COLORADO
Department of Revenue
Marijuana Enforcement Division

CULTIVATION, MANUFACTURING, AND TESTING STANDARDS

MED Rulemaking Work Group # 1

August 31, 2023 | 2:00 - 5:00 pm

Agenda & Discussion Topics / Questions

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I. Welcome & Introductions

Proposed Rule Revisions Presentation & Discussion

II. Decontamination

- *Rule 3-320 (pp. 5-7)*
- *Additional references and changes - Rule 3-330 (p. 9); Rule 3-810 (p. 20)*

Discussion Topics / Questions:

1. Do any of the methods proposed introduce occupational or product safety concerns that should be flagged for discussion or otherwise addressed through proposed redlines?
2. Are there additional safety requirements that should be required for any of the methods proposed?
3. Do the proposed redlines adequately address concerns regarding the uniform treatment of Harvest Batches? Are there recommendations for additional language to ensure uniform treatment of Harvest Batches?
4. Should products that have been subject to decontamination following a failed test have any additional testing requirements such as potency because of potential impacts from the method?
5. Should products that have been subject to decontamination be required to include additional labeling?

Public Comment

III. Reduced Testing Allowance

- *Rule 3-330 (pp. 9-10)*
- *Rule 4-120 (pp. 67-68)*

Discussion Topics / Questions:

1. Are there specific standards that are publicly available and measurable against that can assist both licensees and the Division in encouraging product safety when licensees are operating with a Reduced Testing Allowance?
2. Incorporation by reference challenges (*see* § 24-4-103(12.5), C.R.S.) for rules to incorporate third-party standards.

Additional Resources:

- Audit Checklist

Public Comment

IV. SB 23-271 Implementation

- Authorized Sources / Transfers of Seeds, Immature Plants, Genetic Material
  - *License Privileges for Regulated Marijuana Cultivation Facilities - Rules 5-205 (p. 77-78), 6-205 (p. 101-102), 6-705 (p. 119-120)*
  - *License Privileges for Retail Marijuana Testing Facilities - Rule 6-405 (p. 106)*
  - *Additional references and changes:*
    - *Rule 1-115 (pp. 1-3) - Definitions*
    - *Rules 3-810 & 3-825 (pp. 20-21) - Tracking Requirements*
    - *Rule 3-905 (p. 25) - Record Keeping*
    - *Rule 3-1005 (p. 29) - Packaging & Labeling*
- Semi-synthetic & synthetic cannabinoid production (*see Discussion Topics / Questions*)

Discussion Topics / Questions:

The Division is considering rule revisions related to semi-synthetic and synthetic cannabinoid production, as permitted or prohibited under the authority granted in SB 23-271. The Division continues to evaluate how the new terms in SB 23-271 (semi-synthetic cannabinoid, synthetic cannabinoid, intoxicating cannabinoids, and tetrahydrocannabinol) interact and what impact that may have on rules. Additionally, in considering whether or not to allow semi-synthetic or synthetic cannabinoid production, the Division has the following questions:

1. What are the range of semi-synthetic or synthetic cannabinoids that regulated marijuana products manufacturers are interested in producing?
2. Is there data on demand for these products derived from marijuana?
3. What are the scope of risks that we can anticipate if manufacturers are allowed to produce semi-synthetic cannabinoids? Synthetic cannabinoids?
4. What public health and safety considerations (consumer, occupational, environmental, hazardous waste, etcetera) should any rules that allow or prohibit production of semi-synthetic or synthetic cannabinoids cover?
5. What additional testing requirements should be included in rule if the State Licensing Authority adopts rules that allow manufacturers to produce semi-synthetic cannabinoids? Synthetic cannabinoids?

Additional Resources:

- Senate Bill 23-271

Public Comment

V. Wrap-Up & Next Steps

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Work Group Chairs:

- Kyle Lambert, Deputy Senior Director, CDOR MED
- Dominique Mendiola, Senior Director, CDOR MED
- Allison Robinette, Director of Policy and Regulatory Affairs, CDOR MED

Work Group Participants:

Truman Bradley, Marijuana Industry Group	Henny Lasley, One Chance to Grow Up
Bia Campbell, VS Strategies	Jeff Lawrence, CDPHE
Henry Clark, Snaxland	Jason Mac Donald, Native Roots
Jessica Davis, Denver Department of Public Health and Environment	Colleen Morey, Governor's Office
Mike Erdman, Mile High Suckers	Colin Mudd, Konope Consulting
Kevin Gallagher, Colorado Cannabis Manufacturers Association	Reginald Nubine, Denver City Attorney's Office
Stephen Goldman, Kaycha Labs	Daniel Plottel, Mission Holdings d/b/a NFuzed
Mike Hennesy, Wana Brands	Ean Seeb, Governor's Office
Terrence Hewing, Monstera Melts	Brenda Verghese, Stratos
Brian Higgins, Happy Plants Farms & Happy Plants Extracts	Jarell Wall, Gentleman Quinns, LLC
Heather Krug, Lab Sciences Manager, CDPHE	Jeremy Wilburn, PharmaCann/LivWell Enlightened Health

Additional Information:

- Work group meetings are open to the public and all interested parties can take an active role in the rulemaking process by attending the work group meeting, offering oral comment during the public comment portion of the meetings, and by submitting written comments on proposed rules.
- This work group meeting will be held in-person (limited space) at the Department of Revenue, 1707 Cole Blvd. Ste. 300, Lakewood, CO 80401. Interested parties can also join virtually by Zoom:

  Join Zoom Meeting: https://us02web.zoom.us/j/86115519267
  Call in option: 719-0359-4580
  Meeting Id: 861 1551 92

- The Division may elect to take breaks during the meeting and/or end the meeting before 5:00 pm if there is no further work group discussion or public comments.
- If you are interested in providing public comment please make sure to sign-in (link will be provided at the beginning of the meeting)