

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Finance
Appropriations

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, 12-43.4-405, amend**

3 (1) as follows:

4 **12-43.4-405. Retail marijuana testing facility license - rules.**

5 (1) A retail marijuana testing facility license may be issued to a person
6 who performs testing and research on retail marijuana AND INDUSTRIAL
7 HEMP AS REGULATED BY ARTICLE 61 OF TITLE 35, C.R.S. The facility may
8 develop and test retail marijuana products AND INDUSTRIAL HEMP AS
9 REGULATED BY ARTICLE 61 OF TITLE 35, C.R.S. PRIOR TO PERFORMING
10 TESTING ON INDUSTRIAL HEMP, A FACILITY SHALL VERIFY THAT THE
11 PERSON REQUESTING THE TESTING HAS RECEIVED A REGISTRATION FROM
12 THE COMMISSIONER AS REQUIRED BY SECTION 35-61-104, C.R.S.

13 **SECTION 2. In Colorado Revised Statutes, 35-61-103, amend**

14 (1) (a) introductory portion and (1) (a) (VIII); and add (1) (a) (X) and (1)
15 (a) (XI) as follows:

16 **35-61-103. Industrial hemp committee - appointments - duties**
17 **- coordination with department.** (1) (a) The industrial hemp committee
18 is hereby established. The chair of the agriculture, livestock, and natural
19 resources committee in the house of representatives and the chair of the

1 agriculture, natural resources, and energy committee in the senate shall
2 jointly appoint ~~nine~~ ELEVEN members to the industrial hemp committee
3 as follows:

4 (VIII) One member who is a citizen advocate for industrial hemp;
5 and

6 (X) ONE MEMBER WHO IS A REPRESENTATIVE FROM THE
7 CANNABINOID INDUSTRY; AND

8 (XI) ONE MEMBER WHO REPRESENTS CERTIFIED SEED GROWERS.

9 **SECTION 3.** In Colorado Revised Statutes, 35-61-104.5, **add**
10 (1.5) as follows:

11 **35-61-104.5. Research - certified seed program - fees.**

12 (1.5) THE DEPARTMENT SHALL ADMINISTER A CERTIFIED SEED PROGRAM
13 THAT IDENTIFIES SEEDS THAT PRODUCE INDUSTRIAL HEMP. IN
14 ACCORDANCE WITH ALL FEDERAL AND STATE LAWS AND REGULATIONS,
15 THE DEPARTMENT MAY IMPORT SEEDS TO DEVELOP THE CERTIFIED SEED
16 PROGRAM.

17 **SECTION 4.** In Colorado Revised Statutes, **add** 35-61-105.5 as
18 follows:

19 **35-61-105.5. Testing laboratories.** IF A PERSON REGISTERED
20 PURSUANT TO THIS ARTICLE WANTS A LICENSED RETAIL MARIJUANA
21 TESTING FACILITY TO PERFORM TESTING ON THE INDUSTRIAL HEMP THAT
22 THE REGISTRANT IS CULTIVATING, THAT PERSON SHALL USE A RADIO
23 FREQUENCY IDENTIFICATION-BASED INVENTORY TRACKING SYSTEM
24 APPROVED BY THE COMMISSIONER FOR A SAMPLE OF THE REGISTRANT'S
25 INDUSTRIAL HEMP CROP. THE COMMISSIONER SHALL ONLY APPROVE AN
26 INVENTORY TRACKING SYSTEM IF THAT SYSTEM IS COMPATIBLE WITH THE
27 STATE LICENSING AUTHORITY'S SEED-TO-SALE TRACKING SYSTEM

1 REQUIRED PURSUANT TO SECTION 12-43.4-202 (1), C.R.S. A LICENSED
2 RETAIL TESTING FACILITY SHALL PROVIDE THE TEST RESULTS TO THE
3 REGISTRANT AND THE COMMISSIONER. ALL TEST RESULTS SHALL BE
4 CONSIDERED CONFIDENTIAL BUSINESS INFORMATION. THIS SECTION SHALL
5 NOT BE CONSTRUED TO PREVENT THE USE OF THE TRACKING SYSTEM FOR
6 OTHER PURPOSES.

7 **SECTION 5.** In Colorado Revised Statutes, 35-61-106, **amend**
8 (2) as follows:

9 **35-61-106. Industrial hemp registration program cash fund -**
10 **industrial hemp research grant cash fund - fees.** (2) The commissioner
11 shall collect a fee from persons applying for a registration pursuant to this
12 article. The commissioner shall set ~~the fee~~ A FEE SCHEDULE based on the
13 size AND USE of the land area on which the person will conduct industrial
14 hemp operations and shall set the fee SCHEDULE at a level sufficient to
15 generate the amount of moneys necessary to cover the department's direct
16 and indirect costs in implementing this article. The commissioner shall
17 transmit the fees collected pursuant to this section to the state treasurer
18 for deposit in the fund.

19 **SECTION 6.** In Colorado Revised Statutes, 35-61-108, **amend**
20 (2) as follows:

21 **35-61-108. Exportation of industrial hemp - processing, sale,**
22 **and distribution.** (2) Notwithstanding any other provision of law, a
23 person engaged in processing, selling, TRANSPORTING, POSSESSING, or
24 otherwise distributing industrial hemp cultivated by a person registered
25 under this article, or selling industrial hemp products produced therefrom,
26 is not subject to any civil or criminal actions under Colorado law for
27 engaging in such activities. THE DEPARTMENT MAY PROMULGATE RULES

1 TO REQUIRE APPROVED SHIPPING DOCUMENTATION FOR THE
2 TRANSPORTATION OF HEMP.

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