

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 19, 2016

Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB16-1079 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 2, line 10, strike "BEING PESTICIDE-FREE" and
- 2 substitute "ORGANIC".
- 3 Page 2, line 12, after "(a)" insert "(IV) (B) and (3) (a)".
- 4 Page 2, after line 16 insert:
5 "(IV) (B) Testing ~~shall~~ MUST include, but IS not ~~be~~ limited to,
- 6 analysis for residual solvents, poisons, or toxins; harmful chemicals;
- 7 dangerous molds or mildew; filth; and harmful microbials such as E. Coli
- 8 or salmonella and pesticides; EXCEPT THAT A LICENSED PREMISES THAT IS
- 9 CERTIFIED AS ORGANIC PURSUANT TO PART 2 OF ARTICLE 11.5 OF TITLE 35,
- 10 C.R.S., IS EXEMPT FROM TESTING FOR PESTICIDES."
- 11 Page 2, line 21, strike "MEDICAL".
- 12 Page 2, line 22, strike "BEING PESTICIDE-FREE" and substitute "ORGANIC".
- 13 Page 3, line 5, strike "PESTICIDE-FREE" and substitute "ORGANIC".
- 14 Page 3, line 6, strike "**pesticide-free**" and substitute "**organic**".
- 15 Page 3, strike lines 8 through 12 and substitute "EASILY IDENTIFY
- 16 CANNABIS THAT IS ORGANIC."

1 Page 3, strike lines 16 through 20 and substitute "WHO CAN CERTIFY
2 WHETHER THE CANNABIS AT A PARTICULAR PREMISES IS ORGANIC.

3 (3) A PERSON SHALL NOT, IN CONNECTION WITH AN ORGANIC
4 CERTIFICATION PURSUANT TO THIS PART 2, USE THE ORGANIC SEAL
5 ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE OR
6 IMPLY ANY TACIT OR DIRECT APPROVAL BY OR ATTRIBUTION TO THE
7 FEDERAL ORGANIC CERTIFICATION PROGRAM.

8 **35-11.5-202. Definitions - program - rules.** (1) FOR PURPOSES
9 OF THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "CANNABIS" MEANS "MEDICAL MARIJUANA" AS DEFINED IN
11 SECTION 12-43.3-104, C.R.S., AND "RETAIL MARIJUANA" AS DEFINED IN
12 SECTION 12-43.4-103, C.R.S.

13 (b) "OMRI" MEANS THE ORGANIC MATERIALS REVIEW INSTITUTE
14 OR AN ANALOGOUS SUCCESSOR ORGANIZATION AS DETERMINED BY THE
15 COMMISSIONER.

16 (c) (I) "ORGANIC" MEANS, AS FURTHER SPECIFIED IN RULES
17 PROMULGATED PURSUANT TO THIS SECTION, THAT:

18 (A) THERE ARE NO BIOSOLIDS PRESENT IN POTTING SOILS OR THE
19 LAND USED FOR CULTIVATION; AND

20 (B) THE USE OF PROHIBITED NONSYNTHETIC SUBSTANCES
21 COMPLIES WITH 7 CFR 205.602.

22 (II) OMRI-APPROVED NUTRIENTS AND INPUTS ARE ALLOWED IN
23 THE CULTIVATION AND TREATMENT OF ORGANIC CANNABIS.

24 (2) THE PROGRAM MUST:

25 (I) NOT ACCEPT APPLICATIONS FOR CERTIFICATION UNTIL THE
26 DEPARTMENT HAS MADE ITS DETERMINATION REGARDING THE USE OF
27 PESTICIDES ON CANNABIS PURSUANT TO SECTION 24-20-112 (1), C.R.S.,
28 AND THE STATE LICENSING AUTHORITY HAS ESTABLISHED THE TESTING
29 AND CERTIFICATION PROGRAM REQUIRED BY SECTION 12-43.4-202 (3) (a)
30 (IV) (A), C.R.S.;

31 (II) HAVE THE CAPACITY TO RUN INDEPENDENT VERIFICATION OF
32 INPUTS NOT ALREADY REVIEWED BY OMRI OR THE DEPARTMENT;

33 (III) SUPPORT INDOOR AND OUTDOOR CULTIVATORS;

34 (IV) REQUIRE INSPECTIONS EACH YEAR OF AT LEAST FIFTEEN
35 PERCENT OF THE LICENSED PREMISES THAT HAVE BEEN CERTIFIED
36 ORGANIC;

37 (V) SPECIFY THAT LICENSED PREMISES THAT HAVE BEEN CERTIFIED
38 ORGANIC PURSUANT TO THIS PART 2 ARE NOT SUBJECT TO TESTING FOR
39 PESTICIDES BY THE STATE LICENSING AUTHORITY OR ANY LOCAL ENTITY;

1 (VI) INCLUDE COMPREHENSIVE DOCUMENTATION OF PESTICIDES
2 AND FERTILIZERS USED AND INSPECTION OF THE DOCUMENTATION BOTH
3 ANNUALLY AND WHEN ANY CHANGES ARE MADE; AND

4 (VII) REQUIRE THE DEPARTMENT TO POST A LIST OF CERTIFIERS
5 AND LICENSED PREMISES THAT ARE CURRENTLY CERTIFIED ON ITS
6 WEBSITE.

7 (3) THE COMMISSIONER SHALL, AFTER".

8 Page 3, strike lines 23 and 24 and substitute "2. THE RULES MUST:".

9 Page 4, line 4, strike "2, INCLUDING A" and substitute "2;".

10 Page 4, strike lines 5 to 7.

11 Page 4, line 24, strike everything after "RECEIVED" and substitute
12 "PURSUANT TO THIS SECTION, INCLUDING MARIJUANA TAXES AS
13 AUTHORIZED BY SECTION 39-28.8-501 (2) (b) (III), C.R.S., THAT THE
14 GENERAL ASSEMBLY MAY APPROPRIATE FOR THE PURPOSES OF THIS PART
15 2, INCLUDING FOR START-UP COSTS,".

16 Page 6, after line 17 insert:

17 "SECTION 9. Severability. Section 2-4-204, Colorado Revised
18 Statutes, regarding severability, applies to this act.".

19 Renumber succeeding sections accordingly.

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