

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-1034.01 Michael Dohr x4347

HOUSE BILL 16-1436

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A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON EDIBLE MARIJUANA PRODUCTS THAT**
102 **ARE SHAPED IN A MANNER TO ENTICE A CHILD.**

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>.)

The bill requires the state marijuana licensing authority to promulgate rules that prohibit the production and sale of edible marijuana products that resemble the form of a human, animal, or fruit.

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

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.

SENATE
3rd Reading Unamended
May 5, 2016

SENATE
2nd Reading Unamended
May 4, 2016

HOUSE
3rd Reading Unamended
April 27, 2016

HOUSE
Amended 2nd Reading
April 22, 2016

1 **SECTION 1.** In Colorado Revised Statutes, 12-43.3-202, **add**
2 (2.5) (a) (II) as follows:

3 **12-43.3-202. Powers and duties of state licensing authority -**
4 **rules.** (2.5) (a) Rules promulgated pursuant to paragraph (b) of
5 subsection (1) of this section must include, but need not be limited to, the
6 following subjects:

7 (II) (A) A PROHIBITION ON THE PRODUCTION AND SALE OF EDIBLE
8 MEDICAL MARIJUANA-INFUSED PRODUCTS THAT ARE IN THE DISTINCT
9 SHAPE OF A HUMAN, ANIMAL, OR FRUIT. GEOMETRIC SHAPES AND
10 PRODUCTS THAT ARE SIMPLY FRUIT FLAVORED ARE NOT CONSIDERED
11 FRUIT. PRODUCTS IN THE SHAPE OF A MARIJUANA LEAF ARE PERMISSIBLE.
12 NOTHING IN THIS SUBPARAGRAPH (II) APPLIES TO A COMPANY LOGO.

13 (B) THE RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH
14 (II) SHALL TAKE EFFECT ON OCTOBER 1, 2017.

15 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-202, **amend**
16 (3) (c) (VII) and (3) (c) (VIII); and **add** (3) (c) (IX) as follows:

17 **12-43.4-202. Powers and duties of state licensing authority -**
18 **rules.** (3) (c) Rules promulgated pursuant to paragraph (b) of subsection
19 (2) of this section must also include the following subjects, and the state
20 licensing authority may seek the assistance of the department of public
21 health and environment when necessary before promulgating the rules:

22 (VII) Prohibition or regulation of additives to any retail marijuana
23 product, including but not limited to those that are toxic, designed to
24 make the product more addictive, designed to make the product more
25 appealing to children, or misleading to consumers, but not including
26 common baking and cooking items; and

27 (VIII) Permission for a local fire department to conduct an annual

1 fire inspection of a retail marijuana cultivation facility; AND

2 (IX) (A) A PROHIBITION ON THE PRODUCTION AND SALE OF EDIBLE
3 RETAIL MARIJUANA PRODUCTS THAT ARE IN THE DISTINCT SHAPE OF A
4 HUMAN, ANIMAL, OR FRUIT. GEOMETRIC SHAPES AND PRODUCTS THAT ARE
5 SIMPLY FRUIT FLAVORED ARE NOT CONSIDERED FRUIT. PRODUCTS IN THE
6 SHAPE OF A MARIJUANA LEAF ARE PERMISSIBLE. NOTHING IN THIS
7 SUBPARAGRAPH (IX) APPLIES TO A COMPANY LOGO.

8 (B) THE RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH
9 (IX) SHALL TAKE EFFECT ON OCTOBER 1, 2017.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.