

Attachment 1

Reasons for this finding:

The Department of Health must enact emergency rules in order to ensure that a safe, reliable supply of products is available by July 1, 2016 in licensed retail stores with a medical marijuana endorsement. The deadline of July 1, 2016 is established in statute. July 1, 2016 is also the date in statute by which all existing collective gardens must obtain a state license or cease operations. In October 2015, the Liquor and Cannabis Board intends to begin accepting applications for new retail stores and medical marijuana endorsements from currently licensed retail stores. These applicants must stipulate to selling the medical marijuana products identified in this rule, which they cannot do if they do not know what products are medical marijuana products. In addition, licensed producers must know what to plant for medical grade products, as well as the requirements for allowable trace levels of heavy metals and pesticides, so they properly use fertilizers and pesticides in a manner that protects the safety and health of the qualifying patients. They also must have adequate time to grow the specific strains necessary to meet patient needs and licensed processors must have adequate time to convert the harvested plants into products meeting the specifications in the rule. Finally, the certified third-party testing labs must have enough notice of the requirements in these rules to have adequate equipment and training in place sufficiently in advance to have an adequate supply of tested medical grade product on the shelves for qualifying patients on July 1, 2016. Simultaneous with the filing of this emergency rule, the Department is filing a notice of permanent rule adoption and will consider and modify these rules based on public comment received during the regular rulemaking process; however, these emergency rules are needed to protect the public health, safety, and welfare, specifically to better assure that qualifying patients continue to have access to safe, reliable supplies of products on and after July 1, 2016.