

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading 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  
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.

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

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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.