

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-1037.01 Jennifer Berman x3286

HOUSE BILL 18-1295

HOUSE SPONSORSHIP

Salazar and Esgar,

SENATE SPONSORSHIP

Coram,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources, & Energy

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE "COLORADO FOOD AND DRUG**
102 **ACT" TO ALLOW PRODUCTS CONTAINING INDUSTRIAL HEMP,**
103 **AND, IN CONNECTION THEREWITH, ESTABLISHING THAT**
104 **PRODUCTS CONTAINING INDUSTRIAL HEMP ARE NOT**
105 **ADULTERATED OR MISBRANDED BY VIRTUE OF CONTAINING**
106 **INDUSTRIAL HEMP.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill modifies the "Colorado Food and Drug Act" to establish

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 25, 2018

SENATE
Amended 2nd Reading
April 24, 2018

HOUSE
3rd Reading Unamended
April 9, 2018

HOUSE
Amended 2nd Reading
April 6, 2018

that food, cosmetics, drugs, and devices, as those terms are defined in the act, are not adulterated or misbranded by virtue of containing industrial hemp. The bill also defines "industrial hemp" and "industrial hemp food product" and sets forth the department of public health and environment's powers with regard to applicants and registrants engaged in, or attempting to engage in, the wholesale food selling, manufacturing, processing, or storage of an industrial hemp food product.

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

2
3 **SECTION 1.** In Colorado Revised Statutes, 25-5-415, **amend** (1)
4 introductory portion and (1)(l) as follows:

5 **25-5-415. Misbranding.** (1) A drug or device ~~shall be~~ IS deemed
6 to be misbranded:

7 (l) If it is for HUMAN use ~~by man~~ and contains any quantity of the
8 narcotic or hypnotic substance alpha eucaine, barbituric acid, betaeucaine,
9 bromal, ~~cannabis~~, carbromal, chloral, coca, cocaine, codeine, heroin,
10 marijuana, morphine, opium, paraldehyde, peyote, or sulphonmethane, or
11 any chemical derivative of ~~such~~ THE substance, which derivative, after
12 investigation, has been found to be and designated as habit-forming by
13 rules issued by the department or pursuant to the federal act, unless its
14 label bears the name and quantity or proportion of the substance or
15 derivative and in juxtaposition therewith the statement "Warning - May
16 be habit-forming";

17
18 **SECTION 2.** In Colorado Revised Statutes, 25-5-426, **add**
19 **(2)(g.3), (2)(g.5), (4)(d), and (4)(e)** as follows:

20 **25-5-426. Wholesale food manufacturing and storage -**
21 **definitions - legislative declaration - fees - cash fund.** (2) As used in
22 this section, unless the context otherwise requires:

1 (g.3) "INDUSTRIAL HEMP" HAS THE MEANING SET FORTH IN
2 SECTION 35-61-101 (7).

3 (g.5) "INDUSTRIAL HEMP PRODUCT" MEANS A FINISHED PRODUCT
4 CONTAINING INDUSTRIAL HEMP THAT:

5 (I) IS A COSMETIC, FOOD, FOOD ADDITIVE, OR HERB;

6 (II) IS FOR HUMAN USE OR CONSUMPTION;

7 (III) CONTAINS ANY PART OF THE HEMP PLANT, INCLUDING
8 NATURALLY OCCURRING CANNABINOIDS, COMPOUNDS, CONCENTRATES,
9 EXTRACTS, ISOLATES, RESINS, OR DERIVATIVES; AND

10 (IV) CONTAINS A DELTA-9 TETRAHYDROCANNABINOL
11 CONCENTRATION OF NO MORE THAN THREE-TENTHS OF ONE PERCENT.

12 (4) (d) INDUSTRIAL HEMP PRODUCTS PRODUCED BY WHOLESALE
13 FOOD MANUFACTURING FACILITIES REGISTERED IN ACCORDANCE WITH
14 THIS SUBSECTION (4) SHALL NOT BE DEEMED ADULTERATED, AS DEFINED
15 IN SECTIONS 25-5-410 AND 25-5-416, UNLESS THE PRODUCTS MEET ONE OR
16 MORE OF THE CRITERIA SET FORTH IN SECTION 25-5-410 OR 25-5-416.

17 (e) THIS SECTION DOES NOT ALLOW AN ENTITY WITH FEDERAL
18 DRUG ADMINISTRATION APPROVAL OR ITS AGENT TO PREVENT THE
19 NONPHARMACEUTICAL PRODUCTION, SALE, OR DISTRIBUTION OF
20 NATURALLY OCCURRING CANNABIDIOL OR CANNABIDIOL EXTRACTS OR
21 RESTRICT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR
22 DISTRIBUTION OF NATURALLY OCCURRING CANNABIDIOL OR CANNABIDIOL
23 EXTRACTS.

24 **SECTION 3. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly (August 8, 2018, if adjournment sine die is on May 9,

1 2018); except that, if a referendum petition is filed pursuant to section 1
2 (3) of article V of the state constitution against this act or an item, section,
3 or part of this act within such period, then the act, item, section, or part
4 will not take effect unless approved by the people at the general election
5 to be held in November 2018 and, in such case, will take effect on the
6 date of the official declaration of the vote thereon by the governor.

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