



2023 Legislation Summary

Department of Revenue, Marijuana Enforcement Division

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REGULATED MARIJUANA LEGISLATION

HB 23-1021 Embargo and Destroy Marijuana (Petition Clause)

Signed March 23, 2023

- ❖ The bill clarifies the State Licensing Authority's authority to issue an administrative hold on the movement of medical or retail marijuana pending an investigation into alleged violations of the Marijuana Code or Rules.
- ❖ The statute further authorizes the State Licensing Authority to embargo regulated marijuana when there are objective and reasonable grounds to believe that the health, safety, or welfare of the public imperatively requires emergency actions.
- ❖ Lastly, this new enforcement tool includes allowing the State Licensing Authority to order the destruction of embargoed regulated marijuana after notice and opportunity for a hearing.

Effective Date: August 8, 2023

HB 23-1279 Allow Retail Marijuana Online Sales (Petition Clause)

Signed June 1, 2023

- ❖ The bill removes the prohibition preventing a Retail Marijuana Store from accepting payment for retail marijuana over the internet.

Effective Date: August 8, 2023

SB 23-199 Marijuana License Applications and Renewals (Petition Clause)

Signed June 5, 2023

- ❖ The bill clarifies the State Licensing Authority's refund authority for licensing fees.
- ❖ The bill provides the State Licensing Authority the discretion to renew a Retail Marijuana Business License for a period of up to one year where the licensee has failed to obtain local licensure or approval within one year of the state license issuance.

Effective Date: August 8, 2023

SB 23-271 Intoxicating Cannabinoid Hemp and Marijuana (Safety Clause)

Signed June 7, 2023

- ❖ The bill classifies hemp- and marijuana-derived cannabinoids into three classifications:
 - Nonintoxicating cannabinoids;
 - Potentially intoxicating cannabinoids; and
 - Intoxicating cannabinoids.

And provides the Department of Public Health and Environment (CDPHE) and State Licensing Authority ability to promulgate rules to reclassify cannabinoids or compounds in accordance with the statutory requirements.

- ❖ The bill amends the definition of Hemp Product to provide:

Hemp Product means a finished product that contains hemp and that:

 - (I) Is a cosmetic, dietary supplement, a food, a food additive, or an herb;*
 - (II) Is intended for human use or consumption;*
 - (III) contains any part of the hemp plant, including naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, or resins;*
 - (IV) is produced from hemp;*
 - (V) contains no more than 1.75 milligrams of THC per serving; and*
 - (VI) contains a ratio of CBD to THC greater than or equal to fifteen to one.*

- ❖ The bill amends the CDPHE’s regulatory framework for hemp products and establishes a new framework for the registration of certain hemp products that are not permitted to be sold in Colorado, but may be manufactured in Colorado for export to other states (known in the bill as “safe harbor hemp products”). This amended and new authority includes:
 - The power to promulgate rules authorizing or prohibiting chemical modification, conversion, or synthetic derivation to create certain types of intoxicating cannabinoids;
 - Labeling and advertising requirements;
 - Production and testing requirements;
 - Inspection, record-keeping, and tracking requirements; and
 - Prohibiting the export of a safe harbor hemp product that is a synthetic cannabinoid or that is being exported to a state where such safe harbor hemp products are prohibited by state statute.
- ❖ The bill also amends the State Licensing Authority’s authority to promulgate rules, including:
 - The power to promulgate rules authorizing or prohibiting chemical modification, conversion, or synthetic derivation to create certain types of intoxicating cannabinoids;
 - Labeling and advertising requirements; and
 - Production and testing requirements.
- ❖ The bill prohibits the following acts within the regulated hemp product space (CDPHE regulatory framework):
 - Manufacturing, selling, or delivering products that contain intoxicating

- cannabinoids in excess of limits established by rule;
- Manufacturing a product containing hemp that is not a cosmetic, a dietary supplement, a food, a food additive, or an herb;
- Manufacturing, producing, selling, distributing, or holding for sale or distribution a safe harbor hemp product without registering with the department;
- Selling a hemp product with more than 1.25 mg THC per serving, and a ratio of CBD to THC of less than twenty to one in a container with more than five servings, unless the hemp product does not contain THC, is a tincture as defined in the bill, or is a cosmetic;
- Selling a hemp product with more than 1.25 mg THC per serving, and a ratio of CBD to THC of twenty to one or more in a container with more than thirty servings; or
- Selling a hemp product to an individual who is under twenty-one years of age if the hemp product either has a ratio of CBD to THC of less than twenty to one or more than 1.25 mg of THC unless the hemp product that does not contain THC, is a tincture as defined in the bill, or is a cosmetic.
- ❖ The bill now allows a regulated marijuana cultivation facility to bring in seeds, immature plants, and genetic material from additional entities outside the regulated marijuana space, in accordance with State Licensing Authority rules.
- ❖ Lastly, the bill requires the executive director of the department of revenue to analyze the feasibility of establishing a standing committee to evaluate cannabinoids and cannabis-derived products for the purpose of determining and making recommendations regarding their safety profiles and potential for intoxication. The department of revenue may engage experts to do this analysis.

Effective Date: Upon signature