



TECHNICAL BULLETIN

April 13, 2021

Compliance Testing, Research & Development (R&D) Testing, and Remediation Rules

This technical bulletin provides clarification for when research and development (R&D) testing is permitted in accordance with the administrative rules. The intent of R&D testing is to assist marijuana businesses with the creation of new or improved products and processes. **It is NOT meant to be used to bypass required compliance testing and/or the retesting and remediation rules.**

Only a cultivator or producer may engage in product development in accordance with 420.510(1).

Rule 7 in the Marijuana Sampling and Testing Rule set R.420.307

(1) As used in this rule, “research and development testing” means optional testing performed **before** final compliance testing.

(2) Except for R 420.304(2)(b), when performing research and development testing, the laboratory must comply with these rules.

(3) Punitive action shall not be taken against a marijuana business for conducting research and development testing.

(4) The agency may publish guidance for research and development testing that must be followed by all marijuana businesses.

(5) All research and development testing must be entered into the statewide monitoring system (Metrc).

- R&D Testing is only permitted **BEFORE** final compliance testing.
- The licensee will select R&D testing as the testing type in Metrc **at the time of the sampling**.
- There are no minimum sample requirements for R&D test samples.
- The sample status in Metrc will remain “testing in progress” until final compliance testing is performed, at which point the sample status will update accordingly.

This technical bulletin does not constitute legal advice and is subject to change. It is intended to provide a technical clarification only to the Marijuana Regulatory Agency’s Administrative Rules. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Administrative Rules.

More information on the MRA can be found at the agency’s [website](#)



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Additional Clarification

- R&D testing is NOT a replacement or substitute for final compliance testing.
- Remediation is NOT permitted for products which have only had R&D testing, the product must be failed for safety compliance testing in Metrc to request approval for remediation.
- Cultivators who want to send flower to a producer to be extracted under R 420.303(6) should not conduct R&D testing unless it is the result of a new or improved product or process. To complete this type of transfer the licensee must have prior agency approval.
- To protect the health and safety of consumers, all chemical residue, Shiga toxin-producing E. coli (STEC), and Salmonella failures may be investigated.

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