

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0336.01 Michael Dohr x4347

SENATE BILL 15-196

SENATE SPONSORSHIP

Marble, Hodge

HOUSE SPONSORSHIP

Lebsock, Saine

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENSURE INDUSTRIAL HEMP REMAINS
102 BELOW A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION
103 OF NO MORE THAN THREE-TENTHS OF ONE PERCENT ON A DRY
104 WEIGHT BASIS.

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://www.leg.state.co.us/billsummaries>.)

The bill expands the industrial hemp committee to include a representative from cannabidiol industry and a representative from the certified seed growers industry. The bill requires the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

agriculture to administer an industrial hemp certified seed program (program). The department may import seeds for the program. The commissioner of agriculture (commissioner), in consultation with the industrial hemp committee and independent seed producers, shall promulgate rules for the program. The commissioner shall designate laboratories that an industrial hemp registrant may use for THC concentration testing purposes. The bill permits retail marijuana testing facility licensees to test industrial hemp for THC concentration levels. Current law provides criminal immunity from those processing, selling, and distributing industrial hemp. The bill extends that immunity to transporting and possessing hemp.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-61-103, **amend**
3 (1) (a) introductory portion and (1) (a) (VIII); and **add** (1) (a) (X) and (1)
4 (a) (XI) as follows:

5 **35-61-103. Industrial hemp committee - appointments - duties**
6 **- coordination with department.** (1) (a) The industrial hemp committee
7 is hereby established. The chair of the agriculture, livestock, and natural
8 resources committee in the house of representatives and the chair of the
9 agriculture, natural resources, and energy committee in the senate shall
10 jointly appoint ~~nine~~ ELEVEN members to the industrial hemp committee
11 as follows:

12 (VIII) One member who is a citizen advocate for industrial hemp;
13 **and**

14 (X) ONE MEMBER WHO IS A REPRESENTATIVE FROM THE
15 CANNABIDIOL INDUSTRY; AND

16 (XI) ONE MEMBER WHO IS A REPRESENTATIVE OF THE CERTIFIED
17 SEED GROWERS INDUSTRY.

18 **SECTION 2.** In Colorado Revised Statutes, 35-61-104.5, **add**
19 (1.5) as follows:

1 **35-61-104.5. Research - fees.** (1.5) THE DEPARTMENT SHALL
2 ADMINISTER A CERTIFIED SEED PROGRAM THAT IDENTIFIES SEEDS THAT
3 PRODUCE INDUSTRIAL HEMP. THE DEPARTMENT MAY IMPORT SEEDS TO
4 DEVELOP THE CERTIFIED SEED PROGRAM. THE COMMISSIONER, IN
5 CONSULTATION WITH THE COMMITTEE AND INDEPENDENT SEED
6 PRODUCERS, SHALL PROMULGATE RULES FOR THE CERTIFIED SEED
7 PROGRAM. THE DEPARTMENT SHALL SUBJECT A REGISTRANT THAT USES A
8 CERTIFIED SEED TO LESS STRINGENT TESTING REQUIREMENTS THAN A
9 REGISTRANT THAT USES A SEED THAT IS UNCERTIFIED.

10 **SECTION 3.** In Colorado Revised Statutes, **add** 35-61-105.5 as
11 follows:

12 **35-61-105.5. Testing laboratories.** THE COMMISSIONER SHALL
13 DESIGNATE LABORATORIES THAT A REGISTRANT MAY USE FOR DELTA-9
14 TETRAHYDROCANNABINOL CONCENTRATION TESTING PURPOSES.

15 **SECTION 4.** In Colorado Revised Statutes, 35-61-106, **amend**
16 (2) as follows:

17 **35-61-106. Industrial hemp registration program cash fund -**
18 **industrial hemp research grant cash fund - fees.** (2) The commissioner
19 shall collect a fee from persons applying for a registration pursuant to this
20 article. The commissioner shall set ~~the fee~~ A FEE SCHEDULE based on the
21 size AND USE of the land area on which the person will conduct industrial
22 hemp operations and shall set the fee SCHEDULE at a level sufficient to
23 generate the amount of moneys necessary to cover the department's direct
24 and indirect costs in implementing this article. The commissioner shall
25 transmit the fees collected pursuant to this section to the state treasurer for
26 deposit in the fund.

27 **SECTION 5.** In Colorado Revised Statutes, 35-61-108, **amend**

1 (2) as follows:

2 **35-61-108. Exportation of industrial hemp - processing, sale,**
3 **and distribution.** (2) Notwithstanding any other provision of law, a
4 person engaged in processing, selling, TRANSPORTING, POSSESSING, or
5 otherwise distributing industrial hemp cultivated by a person registered
6 under this article, or selling industrial hemp products produced therefrom,
7 is not subject to any civil or criminal actions under Colorado law for
8 engaging in such activities.

9 **SECTION 6.** In Colorado Revised Statutes, 12-43.4-405, **amend**
10 (1) as follows:

11 **12-43.4-405. Retail marijuana testing facility license - rules.**
12 (1) A retail marijuana testing facility license may be issued to a person
13 who performs testing and research on retail marijuana AND INDUSTRIAL
14 HEMP AS REGULATED BY ARTICLE 61 OF TITLE 35, C.R.S. The facility may
15 develop and test retail marijuana products AND INDUSTRIAL HEMP AS
16 REGULATED BY ARTICLE 61 OF TITLE 35, C.R.S. A LICENSEE SHALL LIMIT
17 INDUSTRIAL HEMP TESTING TO DELTA-9 TETRAHYDROCANNABINOL
18 CONCENTRATION LEVEL TESTING.

19 **SECTION 7.** In Colorado Revised Statutes, 39-28.8-501, **amend**
20 (2) (b) (XIV) as follows:

21 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
22 **- repeal.** (2) (b) Subject to the limitations in subsection (5) of this
23 section, any moneys in the fund that are not appropriated to the
24 department of revenue pursuant to paragraph (a) of this subsection (2) are
25 subject to annual appropriation by the general assembly for any fiscal
26 year following the fiscal year in which they were received by the state.
27 The general assembly shall initially appropriate moneys in the fund based

1 on the most recent estimate of revenue prepared by the staff of the
2 legislative council or the department of revenue for the applicable fiscal
3 year. The general assembly may appropriate moneys in the fund for the
4 following purposes:

5 (XIV) The industrial hemp grant research program AND CERTIFIED
6 SEED PROGRAM created in section 35-61-104.5, C.R.S.; and

7 **SECTION 8. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly
10 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,
11 if a referendum petition is filed pursuant to section 1 (3) of article V of
12 the state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2016 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.