

## CHAPTER 40

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**AGRICULTURE**


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**HOUSE BILL 26-1031**

BY REPRESENTATIVE(S) Soper and Martinez, McCluskie, McCormick, Bacon, Boesenecker, Bradley, Brooks, Brown, Caldwell, Camacho, Carter, Clifford, Duran, Froelich, Garcia, Garcia Sander, Goldstein, Gonzalez R., Jackson, Joseph, Lieder, Lindsay, Lukens, Marshall, Mauro, Nguyen, Paschal, Phillips, Richardson, Ricks, Rutinel, Slaugh, Smith, Stewart K., Story, Suckla, Titone, Valdez, Winter T., Woodrow, Woog;  
also SENATOR(S) Roberts and Catlin, Bridges, Baisley, Ball, Bright, Exum, Frizell, Hinrichsen, Jodeh, Kipp, Kirkmeyer, Liston, Marchman, Pelton B., Pelton R., Simpson, Weissman, Zamora Wilson, Coleman.

**AN ACT****CONCERNING PROTECTIONS FOR CERTAIN AGRICULTURAL PRODUCTS GROWN IN COLORADO.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds and determines that:

(a) Colorado is one of the United States' premier agricultural growing states;

(b) Given the state's cool nights, warm days, high elevations, and pure Rocky Mountain snowmelt water, Colorado-grown produce is sweeter, more flavorful, and higher quality than produce from states or regions without Colorado's geographical and climate advantages;

(c) Coloradans will often spend a premium to buy from local farmers, particularly if the produce is being marketed as one of the state's famous agricultural products from a historic growing region, including Olathe sweet corn, Palisade peaches, Pueblo chilies, Rocky Ford cantaloupes, and San Luis Valley potatoes;

(d) Because Coloradans will often spend a premium for agricultural products grown in the state, there has been a trend of counterfeit produce coming into Colorado where retailers at stores, farmers' markets, or farm stands will market or advertise their produce as being grown in the state, when the produce is actually grown outside of the state; and

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(e) This practice is deceptive to consumers and is unfair to Colorado farmers that grow their produce in the state.

(2) The general assembly therefore declares that, to ensure consumer protection and fairness to Colorado farmers that are selling their produce within Colorado, it is critical to ensure that the state has the legal tools necessary to protect against persons making false claims that an agricultural product is grown in the state, when it is actually grown outside of the state.

**SECTION 2.** In Colorado Revised Statutes, **add** 35-1-122 as follows:

**35-1-122. Protections for certain agricultural products grown in the state - use of Colorado proud designation - deceptive trade practice - definition.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AGRICULTURAL PRODUCT" OR "PRODUCT" MEANS A PLANT, FRUIT, VEGETABLE, OR FUNGUS THAT IS:

(a) IN A RAW OR UNPROCESSED STATE;

(b) SOLD, MARKETED, ADVERTISED, OR DISTRIBUTED FOR HUMAN CONSUMPTION;  
AND

(c) GROWN USING THE ART AND SCIENCE OF FARMING OR HORTICULTURE OR IN A GREENHOUSE OR CONTROLLED ENVIRONMENT AGRICULTURAL FACILITY, AS DEFINED IN SECTION 39-1-102 (3.3).

(2) A PERSON SHALL NOT IDENTIFY AN AGRICULTURAL PRODUCT AS BEING GROWN IN THE STATE WHEN SELLING, MARKETING, ADVERTISING, OR DISTRIBUTING THE PRODUCT IN THE STATE UNLESS THE PRODUCT IS GROWN IN THE STATE.

(3) A PERSON SHALL NOT USE THE COLORADO PROUD DESIGNATION OR LOGO ESTABLISHED BY THE DEPARTMENT OR A TRADEMARKED VERSION OF THE DESIGNATION OR LOGO UNLESS THE USE IS AUTHORIZED BY THE DEPARTMENT.

(4) A VIOLATION OF THIS SECTION CONSTITUTES A DECEPTIVE TRADE PRACTICE UNDER SECTION 6-1-105 (1)(qqqq). THIS SECTION DOES NOT PROVIDE THE BASIS FOR, AND IS NOT SUBJECT TO, A PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add** (1)(qqqq) as follows:

**6-1-105. Unfair or deceptive trade practices - definitions.**

(1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(qqqq) VIOLATES SECTION 35-1-122.

**SECTION 4. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day

period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: April 8, 2026