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To whom it may concern:

This letter is in response to Colorado Cultivars, LLC request for clarification on the State of Colorado's and United States' Federal laws enabling the domestic cultivation, processing, manufacture, and distribution of Industrial Hemp-derived products within the State of Colorado.

Scope

The scope of this letter shall be construed to answering questions posed by Colorado Cultivars LLC and is limited to references in State law, regulations, and administrative policy specifically referencing CBD, Industrial Hemp products, and their manufacture.

Questions:

1) medical marijuana Centers purchasing products that are not medical marijuana to be sold in the center. Such as non-infused food products.

Answer: In the Marijuana Enforcement Division (MED) Statement of Position dated June 19, 2014 MED clarified that CBD products do not fall under the MED licensing scheme if derived from a hemp plant.

MED rule R402(I) prohibits Retail Marijuana Stores from selling or giving away any consumable products, including non-infused food products, that are not a Retail Marijuana Products. Retail stores are limited to selling cannabis products, non-marijuana items such as art, jewelry, and books., and items used to consume cannabis products.

MED partially addresses this issue in their Statement of Position dated 9/17/14. They indicate that R402 "expressly disallows the sale of a consumable product that is not a Retail Marijuana Product." MED Statement of Position further defines a "consumable

product" to "mean it is generally intended to be ingested, as by eating or drinking, applied topically or otherwise, in a fashion that the product is use up or depleted."

There is no similar Medical rule so at this time Medical Marijuana Centers can sell a variety of products in addition to medical marijuana products.

2) Retail Marijuana MIP's purchasing ingredients to be added to their infused products.

Answer:

R103 defines "Additive" as "any substance added to Retail Marijuana Product that is not a common baking or cooking item".

Additionally, R604(F) prohibits A Retail Marijuana Products Manufacturing Facility from including any Additive that is toxic within a Retail Marijuana Product; nor include any Additive for the purposes of making the product more addictive, appealing to children or misleading to consumers, however that should not apply to CBD since there is no current indication that it is either toxic, addictive, or additionally appealing to children.

All ingredients in edible products must be food grade. R604(C).

All ingredients must be listed and the potency of the CBD content must be included in the label affixed to the container. R1004.

R1503 Requires a potency test to determine the level of concentration of THC, THCA, CBD, CBDA and CBN in Retail Marijuana Products.

3) Medical Marijuana MIP's purchasing ingredients to be added to their infused products.

Answer: There is no definition of "Additive" in the Medical Marijuana rules.

There is no equivalent of R604(F).

All ingredients in edible products must be food grade. M605(C)

All ingredients must be listed and the potency of the CBD content must be included in the label affixed to the container. M1004.

Based on the above referenced rules and position statements it is my professional opinion that Colorado manufactured hemp is not within the guidelines of the MED, that Medical Marijuana Centers can sell CBD and hemp based products but Retail Marijuana Stores may not, and that, provided the cannabis product is created by a licensed MIP, is properly labeled, and tested, CBD can be an ingredient in infused products and those infused products can be sold in either a Retail Marijuana Store or Medical Marijuana Center depending on the MIP licensing.

Sources:

MED Statutes, Regulations, and

Bulletins: <https://www.colorado.gov/pacific/enforcement/laws-constitution-statutes-and-regulations-marijuana-enforcement>

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