

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-1022.01 Michael Dohr x4347

HOUSE BILL 19-1311

HOUSE SPONSORSHIP

Singer, Arndt, Bird, Buckner, Buentello, Esgar, Galindo, Gray, Jackson, Jaquez Lewis, Kraft-Tharp, Melton, Michaelson Jenet, Roberts, Saine, Sirota, Snyder, Titone, Valdez A.

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE INSTITUTE OF CANNABIS**
102 **RESEARCH AT COLORADO STATE UNIVERSITY - PUEBLO.**

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 creates the institute of cannabis research (institute) at Colorado state university - Pueblo. The role and mission of the institute is to conduct research related to cannabis and publicly disseminate the results of the research. The bill creates the institute of cannabis research governing board (governing board), which will oversee the institute. The bill creates a process to relocate the institute if Colorado state

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
2nd Reading Unamended
April 26, 2019

HOUSE
3rd Reading Unamended
April 19, 2019

HOUSE
Amended 2nd Reading
April 18, 2019

university - Pueblo wants to stop hosting the institute or if the governing board believes that the institute should be relocated.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 23-31.5-112
3 as follows:

4 **23-31.5-112. Institute of cannabis research - governing board**
5 **- powers relating to the receipt and use of certain tax revenues -**
6 **definitions.** (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "GOVERNING BOARD" MEANS THE INSTITUTE OF CANNABIS
9 RESEARCH GOVERNING BOARD CREATED IN SUBSECTION (3) OF THIS
10 SECTION.

11 (b) "HOST INSTITUTION" MEANS THE NOT-FOR-PROFIT RESEARCH
12 ENTITY OR INSTITUTION OF HIGHER EDUCATION WHERE THE INSTITUTE OF
13 CANNABIS RESEARCH IS BASED.

14 (c) "INSTITUTE" MEANS THE INSTITUTE OF CANNABIS RESEARCH
15 CREATED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

16 (d) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" HAS
17 THE SAME MEANING AS IN SECTION 23-3.1-102 (5).

18 (2) (a) THERE IS CREATED THE INSTITUTE OF CANNABIS RESEARCH,
19 TO BE HOUSED AT COLORADO STATE UNIVERSITY - PUEBLO, UNLESS A
20 RELOCATION OCCURS PURSUANT TO SUBSECTION (7) OF THIS SECTION.

21 (b) THE ROLE AND MISSION OF THE INSTITUTE IS TO CONDUCT
22 RESEARCH RELATED TO CANNABIS, INCLUDING CLINICAL RESEARCH,
23 BIOTECHNOLOGIES, CLINICAL STUDIES, THE EFFICACIES OF MEDICAL
24 MARIJUANA, AND ECONOMIC DEVELOPMENT ASSOCIATED WITH CANNABIS
25 IN COLORADO, AND TO PUBLICLY DISSEMINATE THE RESULTS OF THE

1 RESEARCH.

2 (3) (a) THERE IS CREATED THE INSTITUTE OF CANNABIS RESEARCH
3 GOVERNING BOARD. THE GOVERNING BOARD CONSISTS OF:

4 (I) THE CHANCELLOR OF THE COLORADO STATE UNIVERSITY
5 SYSTEM OR HIS OR HER DESIGNEE;

6 (II) THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON
7 HIGHER EDUCATION OR HIS OR HER DESIGNEE;

8 (III) THE PRESIDENT OF THE UNIVERSITY OF COLORADO OR HIS OR
9 HER DESIGNEE;

10 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
11 HEALTH AND ENVIRONMENT OR HIS OR HER DESIGNEE;

12 (V) THE FOLLOWING SEVEN MEMBERS APPOINTED BY THE
13 GOVERNOR, WITH THE CONSENT OF THE SENATE:

14 (A) THREE SCIENTISTS FROM RELEVANT FIELDS WHO HAVE BEEN
15 EMPLOYED AT APPROPRIATE RESEARCH-ORIENTED INSTITUTIONS OR
16 ENTITIES WHO SUPPORT THE MISSION OF THE INSTITUTE; AND

17 (B) FOUR MEMBERS ASSOCIATED WITH CANNABIS-RELATED
18 INDUSTRIES WITHIN COLORADO.

19 (b) THE GOVERNOR SHALL NAME THE CHAIR OF THE GOVERNING
20 BOARD, WITH THE CONSENT OF THE SENATE.

21 (c) THE GOVERNING BOARD SHALL OVERSEE AND GUIDE THE ROLE
22 AND MISSION OF THE INSTITUTE. THE GOVERNING BOARD SHALL DIRECT
23 THE SPENDING OF THE MONEY RECEIVED BY THE INSTITUTE PURSUANT TO
24 SUBSECTION (4) OF THIS SECTION.

25 (d) THE GOVERNING BOARD SHALL ADVISE ANY COLORADO
26 INSTITUTION OF HIGHER EDUCATION THAT SEEKS TO DEVELOP A
27 CANNABIS-SPECIFIC CURRICULUM. THE COLORADO COMMISSION ON

1 HIGHER EDUCATION SHALL SEEK INPUT FROM THE GOVERNING BOARD
2 BEFORE APPROVING ANY CANNABIS-RELATED DEGREES OR CERTIFICATION.

3 (4) (a) The general assembly may allocate revenues from the
4 marijuana tax cash fund created in section 39-28.8-501 ~~C.R.S.~~, to the
5 board of governors of the Colorado state university system. The board of
6 governors of the Colorado state university system may use such revenues
7 for education and research programs at Colorado state university - Pueblo,
8 including but not limited to the scientific and social science research of
9 marijuana and other matters that impact the state and its regions. While
10 conducting the marijuana research, Colorado state university - Pueblo is
11 encouraged to consult with the scientific advisory council established
12 pursuant to section 25-1.5-106.5 (3)(a)(I), C.R.S., and the retail marijuana
13 public health advisory council established pursuant to section 25-1.5-110,
14 ~~C.R.S.~~ SUPPORT THE INSTITUTE. THE INSTITUTE MAY SPEND THE MONEY
15 RECEIVED FROM THE GENERAL ASSEMBLY FOR INSTITUTE PERSONNEL, TO
16 CONDUCT RESEARCH, TO PRODUCE AN ANNUAL SYMPOSIUM, AND FOR
17 ROUTINE FACILITY AND ADMINISTRATIVE COSTS CONSISTENT WITH
18 FEDERAL STANDARDS.

19 (b) THE INSTITUTE MAY SEEK, ACCEPT, AND EXPEND GIFTS,
20 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
21 PURPOSES OF THIS SECTION. THE INSTITUTE MAY ACCEPT AND EXPEND
22 OTHER REVENUE GENERATED BY THE INSTITUTE, INCLUDING ANY FEES OR
23 INTEREST EARNED ON THE MONEY AND REVENUE GENERATED FROM THE
24 SALE OR LICENSE OF INTELLECTUAL PROPERTY AS APPROVED BY THE
25 GOVERNING BOARD. THE GOVERNING BOARD MAY SOLICIT, ACCEPT,
26 EXPEND, AND DISBURSE ALL MONEY COLLECTED FOR THE INSTITUTE FROM
27 THE SOURCES SPECIFIED IN THIS SUBSECTION (4)(b) FOR THE PURPOSES OF

1 CONDUCTING RESEARCH RELATED TO CANNABIS AND TO DISSEMINATING
2 THE RESULTS OF SUCH RESEARCH PUBLICLY, CONSISTENT WITH THE ROLE
3 AND MISSION OF THE INSTITUTE. SUCH MONEY MAY BE EXPENDED FOR THE
4 PURPOSE OF FUNDING ACTIVITIES INITIATED DURING ANY STATE FISCAL
5 YEAR THAT ARE TO BE COMPLETED IN SUBSEQUENT STATE FISCAL YEARS
6 AND REPORTED ANNUALLY TO THE JOINT BUDGET COMMITTEE.

7 (c) THE GOVERNING BOARD SHALL APPROVE THE INSTITUTE'S
8 ANNUAL BUDGET.

9 (d) THE GOVERNING BOARD, IN CONSULTATION WITH THE
10 INSTITUTE'S DIRECTOR:

11 (I) MUST FUND RESEARCH THROUGH AN OPEN, COMPETITIVE
12 PROCESS USING NATIONAL BEST PRACTICES; AND

13 (II) MAY AWARD RESEARCH FUNDS TO:

14 (A) ANY NOT-FOR-PROFIT COLORADO-BASED RESEARCH ENTITY;

15

16 (B) ANY COLORADO INSTITUTION OF HIGHER EDUCATION AND ANY
17 RESEARCH ENTITY ASSOCIATED WITH SUCH INSTITUTION; OR

18 (C) A RESEARCH ENTITY THAT HAS A MARIJUANA RESEARCH AND
19 DEVELOPMENT LICENSE PURSUANT TO SECTION 44-11-408, THAT IS
20 OPERATING IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION
21 44-11-408, AND IS CONDUCTING THE RESEARCH WITH A COLORADO
22 INSTITUTION OF HIGHER EDUCATION.

23 (e) AN ENTITY OR INSTITUTION OF HIGHER EDUCATION THAT
24 RECEIVES RESEARCH FUNDING FROM THE INSTITUTE SHALL PRESENT ITS
25 RESEARCH RESULTS AT THE INSTITUTE'S ANNUAL SYMPOSIUM IN THE YEAR
26 AFTER THE RESEARCH IS CONCLUDED AND SHALL SUBMIT ANY REPORTS
27 REQUIRED BY THE GOVERNING BOARD.

1 (5) (a) THERE IS A DIRECTOR OF THE INSTITUTE. THE DIRECTOR IS
2 AN EMPLOYEE OF THE INSTITUTION OF HIGHER EDUCATION THAT SERVES
3 AS THE HOST INSTITUTION. THE GOVERNING BOARD IS THE SEARCH
4 COMMITTEE TO THE HOST INSTITUTION'S CHIEF EXECUTIVE OFFICER, WHO
5 IS THE HIRING AUTHORITY. THE GOVERNING BOARD SHALL PROVIDE
6 FEEDBACK TO THE HIRING AUTHORITY FOR USE IN THE ANNUAL
7 EVALUATION OF THE DIRECTOR.

8 (b) THE DIRECTOR'S RESPONSIBILITIES INCLUDE MANAGEMENT OF
9 THE INSTITUTE'S BUDGET AND OVERSIGHT OF ITS EMPLOYEES,
10 IMPLEMENTATION OF THE RESEARCH FUNDING PROCESS, AND DELIVERY OF
11 THE SYMPOSIUM.

12 (6) (a) THE INSTITUTE DIRECTOR SHALL ANNUALLY PRODUCE A
13 REPORT FOR THE JOINT BUDGET COMMITTEE AND THE EDUCATION
14 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
15 ANY SUCCESSOR COMMITTEES, THAT INCLUDES THE FOLLOWING
16 INFORMATION:

17 (I) A DESCRIPTION OF THE RESEARCH FUNDED THROUGH THE
18 INSTITUTE IN THE PREVIOUS YEAR; AND

19 (II) AN ACCOUNTING OF THE INSTITUTE'S SPENDING FOR THE
20 PREVIOUS YEAR.

21 (b) THE GOVERNING BOARD SHALL SUBMIT THE ANNUAL REPORT
22 TO THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF
23 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
24 COMMITTEES, AND SHALL COMMENT ON THE ANNUAL REPORT TO ADVISE
25 THE GENERAL ASSEMBLY ON THE EFFICACY OF THE INSTITUTE RELATED TO
26 ITS ROLE AND MISSION.

27 (c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136

1 (11)(a)(I), THE REPORTING REQUIREMENTS PURSUANT TO THIS SUBSECTION
2 (6) CONTINUE INDEFINITELY.

3 (7) (a) THE INSTITUTE'S HOST INSTITUTION MAY OPT OUT OF THE
4 MANAGEMENT OF THE INSTITUTE BY:

5 (I) PROVIDING AT LEAST ONE FISCAL YEAR'S NOTICE TO THE
6 GOVERNING BOARD, JOINT BUDGET COMMITTEE, AND THE EDUCATION
7 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
8 ANY SUCCESSOR COMMITTEES; AND

9 (II) SUPPORTING THE INSTITUTE DURING THE TRANSITION YEAR,
10 DURING WHICH TIME THE GOVERNING BOARD SHALL CONDUCT AN OPEN
11 SEARCH FOR A COLORADO NOT-FOR-PROFIT RESEARCH ENTITY OR
12 INSTITUTION OF HIGHER EDUCATION WISHING TO HOST THE INSTITUTE.

13 (b) THE GOVERNING BOARD SHALL NOTIFY THE JOINT BUDGET
14 COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF
15 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, IF
16 IT DETERMINES THAT THE HOST INSTITUTION SHOULD BE RELOCATED. IF
17 THE HOST INSTITUTION IS TO BE RELOCATED, THE GOVERNING BOARD
18 SHALL CONDUCT A SEARCH USING NATIONAL BEST PRACTICES AND
19 COMPLETE THE TRANSITION IN ONE FISCAL YEAR. THE HOST INSTITUTION
20 SHALL CONTINUE TO SUPPORT THE INSTITUTE DURING THE TRANSITION. A
21 NEW HOST INSTITUTION MUST HOST THE INSTITUTE FOR AT LEAST FIVE
22 YEARS BEFORE ANY SUBSEQUENT RELOCATION, UNLESS THERE IS GOOD
23 CAUSE TO CHANGE THE HOST INSTITUTION.

24 **SECTION 2.** In Colorado Revised Statutes, 23-1-104, **amend**
25 (1)(b)(II) as follows:

26 **23-1-104. Financing the system of postsecondary education -**
27 **report.** (1) (b) (II) For the 2010-11 fiscal year and for fiscal years

1 beginning on or after July 1, 2016, the general assembly shall also make
2 annual appropriations of cash funds, other than cash funds received as
3 tuition income or as fees, as a single line item to each governing board for
4 the operation of its campuses. Each governing board shall allocate said
5 cash fund appropriations to the institutions under its control in the manner
6 deemed most appropriate by the governing board; except that, if the
7 general assembly appropriates money pursuant to section 23-31.5-112, ~~to~~
8 ~~the board of governors of the Colorado state university system,~~ that
9 money is not included within the single line item appropriation described
10 in this ~~subparagraph (H)~~ SUBSECTION (1)(b)(II).

11 **SECTION 3. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.