



Compliance Tip

May 20, 2020

Topic: Industrial Hemp Product

Applicable Rules: 1-115, 4-110, 4-115, 5-105, 5-305, 5-405, 6-105, 6-305, 6-405

General Information:

- Industrial Hemp Product is a defined term according to Section 44-10-103(22), C.R.S., and [MED Rule 1-115](#). Plant material from an Industrial Hemp plant, such as flower, trim, fan leaves, or whole plant, **is not** considered Industrial Hemp Product.
- Only manufactured food and storage facilities registered by the Colorado Department of Public Health and Environment (CDPHE) can provide Industrial Hemp Product to Medical and Retail Marijuana Stores and Medical and Retail Marijuana Products Manufacturers. These CDPHE Registrants do not have access to the state’s inventory tracking system (“Metrc”). As such, there is no requirement that Medical and Retail Stores or Manufacturers use Metrc to track Industrial Hemp Product received from a CDPHE Registrant.
- Medical or Retail Marijuana Testing Facilities will assign a Metrc tag to Industrial Hemp Product test samples received from a CDPHE Registrant. The Testing Facility must track the Sample in Metrc including reporting testing results.
- MED Licensees can confirm registration with CDPHE by requesting a copy of the registration directly from the vendor supplying the Industrial Hemp Product, and should independently check CDPHE’s website for the list of “[Approved Sources](#).”
- Medical or Retail Marijuana Stores and Medical or Retail Marijuana Products Manufacturers can confirm required testing has been completed by obtaining a copy of the Certificate of Analysis that the Medical or Retail Marijuana Testing Facility provided to the CDPHE Registrant. If the authenticity of the Certificate of Analysis is in question, the Marijuana Enforcement Division (MED) Licensee can contact the Medical or Retail Marijuana Testing Facility that produced the Certificate of Analysis. The Medical or Retail Marijuana Testing Facility can verify the authenticity of any provided Certificate of Analysis.

Medical and Retail Marijuana Stores (Stores):

- As of July 1, 2020, a Store may only sell Industrial Hemp Product (as defined by the Marijuana Code and Rule referenced above) that it received from a CDPHE Registrant **AND** that has passed all required testing.
 - Required testing for Industrial Hemp Product includes potency, microbial contaminant, residual solvent contaminant (if a solvent was used during manufacturing), and metals contaminant testing.
- Stores are prohibited from accepting and/or selling plant material from an Industrial Hemp plant.

- There are no established sales limits for Industrial Hemp Product that is not an ingredient in a Regulated Marijuana Product. Where an Industrial Hemp Product is included as an ingredient in a Regulated Marijuana Product, the sales limits in the MED Rules apply. See Rules 5-515(C)-(D) and 6-610(C).

Medical and Retail Marijuana Products Manufacturers (Products Manufacturers):

- As of July 1, 2020, Products Manufacturers may only use Industrial Hemp Product (as defined by the Marijuana Code and Rule referenced above) as an Ingredient in a Medical or Retail Marijuana Product if it is received from a CDPHE Registrant **AND** has passed all required testing.
 - Required testing for Industrial Hemp Product includes potency, microbial contaminant, residual solvent contaminant (if a solvent was used during manufacturing), and metals contaminant testing.
- Products Manufacturers are prohibited from accepting and/or processing plant material from an Industrial Hemp plant.

Medical and Retail Marijuana Testing Facilities (Testing Facilities):

- Medical and Retail Marijuana Testing Facilities may accept Industrial Hemp Product (as defined in the Marijuana Code and Rule referenced above) for testing purposes if the Sample is submitted by a CDPHE Registrant and if the Industrial Hemp Product is entered into Metrc by the Testing Facility.
- Medical and Retail Marijuana Testing Facilities should follow the guidance in the [Metrc Support Update](#) (pages 6-8) when they receive a sample of Industrial Hemp Product from a CDPHE Registrant.
- CDPHE Registrants will not submit samples with a Metrc tag. The Medical or Retail Marijuana Testing Facility will assign the Metrc tag to the sample according to the guidance provided in the [Metrc Support Update](#). The Medical and Retail Marijuana Testing Facilities will be responsible for purchasing and assigning Metrc tags.
 - This process is different from the process for the Colorado Department of Agriculture Registrants that have Metrc access and submit samples on pink Metrc tags.
- Medical and Retail Marijuana Testing Facilities are required to track Industrial Hemp Samples in the same manner that they track Regulated Marijuana samples in the inventory tracking system. This includes the entering of test results, adjustments to packages when necessary, and reporting the destruction of samples.

CDPHE Registrants Providing Industrial Hemp Products to a Regulated Marijuana Licensee:

- If a test sample of Industrial Hemp Product is being provided to a Medical or Retail Marijuana Testing Facility for required testing, the CDPHE Registrant must follow the sampling procedures outlined in MED Rule 4-110.
- When Transferring Industrial Hemp Product to a Medical or Retail Marijuana Store, Medical or Retail Marijuana Products Manufacturer, and/or Medical or Retail Marijuana Testing Facility, a copy of the CDPHE Registration should always be provided.

- A CDPHE Registrant that is transferring Industrial Hemp Product to Medical or Retail Store, Medical or Retail Products Manufacturer, or Medical or Retail Testing Facility does not need to obtain a license or registration from the MED.
- There is no mechanism, allowance, or requirement for a CDPHE Registrant to establish a Metrc account to track Industrial Hemp Product.