

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S.14 Name of Bill: An act relating to single dose, child-resistant packaging and labeling of marijuana-infused edible or potable products ...

Agency/Dept: DPS/VCIC Author of Bill Review: Lindsey Wells / Jeff Wallin

Date of Bill Review: 1/23/15 Related Bills and Key Players: _____

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☐ Remain Neutral ☒ Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

Bill proposes to require that marijuana-infused edible or potable products be contained in single dose, child-resistant packaging and be labeled with the amount of tetrahydrocannabinol in each dose. The act also makes a technical amendment to the definition of registered caregiver to conform to 2014 amendments to the chapter.

2. Is there a need for this bill? *Please explain why or why not.*

This bill's intention is to provide health and safety information and consistent dosing to patients regarding the unique characteristics of individual strains of marijuana. This bill intends to implement changes to the program based upon feedback from the patient community and registered dispensaries. The registry has not specifically heard from patients requesting individual packaging but others (dispensaries, advocates) may have. Additionally this bill makes a technical change to the definition of a registered caregiver to align with Act 155 that was passed in 2014 which relates to criminal background checks for caregivers.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

Fiscal and programmatic implications exist for the Department in the bill, specifically the Marijuana Registry. Programmatically the Marijuana Registry will be required to intensify regulating dispensary operations related to marijuana-infused edibles and potable products. In order to successfully implement the required change the Marijuana Registry will require the utilization of laboratory testing, which currently is not available. While the current version of the bill does not require the Department to verify the labeling requirement, best practices relating to the enforcement of statutory requirements could lead the Registry to verify all labeling requirements for compliance. Additionally, laboratories would potentially require registration and oversight from the Marijuana Registry to possess marijuana for analysis. This would ensure proper quality control measures are adhered to and standardize testing methodology related to the various products offered by dispensaries (including hemp cultivation and inventory management).

Additionally it is anticipated that the Registry would field additional questions concerning dosing or packaging from patients or caregivers due to updated packaging information.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

This bill is not anticipated to have fiscal or programmatic implications for other departments in state government. Based on meetings held with representatives from the Department of Agriculture it is believed they do not oppose this bill or registering laboratories. If the Department of Agriculture desired to participate as a laboratory there would be fiscal and programmatic implications that would include support for quality control or

certification/verification program for testing cannabis.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

This bill would impact registered dispensaries throughout the state increasing overhead costs and additional required processes to implement. Regulated laboratories would provide the registered dispensaries with a third party verification system for product analysis and labeling. It would be expected that any increased overhead costs to the dispensaries could increase the cost of products purchased by registered patients.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Registered dispensaries, patients, caregivers and Community Health Advocates (especially those related to long-term care and critical illnesses such as Cancer and AIDS/HIV). This would primarily be due to increased patient information and standardization.

6.2 Who else is likely to oppose the proposal and why?

Registered dispensaries, patients, caregivers due to increased potential costs. Federal law enforcement could potentially oppose due to increased community disbursement of product (for testing).

7. Rationale for recommendation: *Justify recommendation stated above.*

These recommendations are intended to develop standards addressing potency, quality, dosing, and labeling of marijuana and other marijuana products dispensed to registered patients by a registered dispensary. However, without certain potential modifications (due to the number of individuals taking product in liquid form and those who might have trouble opening child-resistant packaging) there is a concern that the unintended consequences of the bill might both increase cost and complexity for patients.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position. Modify language concerning edible or potable products to allow for more flexibility (as a significant percentage of sales are for liquid products, as written dispensaries would be required to sell large number of small packages): A dispensary shall dispense marijuana-infused edible or potable products only in clearly labeled child-resistant packaging to include labeling that clearly indicates both volume of product and amount of THC per dose.*

Additionally, consideration needs to be given with regards to the lack of independent testing capability in the state.

9. Gubernatorial appointments to board or commission?

Secretary/Commissioner has reviewed this document



Date: 1/27/15