



Legislative Council Staff

Research Note

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Bill Number

House Bill 16-1079

Sponsors

***Representatives Becker K. &
Singer
Senator Steadman***

Short Title

***Pesticide-free Cannabis
Certification Program***

Research Analyst

Anne Wallace (x4364)

Status

The bill was postponed indefinitely by the Senate Business, Labor and Technology Committee on May 3, 2016.

Summary

This bill directs the Commissioner of Agriculture to promulgate rules, in consultation with the Marijuana Enforcement Division (MED) in the Department of Revenue (DOR), for a program to enable consumers to identify organic retail and medical marijuana. The Colorado Department of Agriculture (CDA) will certify third parties that can determine whether the marijuana that is cultivated or processed at a particular licensed premises is organic. In addition, this bill allows marijuana product labels to include a standardized notification that the marijuana has been certified as being organic.

The bill exempts licensed premises that are certified as organic from testing for pesticides. A licensed premises that is certified organic under this bill cannot use the organic seal established by the United States Department of Agriculture (USDA) or imply any association with the USDA organic certification program. The CDA must inspect at least 15 percent of certified organic premises annually.

The program cannot begin accepting applications until the CDA identifies pesticides that may be used on medical and retail marijuana and the DOR has established the contaminant testing and certification program for retail marijuana. The CDA may seek, accept, and expend gifts, grants, or donations from private or public sources for the certification program and set and collect fees to authorize a certified.

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Background

The MED is responsible for promulgating medical and retail marijuana regulations, including licensing of marijuana stores, centers, cultivation operations, and products manufacturers, labeling and packaging requirements, and diversion prevention. The Colorado Retail Marijuana Code requires that retail marijuana and marijuana products undergo testing for pesticides in a licensed retail marijuana testing facility. The Colorado Medical Marijuana Code requires testing for contaminants that are injurious to health. Currently, the MED is unable to enforce the mandatory testing requirements for pesticides because there are no standards for certifying marijuana testing facilities to test for pesticides. In November 2015, Governor John Hickenlooper issued a Statewide Marijuana Pesticides Policy Statement that allows certain pesticides that are registered with the CDA to be used in accordance with label directions for the cultivation of marijuana in Colorado.

The CDA has the authority to certify crop, wild crop, process handling, and livestock categories as U.S. Department of Agriculture (USDA)-certified Organic. The USDA also authorizes private certification agents. Because marijuana is illegal under federal law and federal law governs whether a product can be labeled as organic, marijuana cannot be labeled as organic.

House Action

House Public Health Care and Human Services Committee (February 19, 2016). At the hearing, representatives from 36 Solutions, the Southern Colorado Cannabis Council, and Industrial Hemp Colorado testified in support of the bill. Representatives from Smart Colorado, the Rocky Mountain Caregivers Cooperative, and the Colorado Coalition for Patients and Caregivers testified in opposition to the bill. A representative from the Colorado Department of Agriculture responded to questions about the bill. The committee adopted amendment L.002 and referred the bill, as amended, to the House Finance Committee. Amendment L.002:

- changed the language in the bill from pesticide-free to organic throughout;
- defined organic and cannabis;
- removed industrial hemp from the provisions of the bill;
- prohibited the use of the USDA organic seal by organic cannabis suppliers or on organic cannabis products; and
- added additional procedural guidelines related to the establishment of the program.

House Finance Committee (March 2, 2016). At the hearing, a member of the public testified in support of the bill. A representative from Smart Colorado testified in opposition to the bill. The committee referred the bill to the House Appropriations Committee with no amendments.

House Appropriations Committee (April 22, 2016). At the hearing, the committee adopted amendment L.007 and amendment J.002, and referred the bill, as amended, to the House Committee of the Whole. Amendment L.007 clarified the fee that the CDA may charge to authorize an organic marijuana certifier and clarified that the funding received by the CDA to implement the certification program be credited to the Marijuana Cash Fund. Amendment J.002 added an appropriation clause to the bill.

House second reading (April 22, 2016). The House adopted the House Public Health Care and Human Services and Appropriations committee reports and passed the bill on second reading with no amendments.

House third reading (April 25, 2016). The House passed the bill on third reading with no amendments.

Senate Action

Senate Business, Labor and Technology Committee (May 3, 2016). At the hearing, representatives from 36 Solutions, Southern Colorado Cannabis Council, Organic Cannabis Association, and the Colorado Cannabis Chamber of Commerce testified in support of the bill. A representative from Smart Colorado testified in opposition to the bill, and a representative from the CDA responded to questions about the bill. The committee postponed the bill indefinitely.