

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 440

TO BAN USE OF MEDICAL MARIJUANA IN FOOD AND DRINK EXCEPT IN CERTAIN
CIRCUMSTANCES.

Amendment No. 1 to Senate Bill 440

Amend Senate Bill No. 440 as engrossed, S3/14/19 (version: 03/14/2019 1:43:07 PM)

Page 2, delete line 6, and substitute the following:

"(a) As used in this section, "commercially available" means any candy, food, or beverage product that is produced or sold by a third party.

(b) A cultivation facility, dispensary, or processor shall not process or"

AND

Page 2, line 7, delete "product for" and substitute "product in a non-childproof package or container for"

AND

Page 2, line 8, delete "by its shape or design," and substitute "due to shape, color, taste, or design,"

AND

Page 2, delete lines 14 through 19, and substitute the following:

"(C) Products that contain cannabinoid concentrates or extracts that, as determined by the Alcoholic Beverage Control Division, closely resemble foods or beverages that are attractive to minors and that are commonly sold in retail establishments in individually packaged portions or in multiple packs of individually packaged portions, regardless of whether the foods or beverages are generic, trademarked, or branded products, including without limitation candy, cookies, cakes, pastries, chewing gum, and brownies; or

(2) Is manufactured by applying cannabinoid concentrates or extracts to trademarked or branded food, candy, or beverages that are commercially available without cannabinoid concentrates or extracts and are



commonly sold at retail establishments in individual portions or in multiple packs of individually packaged portions.

(c)(1) The division shall promulgate rules to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rules shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before January 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020."

The Amendment was read _____

By: Representative Lundstrum
JMB/JMB - 03-29-2019 14:37:07
JMB430

Chief Clerk