



393994

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
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The Committee on Health Policy (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 616 - 775

and insert:

2. Have the marijuana tested by an independent testing laboratory to ensure it meets the standards established by the department's quality control program ~~Test the processed low-THC cannabis and medical cannabis before it is they are dispensed. Results must be verified and signed by two dispensing organization employees. Before dispensing low-THC cannabis, the~~



393994

11 ~~dispensing organization must determine that the test results~~  
12 ~~indicate that the low-THC cannabis meets the definition of low-~~  
13 ~~THC cannabis and, for medical cannabis and low-THC cannabis,~~  
14 ~~that all medical cannabis and low-THC cannabis is safe for human~~  
15 ~~consumption and free from contaminants that are unsafe for human~~  
16 ~~consumption. The dispensing organization must retain records of~~  
17 ~~all testing and samples of each homogenous batch of cannabis and~~  
18 ~~low-THC cannabis for at least 9 months. The dispensing~~  
19 ~~organization must contract with an independent testing~~  
20 ~~laboratory to perform audits on the dispensing organization's~~  
21 ~~standard operating procedures, testing records, and samples and~~  
22 ~~provide the results to the department to confirm that the low-~~  
23 ~~THC cannabis or medical cannabis meets the requirements of this~~  
24 ~~section and that the medical cannabis and low-THC cannabis is~~  
25 ~~safe for human consumption.~~

26       3. Package the marijuana ~~low-THC cannabis or medical~~  
27 ~~cannabis~~ in compliance with the United States Poison Prevention  
28 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

29       4. Package the marijuana ~~low-THC cannabis or medical~~  
30 ~~cannabis~~ in a child-proof receptacle that has a firmly affixed  
31 and legible label stating the following information:

32           a. A statement that the marijuana ~~low-THC cannabis or~~  
33 ~~medical cannabis~~ meets the requirements of subparagraph 2.;

34           b. The name of the MMTC ~~dispensing organization~~ from which  
35 the marijuana ~~medical cannabis or low-THC cannabis~~ originates;  
36 and

37           c. The batch number and harvest number from which the  
38 marijuana ~~medical cannabis or low-THC cannabis~~ originates; and

39           d. The concentration of tetrahydrocannabinol and



393994

40 cannabidiol in the product.

41 e. Any other information required by department rule

42 ~~5. Reserve two processed samples from each batch and retain~~  
43 ~~such samples for at least 9 months for the purpose of testing~~  
44 ~~pursuant to the audit required under subparagraph 2.~~

45 (c) When dispensing marijuana ~~low-THC cannabis, medical~~  
46 ~~cannabis, or a marijuana cannabis~~ delivery device, an MMTC a  
47 ~~dispensing organization:~~

48 1. May not dispense more than the a 45-day supply of  
49 marijuana authorized by a qualifying patient's physician  
50 ~~certification low-THC cannabis or medical cannabis~~ to a  
51 qualifying patient or caregiver ~~the patient's legal~~  
52 ~~representative.~~

53 2. Must ensure its ~~have the dispensing organization's~~  
54 employee who dispenses the marijuana ~~low-THC cannabis, medical~~  
55 ~~cannabis, or marijuana a cannabis~~ delivery device enters ~~enter~~  
56 into the compassionate use registry his or her name or unique  
57 employee identifier.

58 3. Must verify that the qualifying patient and the  
59 caregiver, if applicable, both have an active and valid  
60 compassionate use registry identification card and that the  
61 amount and type of marijuana dispensed matches the physician's  
62 certification in the compassionate use registry for that  
63 qualifying patient ~~that a physician has ordered the low-THC~~  
64 ~~cannabis, medical cannabis, or a specific type of a cannabis~~  
65 ~~delivery device for the patient.~~

66 4. Must label the marijuana with the recommended dose for  
67 the qualifying patient receiving the marijuana.

68 ~~5.4.~~ May not dispense or sell any other type of marijuana



393994

69 ~~cannabis~~, alcohol, or illicit drug-related product, including  
70 pipes, bongs, or wrapping papers, other than a ~~physician-ordered~~  
71 cannabis delivery device required for the medical use of  
72 marijuana that is specified in a physician certification ~~low-THC~~  
73 ~~cannabis or medical cannabis, while dispensing low-THC cannabis~~  
74 ~~or medical cannabis~~. A registered MMTC may produce and dispense  
75 marijuana as an edible or food product but may not produce such  
76 items in a format designed to be attractive to children. In  
77 addition to the requirements of this section and department  
78 rule, food products produced by an MMTC must meet all food  
79 safety standards established in state and federal law,  
80 including, but not limited to, the identification of the serving  
81 size and the amount of THC in each serving.

82 ~~5. Must verify that the patient has an active registration~~  
83 ~~in the compassionate use registry, the patient or patient's~~  
84 ~~legal representative holds a valid and active registration card,~~  
85 ~~the order presented matches the order contents as recorded in~~  
86 ~~the registry, and the order has not already been filled.~~

87 6. Must, upon dispensing the marijuana ~~low-THC cannabis,~~  
88 ~~medical cannabis,~~ or marijuana ~~cannabis~~ delivery device, record  
89 in the registry the date, time, quantity, and form of marijuana  
90 ~~low-THC cannabis or medical cannabis~~ dispensed; and the type of  
91 marijuana ~~cannabis~~ delivery device dispensed; and the name and  
92 compassionate use registry identification number of the  
93 qualifying patient or caregiver to whom the marijuana delivery  
94 device was dispensed.

95 (d) To ensure the safety and security of its premises and  
96 any off-site storage facilities, and to maintain adequate  
97 controls against the diversion, theft, and loss of marijuana



393994

98 ~~low-THC cannabis, medical cannabis, or marijuana cannabis~~  
99 delivery devices, an MMTC ~~a dispensing organization~~ shall:

100 1.a. Maintain a fully operational security alarm system  
101 that secures all entry points and perimeter windows and is  
102 equipped with motion detectors; pressure switches; and duress,  
103 panic, and hold-up alarms; or

104 b. Maintain a video surveillance system that records  
105 continuously 24 hours each day and meets at least one of the  
106 following criteria:

107 (I) Cameras are fixed in a place that allows for the clear  
108 identification of persons and activities in controlled areas of  
109 the premises. Controlled areas include grow rooms, processing  
110 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
111 rooms;

112 (II) Cameras are fixed in entrances and exits to the  
113 premises, which shall record from both indoor and outdoor, or  
114 ingress and egress, vantage points;

115 (III) Recorded images must clearly and accurately display  
116 the time and date; or

117 (IV) Retain video surveillance recordings for a minimum of  
118 45 days, or longer upon the request of a law enforcement agency.

119 2. Ensure that the MMTC's ~~organization's~~ outdoor premises  
120 have sufficient lighting from dusk until dawn.

121 3. Implement ~~Establish and maintain~~ a tracking system using  
122 a vendor approved by the department which ~~that~~ traces the  
123 marijuana ~~low-THC cannabis or medical cannabis~~ from seed to  
124 sale. The tracking system must ~~shall~~ include notification of key  
125 events as determined by the department, including when cannabis  
126 seeds are planted, when cannabis plants are harvested and



393994

127 destroyed, and when marijuana ~~low-THC cannabis or medical~~  
128 ~~cannabis~~ is transported, sold, stolen, diverted, or lost.

129 4. Not dispense from its premises marijuana ~~low-THC~~  
130 ~~cannabis, medical cannabis,~~ or a cannabis delivery device  
131 between the hours of 9 p.m. and 7 a.m., but may perform all  
132 other operations and deliver marijuana ~~low-THC cannabis and~~  
133 ~~medical cannabis~~ to qualifying ~~qualified~~ patients 24 hours each  
134 day.

135 5. Store marijuana ~~low-THC cannabis or medical cannabis~~ in  
136 a secured, locked room or a vault.

137 6. Require at least two of its employees, or two employees  
138 of a security agency with whom it contracts, to be on the  
139 premises at all times.

140 7. Require each employee or contractor to wear a photo  
141 identification badge at all times while on the premises.

142 8. Require each visitor to wear a visitor's pass at all  
143 times while on the premises.

144 9. Implement an alcohol and drug-free workplace policy.

145 10. Report to local law enforcement within 24 hours after  
146 it is notified or becomes aware of the theft, diversion, or loss  
147 of marijuana ~~low-THC cannabis or medical cannabis~~.

148 (e) To ensure the safe transport of marijuana ~~low-THC~~  
149 ~~cannabis or medical cannabis~~ to MMTC ~~dispensing organization~~  
150 facilities, independent testing laboratories, or qualifying  
151 patients, the MMTC ~~dispensing organization~~ must:

152 1. Maintain a transportation manifest, which must be  
153 retained for at least 1 year. A copy of the manifest must be in  
154 the vehicle at all times when transporting marijuana.

155 2. Ensure only vehicles in good working order are used to



393994

156 transport marijuana ~~low-THC cannabis or medical cannabis~~.

157 3. Lock marijuana ~~low-THC cannabis or medical cannabis~~ in a  
158 separate compartment or container within the vehicle.

159 4. Require at least two persons to be in a vehicle  
160 transporting marijuana ~~low-THC cannabis or medical cannabis~~, and  
161 require at least one person to remain in the vehicle while the  
162 marijuana ~~low-THC cannabis or medical cannabis~~ is being  
163 delivered.

164 5. Provide specific safety and security training to  
165 employees transporting or delivering marijuana ~~low-THC cannabis~~  
166 ~~or medical cannabis~~.

167 (8) MARIJUANA QUALITY CONTROL PROGRAM AND INDEPENDENT  
168 TESTING LABORATORY LICENSURE.—

169 (a) The department shall establish a quality control  
170 program requiring marijuana to be tested by an independent  
171 testing laboratory for potency and contaminants before sale to  
172 qualifying patients and caregivers.

173 1. The quality control program must require MMTCs to submit  
174 samples from each batch or lot of marijuana harvested or  
175 manufactured to an independent testing laboratory for testing to  
176 ensure, at a minimum, that the labeling of the potency of  
177 tetrahydrocannabinol and all other marketed cannabinoids or  
178 terpenes is accurate and that the medical cannabis dispensed to  
179 qualifying patients is safe for human consumption.

180 2. An MMTC must maintain records of all tests conducted,  
181 including the results of each test and any additional  
182 information, as required by the department.

183 3. The department shall adopt all rules necessary to create  
184 and oversee the quality control program, which must include, at



393994

185 a minimum:

186 a. Permissible levels of variation in potency labeling and  
187 standards requiring tetrahydrocannabinol in edible marijuana  
188 products to be distributed consistently throughout the product;

189 b. Permissible levels of contaminants and mandatory testing  
190 for contaminants to confirm that the tested marijuana is safe  
191 for human consumption. This testing must include, but is not  
192 limited to, testing for microbiological impurity, residual  
193 solvents, and pesticide residues;

194 c. The destruction of medical cannabis determined to be  
195 inaccurately labeled or unsafe for human consumption after the  
196 MMTC has an opportunity to take remedial action;

197 d. The collection, storage, handling, recording, and  
198 destruction of samples of marijuana by independent testing  
199 laboratories; and

200 e. Security, inventory tracking, and record retention.

201 (b) The department must license all independent testing  
202 laboratories to ensure that all marijuana is tested for potency  
203 and contaminants in accordance with the department's quality  
204 control program. An independent testing laboratory may collect  
205 and accept samples of, and possess, store, transport, and test  
206 marijuana. An independent testing laboratory may not be owned by  
207 a person who also possesses an ownership interest in an MMTC. A  
208 clinical laboratory licensed by the agency pursuant to Part I of  
209 chapter 483 and that performs non-waived clinical tests is  
210 exempt from the requirement to be licensed by the department  
211 pursuant to this paragraph but must be certified to perform all  
212 required tests pursuant to subparagraph 2.

213 1. The department shall develop rules establishing





393994

214 independent testing laboratory license requirements and a  
215 process for licensing independent testing laboratories; develop  
216 an application form for an independent testing laboratory  
217 license; and impose an initial application fee and a biennial  
218 renewal fee sufficient to cover the costs of administering this  
219 subsection.

220 2. In addition to licensure, an independent testing  
221 laboratory must be certified to perform all required tests by  
222 the department. The department must issue a certification to an  
223 independent testing laboratory that has been certified by a  
224 third-party laboratory certification body approved by the  
225 department. The department shall establish reasonable rules for  
226 the certification and operation of independent testing  
227 laboratories. Rules for certification must, at a minimum,  
228 address standards relating to:

- 229 a. Personnel qualifications;
- 230 b. Equipment and methodology;
- 231 c. Proficiency testing;
- 232 d. Tracking;
- 233 e. Sampling;
- 234 f. Chain of custody;
- 235 g. Record and sample retention;
- 236 h. Reporting;
- 237 i. Audit and inspection; and
- 238 j. Security.

239 3. The department shall suspend or reduce any mandatory  
240 testing requirement specified in its quality control program if  
241 the number of licensed and certified independent testing  
242 laboratories is insufficient to process the tests necessary to



393994

243 meet the patient demand for MMTCs.

244 4. An independent testing laboratory may accept only  
245 samples composed of marijuana which are obtained from a sample  
246 source approved by the department. At a minimum, these sources  
247 must include an MMTC, a researcher affiliated with an accredited  
248 university or research hospital, a qualifying patient, and a  
249 caregiver.

250

251 ===== T I T L E A M E N D M E N T =====

252 And the title is amended as follows:

253 Delete line 53

254 and insert:

255 times; requiring the department to establish a quality  
256 control program that requires medical marijuana  
257 treatment centers to submit samples from each batch or  
258 lot of marijuana to an independent testing laboratory;  
259 requiring a medical marijuana treatment center to  
260 maintain records of all tests conducted; requiring the  
261 department to adopt rules to create and oversee the  
262 quality control program; providing that the department  
263 must license independent testing laboratories;  
264 authorizing an independent testing laboratory to  
265 collect and accept samples of, possess, store,  
266 transport, and test marijuana; prohibiting a person  
267 with an ownership interest in a medical marijuana  
268 treatment center from owning an independent testing  
269 laboratory; requiring the department to develop rules  
270 and a process for licensing requirements; authorizing  
271 the department to impose application and renewal fees;



393994

272 specifying that an independent testing laboratory must  
273 be certified to perform required tests; requiring the  
274 department to suspend or reduce any mandatory testing  
275 if the number of licensed and certified independent  
276 testing laboratories is insufficient to process the  
277 tests necessary to meet the patient demand for medical  
278 marijuana treatment centers; providing that an  
279 independent testing laboratory may only accept certain  
280 samples; requiring the department to adopt rules  
281 related