

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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 **SECTION 1.** In Colorado Revised Statutes, 25-5-402, **add** (13.2)
3 and (13.3) as follows:

4 **25-5-402. Definitions.** As used in this part 4, unless the context
5 otherwise requires:

6 (13.2) "INDUSTRIAL HEMP" HAS THE MEANING SET FORTH IN
7 SECTION 35-61-101 (7).

8 (13.3) "INDUSTRIAL HEMP FOOD PRODUCT" MEANS A FINISHED
9 PRODUCT CONTAINING A DELTA-9 TETRAHYDROCANNABINOL
10 CONCENTRATION OF NO MORE THAN THREE-TENTHS OF ONE PERCENT THAT
11 IS A COSMETIC, FOOD, FOOD ADDITIVE, OR HERB FOR HUMAN USE OR
12 CONSUMPTION CONTAINING ANY PART OF THE HEMP PLANT, INCLUDING
13 NATURALLY OCCURRING CANNABINOIDS, COMPOUNDS, OR DERIVATIVES
14 FROM INDUSTRIAL HEMP.

15 **SECTION 2.** In Colorado Revised Statutes, 25-5-410, **add** (2) as
16 follows:

17 **25-5-410. Definitions of "adulterated".** (2) A FOOD CONTAINING
18 INDUSTRIAL HEMP, INCLUDING AN INDUSTRIAL HEMP FOOD PRODUCT, IS
19 NOT ADULTERATED UNLESS IT MEETS ONE OR MORE OF THE CRITERIA SET
20 FORTH IN SUBSECTION (1) OF THIS SECTION.

21 **SECTION 3.** In Colorado Revised Statutes, 25-5-414, **add** (2) as
22 follows:

1 **25-5-414. Adulterations.** (2) A PRODUCT USED AS A DRUG OR
2 DEVICE THAT CONTAINS INDUSTRIAL HEMP, INCLUDING AN INDUSTRIAL
3 HEMP FOOD PRODUCT, IS NOT ADULTERATED UNLESS IT MEETS ONE OR
4 MORE OF THE CRITERIA SET FORTH IN SUBSECTION (1) OF THIS SECTION.

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

7 **25-5-415. Misbranding.** (1) A drug or device ~~shall be~~ IS deemed
8 to be misbranded:

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

19 **SECTION 5.** In Colorado Revised Statutes, 25-5-416, **add** (2) as
20 follows:

21 **25-5-416. Adulteration of cosmetics.** (2) A PRODUCT USED AS A
22 COSMETIC THAT CONTAINS INDUSTRIAL HEMP, INCLUDING AN INDUSTRIAL
23 HEMP FOOD PRODUCT, IS NOT ADULTERATED UNLESS IT MEETS ONE OR
24 MORE OF THE CRITERIA SET FORTH IN SUBSECTION (1) OF THIS SECTION.

25 **SECTION 6.** In Colorado Revised Statutes, 25-5-426, **amend** (3)
26 and (4)(a) as follows:

27 **25-5-426. Wholesale food manufacturing and storage -**

1 **definitions - legislative declaration - fees - cash fund.** (3) The
2 department has the following powers and duties:

3 (a) To grant or refuse to grant registration pursuant to subsection
4 (4) of this section and to grant or refuse to grant the annual renewal of a
5 registration; EXCEPT THAT THE DEPARTMENT SHALL NOT REFUSE TO GRANT
6 REGISTRATION OR REGISTRATION RENEWAL SOLELY ON THE BASIS THAT AN
7 APPLICANT OR REGISTRANT SELLS, MANUFACTURES, PROCESSES, OR
8 STORES, OR INTENDS TO SELL, MANUFACTURE, PROCESS, OR STORE, ANY
9 PRODUCT CONTAINING INDUSTRIAL HEMP, INCLUDING AN INDUSTRIAL
10 HEMP FOOD PRODUCT;

11 (b) To deny, suspend, or revoke a registration; EXCEPT THAT THE
12 DEPARTMENT SHALL NOT DENY, SUSPEND, OR REVOKE A REGISTRATION
13 SOLELY ON THE BASIS THAT A REGISTRANT SELLS, MANUFACTURES,
14 PROCESSES, OR STORES, OR INTENDS TO SELL, MANUFACTURE, PROCESS, OR
15 STORE, ANY PRODUCT CONTAINING INDUSTRIAL HEMP, INCLUDING AN
16 INDUSTRIAL HEMP FOOD PRODUCT;

17 (c) To issue a certificate of free sale; and

18 (d) To review any records of a wholesale food manufacturer or
19 storage facility necessary to verify compliance with ~~the provisions of this~~
20 section, INCLUDING THE REVIEW OF ANY RECORDS OF A WHOLESALE FOOD
21 MANUFACTURER OR STORAGE FACILITY FOR ANY PRODUCT CONTAINING
22 INDUSTRIAL HEMP, INCLUDING AN INDUSTRIAL HEMP FOOD PRODUCT, TO
23 ENSURE THAT THE PRODUCTS CONTAIN A DELTA-9
24 TETRAHYDROCANNABINOL CONCENTRATION OF NO MORE THAN
25 THREE-TENTHS OF ONE PERCENT IN THE UNPROCESSED, STORED, OR
26 FINISHED PRODUCT.

27 (4) (a) (I) Beginning July 1, 2003, and on or before July 1 of each

1 year thereafter, the owner of any wholesale food manufacturer or storage
2 facility shall submit an application to the department. Each wholesale
3 food manufacturer or storage facility shall pay an annual application fee
4 of one hundred dollars, plus any additional registration fee specified in
5 subsection (4)(b) of this section; except that an application fee is not
6 required for a nonprofit facility. The application for registration is valid
7 for one year or for the portion of the fiscal year that remains if an
8 application is submitted after July 1 of any fiscal year. If an application
9 is valid for only a portion of a fiscal year, an application fee reduction is
10 not required by this section. Each application expires on June 30 of the
11 state fiscal year in which the application is submitted.

12 (II) THE DEPARTMENT SHALL NOT REQUIRE, ON THE BASIS THAT AN
13 APPLICANT SELLS, MANUFACTURES, PROCESSES, OR STORES, OR INTENDS
14 TO SELL, MANUFACTURE, PROCESS, OR STORE, AN INDUSTRIAL HEMP FOOD
15 PRODUCT, THAT THE APPLICANT PROVIDE ADDITIONAL INFORMATION OR
16 MEET ADDITIONAL REQUIREMENTS OTHER THAN THE INFORMATION AND
17 REQUIREMENTS SET FORTH IN SUBSECTION (4)(a)(I) OF THIS SECTION.

18 **SECTION 7. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 8, 2018, if adjournment sine die is on May 9,
22 2018); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2018 and, in such case, will take effect on the
27 date of the official declaration of the vote thereon by the governor.

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