

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-1082.01 Jennifer Berman x3286

SENATE BILL 19-220

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SENATE SPONSORSHIP

Marble and Fenberg,

HOUSE SPONSORSHIP

Saine and Arndt,

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Senate Committees

Agriculture & Natural Resources

House Committees

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A BILL FOR AN ACT

101 CONCERNING UPDATES TO THE INDUSTRIAL HEMP REGULATORY  
102 PROGRAM ADMINISTERED BY THE COMMISSIONER OF  
103 AGRICULTURE TO ALIGN THE PROGRAM WITH THE REGULATORY  
104 REQUIREMENTS SET FORTH IN THE FEDERAL "AGRICULTURAL  
105 IMPROVEMENT ACT OF 2018".

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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>.)*

In 2018, the federal government enacted the "Agricultural Improvement Act of 2018" (federal act), which removed hemp from

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.

schedule I of the federal "Controlled Substances Act". The federal act requires the United States department of agriculture (USDA) to develop a plan for the regulation of hemp and authorizes each state to seek approval from the USDA to have primary regulatory authority over hemp production within the state by preparing and submitting a state plan of regulation to the secretary of the USDA.

The bill updates the laws governing Colorado's industrial hemp regulatory program to align with the federal act and to put the department of agriculture in a position to prepare and submit a state plan to the secretary of the USDA.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) The hemp industry offers strong economic potential for  
5 agricultural producers throughout Colorado, innovators in the  
6 manufacturing space, and entrepreneurs across the country;

7           (b) Colorado leads the nation in public policy supporting the hemp  
8 industry and is poised to continue that leadership with the passage of the  
9 federal "Agricultural Improvement Act of 2018";

10           (c) It is the intent of the general assembly that the department of  
11 agriculture, the department of public health and environment, and other  
12 state agencies continue to regulate hemp in compliance with federal law;  
13 and

14           (d) Ensuring equitable regulation and enforcement for hemp under  
15 state law will keep Colorado competitive in the hemp industry and spur  
16 economic development.

17           **SECTION 2.** In Colorado Revised Statutes, 35-61-101, **amend**  
18 (1) and (7); and **repeal** (2) as follows:

19           **35-61-101. Definitions.** As used in this article 61, unless the  
20 context otherwise requires:

1 (1) "Certified seed" means industrial hemp seed ~~including~~  
2 ~~Colorado heritage cannabis seed~~, that has been certified by an  
3 organization recognized by the department as PRODUCING MATURE  
4 PLANTS having no more than a three-tenths of one percent of delta-9  
5 tetrahydrocannabinol concentration on a dry-weight basis.

6 (2) ~~"Colorado heritage cannabis seed" means seed from the plant~~  
7 ~~cannabis sativa that possesses characteristics of a unique and specialized~~  
8 ~~cannabis seed variety that is present in Colorado or has been recognized~~  
9 ~~as produced in Colorado.~~

10 (7) "Industrial hemp" OR "HEMP" means ~~a~~ THE plant ~~of the genus~~  
11 Cannabis SATIVA L. and any part of the plant, INCLUDING THE SEEDS OF  
12 THE PLANT AND ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS,  
13 ACIDS, SALTS, AND SALTS OF ISOMERS, whether growing or not, ~~containing~~  
14 WITH a delta-9 tetrahydrocannabinol concentration of no more than  
15 three-tenths of one percent on a dry-weight basis.

16 **SECTION 3.** In Colorado Revised Statutes, 35-61-104, **amend**  
17 (3) and (5); **repeal** (1)(b); and **add** (6) as follows:

18 **35-61-104. Registration - cultivation of industrial hemp -**  
19 **research and development growth - hemp management plan - rules.**

20 (1) (b) ~~If a person registered under the industrial hemp remediation pilot~~  
21 ~~program prior to May 28, 2013, applies for a registration pursuant to~~  
22 ~~paragraph (a) of this subsection (1) within sixty days after the applications~~  
23 ~~are made available, the person may continue to engage in industrial hemp~~  
24 ~~activities as authorized under the pilot program until the commissioner~~  
25 ~~makes a determination on the person's application.~~

26 (3) (a) A registration issued pursuant to this section is valid for  
27 one year ~~In order~~ FROM THE DATE OF ITS ISSUANCE.

1 (b) To continue engaging in industrial hemp cultivation or  
2 research and development growth operations in this state ~~the~~ AFTER A  
3 REGISTRATION'S EXPIRATION, A registrant must ~~annually~~ apply for a  
4 RENEWAL OF ITS registration in accordance with ~~subsection (1) of this~~  
5 ~~section~~ RULES ADOPTED BY THE COMMISSIONER SETTING FORTH  
6 APPLICATION RENEWAL AND REVIEW PROCESSES AND SETTING A  
7 REGISTRATION RENEWAL FEE.

8 (5) The commissioner shall adopt rules ~~by March 1, 2014, and as~~  
9 necessary ~~thereafter~~ to implement ~~the registration program and to~~  
10 ~~implement~~ and administer this ~~article~~ ARTICLE 61.

11 (6) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY  
12 SUBMIT A HEMP MANAGEMENT PLAN IN ACCORDANCE WITH THE  
13 REQUIREMENTS AND TIMELINES PRESCRIBED BY THE SECRETARY OF THE  
14 UNITED STATES DEPARTMENT OF AGRICULTURE PURSUANT TO THE  
15 "AGRICULTURE IMPROVEMENT ACT OF 2018", PUB.L. 115-334, AS  
16 AMENDED, FOR APPROVAL BY THE SECRETARY. IN DRAFTING THE HEMP  
17 MANAGEMENT PLAN, THE COMMISSIONER OR THE COMMISSIONER'S  
18 DESIGNEE MAY CONSULT WITH ANY STAKEHOLDERS, INCLUDING STATE  
19 AND FEDERAL AGENCIES, LAW ENFORCEMENT AGENCIES, AND PRIVATE  
20 INDUSTRY.

21 **SECTION 4.** In Colorado Revised Statutes, 35-61-104.5, **amend**  
22 (1)(a) and (2); and **repeal** (1)(b) as follows:

23 **35-61-104.5. Research - certified seed program - fees.**

24 (1) (a) The department shall administer an industrial hemp grant research  
25 program so that state institutions of higher education may conduct  
26 research to develop or recreate strains of industrial hemp. ~~best suited for~~  
27 ~~industrial applications.~~ The purpose of the research may include growing

1 industrial hemp to provide breeding strains to aid Colorado's industrial  
2 hemp program and to create Colorado strains of industrial hemp.

3 ~~(b) An institution of higher education that conducts industrial~~  
4 ~~hemp seed research may accept seed varieties that are approved by the~~  
5 ~~committee or the department. The institution of higher education may~~  
6 ~~work with private hemp developers and other stakeholders to develop a~~  
7 ~~Colorado heritage seed.~~

8 (2) In addition to the fees collected pursuant to section 35-61-106  
9 OR PURSUANT TO RULES PROMULGATED UNDER SECTION 35-61-104, the  
10 commissioner may collect ~~an additional~~ A fee, established by the  
11 committee, ~~from~~ FOR each ~~registrant~~ REGISTRATION for the purpose of  
12 funding industrial hemp research and certification programs, including by  
13 making grants to institutions of higher education as specified in  
14 subsection (1) of this section. The fees collected shall be deposited in the  
15 industrial hemp research grant fund created in section 35-61-106 (3). The  
16 department may solicit, apply for, and accept ~~moneys~~ MONEY from other  
17 sources for the grant program.

18 **SECTION 5.** In Colorado Revised Statutes, 35-61-105, **amend**  
19 (1) introductory portion and (1)(a); and **repeal** (1)(b) as follows:

20 **35-61-105. Report of growth and sales activities - verification**  
21 **of crop content - testing - waiver of concentration limits - rules.**

22 (1) At least annually and more often as required by the commissioner, a  
23 person who obtains a registration under this ~~article~~ ARTICLE 61 to engage  
24 in industrial hemp cultivation for commercial purposes shall file with the  
25 department a report that includes the following information:

26 (a) Prior to planting, a verification that the crop the registrant will  
27 plant is of a type and variety of hemp that will produce a delta-9

1 tetrahydrocannabinol concentration of no more than three-tenths of one  
2 percent on a dry-weight basis; AND

3 (b) ~~Documentation demonstrating that the registrant has entered~~  
4 ~~into a purchase agreement with an in-state industrial hemp processor; and~~

5 **SECTION 6.** In Colorado Revised Statutes, **repeal** 35-61-109.

6 **SECTION 7. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.