

- Industrial Hemp Product is **not permitted** to be further processed or extracted either before or after inclusion in a marijuana product by a Medical or Retail Marijuana Products Manufacturer. This prohibition includes any process that converts an Industrial Hemp Product, such as CBD isolate, into delta-9, delta-8, delta-10-THC, or other tetrahydrocannabinol isomers or functional analogs.
- Before taking possession of the Industrial Hemp Product, the Medical or Retail Marijuana Product Manufacturer must verify the Industrial Hemp Product passed all required tests, including but not limited to potency testing, to ensure the product contains no more than 0.3% delta-9 THC on a dry weight basis. If the Industrial Hemp Product contains more

than 0.3% delta-9 THC on a dry weight basis, it is not an Industrial Hemp Product and is not a permissible ingredient.

Use of Solvents (Rules 5-315, 6-315)

Medical and Retail Marijuana Products Manufacturers are limited to using only the approved solvents in Rule 5-315 and 6-315 when producing a Solvent-Based Concentrate. The approved list includes butane, propane, CO₂, ethanol, isopropanol, acetone, heptane, ethyl acetate, and pentane. The use of any other solvent not approved by the Division is expressly prohibited.

- The use of acids, bases, catalysts, or other unapproved reagents to extract, isolate, or convert cannabidiols, tetrahydrocannabinols, or other cannabinoids is **not permitted**.

As noted in the introductory paragraph of this Bulletin, the Division is aware that this communication may not answer all outstanding questions. We are continuing to engage with stakeholders on this matter. The Division intends to use forums such as the [Science & Policy Workgroup](#) to further explore these and related matters, which may include opportunities to examine potentially compliant methods to produce marijuana-derived Delta-8 THC products, potency testing, and Total THC labeling impacts.