

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

Conference Committee

*This Unproved and Unofficial Version Includes All Amendments  
Adopted in the First House, Second House, and the Conference Committee*

LLS NO. 18-1037.01 Jennifer Berman x3286

**HOUSE BILL 18-1295**

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**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.**

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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>.)*

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.

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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), 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 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

18 **SECTION 3.** In Colorado Revised Statutes, 18-18-102, **amend**  
19 the introductory portion and (18):

20 **18-18-102. Definitions.** As used in this article **18**:

21 (18) (a) "Marijuana" means all parts of the plant *cannabis sativa*  
22 L., whether growing or not, the seeds thereof, the resin extracted from any  
23 part of the plant, and every compound, manufacture, salt, derivative,  
24 mixture, or preparation of the plant, its seeds, or its resin. It does not  
25 include fiber produced from the stalks, oil, or cake made from the seeds  
26 of the plant, or sterilized seed of the plant which is incapable of  
27 germination if these items exist apart from any other item defined as

1 "marijuana" in this subsection (18). "Marijuana" does not include  
2 marijuana concentrate as defined in subsection (19) of this section.

3 (b) HOUSE BILL 18-1295, ENACTED IN 2018, DOES NOT ALLOW AN  
4 ENTITY WITH FEDERAL DRUG ADMINISTRATION APPROVAL OR ITS AGENT  
5 TO INITIATE CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS TO  
6 PREVENT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR DISTRIBUTION  
7 OF NATURALLY OCCURRING CANNABINOID OR CANNABINOID EXTRACTS OR  
8 RESTRICT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR  
9 DISTRIBUTION OF NATURALLY OCCURRING CANNABINOID OR CANNABINOID  
10 EXTRACTS.

11 **SECTION 4. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
13 the expiration of the ninety-day period after final adjournment of the  
14 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
15 2018); except that, if a referendum petition is filed pursuant to section 1  
16 (3) of article V of the state constitution against this act or an item, section,  
17 or part of this act within such period, then the act, item, section, or part  
18 will not take effect unless approved by the people at the general election  
19 to be held in November 2018 and, in such case, will take effect on the  
20 date of the official declaration of the vote thereon by the governor.

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