



Compliance Tip

October 11, 2023

Topic: Pre-Harvest Marijuana Guidance

[Applicable Rules:](#) 3-230, 3-336, 3-805, 4-100 series, 5-210, and 6-210

The Colorado Department of Revenue’s Marijuana Enforcement Division (MED) is issuing this Guidance to Licensees regarding commonly seen issues at cultivation facilities when preparing to harvest plants.

Be prepared to compliantly harvest plants and report the activity in the Inventory Tracking System (Metrc). Have a well-designed plan and a thorough Standard Operating Procedure that all employees are trained to in order to ensure efficient and compliant processes.

Metrc Considerations:

- Ensure Metrc accounts are entirely up to date and accurate before the harvest season begins. Non-compliance will snowball quickly if new entries are made to out-of-date or inaccurate Metrc accounts.
- Organize plant tags in Metrc by utilizing the “Location” column in Metrc to describe where on the licensed premises each individual plant is located. This will allow for efficient reporting of harvested plants by “Location” in Metrc.
- Determine and document in a Standard Operating Procedure how plants will be cut down, how they will be weighed, where the tag and weight information will be recorded, and how it will be entered into Metrc in a timely fashion.
- If using logs or spreadsheets to record information, ensure to capture all needed Metrc fields for compliant recording in those documents.
- All harvests should be strain-specific, so a “multi-strain” harvest in Metrc would have to be resolved quickly by either discontinuing the harvest or contacting Metrc for the best resolution options. Multi-strain harvests should not be transferred or tested.

Physical Inventory Considerations:

- Have a plan for separating and distinguishing each Harvest Batch onsite. Keep plant tags with drying plants and clearly label the batch of plants with the Harvest Batch name as it appears in Metrc within the area where the plants will dry and cure.
- Determine and document in Standard Operating Procedures how the plants will be cured and trimmed. Have Waste Logs organized and readily accessible to document what is waste from each Harvest Batch.
- A Standard Operating Procedure must exist for each type of process within the facility. For example, if flower and trim will be separated and treated differently post-harvest, each process

must have its own Standard Operating Procedure. In that case, a separate Test Batch will be required for each process, even if they are from the same Harvest Batch.

Testing Considerations:

- It is unlawful for a Licensee or its agent to knowingly adulterate or alter, or attempt to adulterate or alter, any Test Batches of Regulated Marijuana.
- Marijuana must be in its final form prior to testing. Final form is defined by the business' Standard Operating Procedures. For example, marijuana that was tested as flower and/or shake/trim but is later rolled into marijuana joints or turned into water-based concentrate must be created through a Production Batch and tested again.
- At a minimum, two Designated Test Batch Collectors shall be involved in the collection of Test Batches such that at least one Designated Test Batch Collector is responsible for physically collecting the Test Batch and another Designated Test Batch Collector is responsible for reviewing documentation associated with the collection of Test Batches in a timely manner and prior to any Transfer of the Production Batch or Harvest Batch from which Test Batches were collected.
- A Designated Test Batch Collector must establish a Sample Plan consistent with the Regulated Marijuana Business's Standard Operating Procedure for Test Batch collection. At a minimum, a Sample Plan must include the following:
 - The date, amount or weight, and specific location for each Sample Increment collected;
 - Identification of and acknowledgments from all Designated Test Batch Collectors involved in the Sample Increment Collection; and
 - If applicable, the strain name(s) for each Harvest Batch from which Sample Increments are collected.
- Designated Test Batch Collectors must follow the [Marijuana Flower Sampling Procedure Resource](#) which includes guidance for representatively collecting Test Batches.
- In addition, licensees are encouraged to thoroughly review the following rules prior to beginning testing processes at the facility:
 - **Rule 4-115 - Sampling and Testing Program**
 - Establishes standard minimum weight of Test Batches
 - Establishes permissible level of contaminants
 - Discusses potency testing and potency variance
 - **Rule 4-120 – Contaminant Testing**
 - Defines how often contaminant testing should be conducted

- Defines how to obtain and maintain Reduced Testing Allowance for contaminants
- **Rule 4-125 - Potency Testing**
 - Defines potency testing and Reduced Testing Allowance, including homogeneity testing
 - Defines initial and ongoing potency testing
- **Rule 4-135- Contaminated and Failed Test Results**
 - Defines when marijuana should be quarantined
 - Defines when decontamination and/or remediation of marijuana is allowed
 - Defines the process for retesting the marijuana after decontamination

Corrective and Preventive Action:

- The Colorado Marijuana Rules require Regulated Marijuana Cultivations to have a Corrective Action and Preventive Action (CAPA) plan.
 - **Rule 5-210(D) and (E) and 6-210(D) and (E)**
 - Requires that Regulated Marijuana Cultivations shall establish and maintain written procedures for implementing Corrective Action and Preventive Action.
 - Defines a Licensee's responsibility in investigating root causes of Nonconformances and Identifying Actions needed to prevent a recurrence.
 - Requires a Regulated Marijuana Cultivation to report an Adverse Health Event pursuant to Rule 3-920.

Recall of Regulated Marijuana:

- Rule 3-336 explains that Licensees may voluntarily initiate a recall at any time or a recall may be initiated at the request of the Division. When a recall plan is initiated, there are several requirements that must be satisfied. A recall plan shall include:
 - A record of all complaints it receives regarding the quality of Regulated Marijuana that has any potential negative impact on health or regarding an adverse reaction.
 - A process for identifying affected Regulated Marijuana subject to a recall.
 - Details on how the Licensee will issue notifications required by Rule 3-336. This includes notifications to other Licensees, to the Marijuana Enforcement Division, and to patients and consumers.
 - Efforts that will be undertaken by the Licensee for the removal of any affected Regulated Marijuana from commerce. This also includes plans on how this Regulated Marijuana will be disposed of and how the Licensee will determine if the recall has been effective.

Additional Resources for CAPA, Recalls, and Standard Operating Procedures:

- [Industry Bulletin 21-02](#): Reminder & Resources - CAPA, Recall and Sampling Rules
- [Guidance on CAPA Plans](#)

- [Guidance on Recall Plans](#)
- [Guidance on Standard Operating Procedures \(SOPs\)](#)

Training for Licensees:

New Business and Advanced Training for Metrc users is available online through [Metrc Learn](#):

- <https://support.metrc.com>
- support@metrc.com
- 1-877-566-6506