

May 24, 2018

INDUSTRY-WIDE BULLETIN: 18-06

RE: REPORTS OF LICENSEES MAKING RECOMMENDATIONS FOR PREGNANCY-RELATED MORNING SICKNESS

Dear Marijuana Industry Stakeholders:

The Marijuana Enforcement Division (“Division”) became aware of circumstances under which licensed medical and retail marijuana businesses and/or their employees are allegedly providing information on marijuana use to women reporting pregnancy-related morning sickness. In furtherance of the Division’s mission to promote public safety and reduce risks to public harm, the Division reminds Licensees of the following requirements and prohibitions:¹

- Required Warning Statement – Prior to Transfer to a medical marijuana patient or consumer, each Container or Marketing Layer of Retail and Medical Marijuana, Concentrate and Product must be affixed with a label that includes, but is not limited, to the following warning statement: *“There may be long term physical or mental health risks from use of marijuana including additional risks for women who are or may become pregnant or are breast feeding. Use of marijuana may impair your ability to drive a car or operate machinery.”*
- False or Misleading Statements – Label(s) on a Container and any Marketing Layer of all Retail and Medical Marijuana, Concentrate, and Product shall not include any false or misleading statements.
- Health and Benefit Claims – Label(s) on a Container and any Marketing Layer of Retail and Medical Marijuana, Concentrate, and Product shall not make any claims regarding health or physical benefits to the patient.
- Privileges Granted – It is unlawful for a Person licensed to operate a Medical Marijuana Center or Retail Marijuana Store, and any employee thereof, to exercise any privilege other than those granted by the State Licensing Authority and expressly identified in the Medical and Retail Marijuana Rules.
- Prohibited Third-Party Act – A licensee is prohibited from employing or contracting with any Person to perform any act or conduct on the Licensee’s behalf or benefit if the Licensee is

¹ The information contained in this Industry Bulletin is not all-inclusive, does not represent legal advice, and does not replace a Licensee’s responsibility to read, understand, and maintain full compliance with all relevant statutes and rules.



COLORADO
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Enforcement Division - Marijuana
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prohibited by law² or rule from engaging in such conduct. A Licensee may be held responsible and/or subject to license denial or administrative action for any prohibited act or omission committed by any Person employed or contracted by a Licensee.

The Division will investigate reports and evidence of attempts to circumvent statutory and rule requirements. **Licensees (including owners, managers, and employees of medical and retail marijuana businesses) making health or benefit claims to consumers or otherwise communicating information that is prohibited from being advertised or displayed on labels affixed to Containers of Retail and Medical Marijuana, Concentrate and Product may be viewed by the Division as an attempt to evade marketing, advertising, and/or labeling requirements, resulting in recommendation for administrative action.** The Medical and Retail Code, Medical Marijuana Rules, 1 CCR 212-1, and Retail Marijuana Rules, 1 CCR 212-1 are accessible at the Division's [website](#).

The Colorado Department of Health and Environment provides public health information regarding the use and health effects of marijuana, which may be located on its [website](#).

We remain committed to promoting public safety by developing and implementing fair and sensible rules and pursuing enforcement activities where appropriate. As responsible members of the licensed community, your strict compliance with applicable statutes and regulations is key to our collective focus on the public health and safety of all Coloradans and visitors in our state.

Sincerely,

James Burack
Director
Marijuana Enforcement Division

² See §12-36-102, C.R.S. (stating the legislative intent of the Colorado Medical Practice Act is to properly protect against unauthorized, unqualified, and improper practices of healing arts); §12-36-106(1)(b), C.R.S. (2018) (defining the practice of medicine as: “[s]uggesting, recommending, prescribing, or administering any form of treatment, operation, or healing for the intended palliation, relief, or cure of a person’s physical disease; ailment; injury; condition; or behavioral, mental health, or substance use disorder”); § 12-36-106(2), C.R.S. (deeming a person who does not possess and has not filed for a license to practice medicine performs any act that constitutes the practice of medicine, as defined therein, as practicing medicine in violation of the Colorado Medical Practice Act, 12-36-101 et. seq., C.R.S.). §§ 12-36-101 et seq., C.R.S. may be accessed [here](#).