

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1037.01 Jennifer Berman x3286

HOUSE BILL 18-1295

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Coram,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

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.

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), and (4)(d) 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 INCLUDING COSMETICS, FOODS, FOOD ADDITIVES, HERBS, EXTRACTS,
5 DERIVATIVES, CONCENTRATES, AND ISOLATES, FOR HUMAN USE OR
6 CONSUMPTION CONTAINING ANY PART OF THE HEMP PLANT, INCLUDING
7 NATURALLY OCCURRING CANNABINOIDS, COMPOUNDS, OR DERIVATIVES
8 FROM INDUSTRIAL HEMP.

9 (4) (d) INDUSTRIAL HEMP PRODUCTS PRODUCED BY WHOLESALE
10 FOOD MANUFACTURING FACILITIES REGISTERED IN ACCORDANCE WITH
11 THIS SUBSECTION (4) SHALL NOT BE DEEMED ADULTERATED AS DEFINED
12 IN SECTIONS 25-5-410 AND 25-5-416.

13 **SECTION 3. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 8, 2018, if adjournment sine die is on May 9,
17 2018); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2018 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

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