

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

LLS NO. R10-1097.01 Leah Bassity

HJR10-1027

HOUSE SPONSORSHIP

Curry and Sonnenberg,

SENATE SPONSORSHIP

Williams, White

House Committees

Senate Committees

Agriculture and Natural Resources

HOUSE JOINT RESOLUTION 10-1027

101 **CONCERNING THE RECOGNITION OF INDUSTRIAL HEMP AS A VALUABLE**
102 **AGRICULTURAL COMMODITY, AND, IN CONNECTION THEREWITH,**
103 **URGING CONGRESS TO CLARIFY THE FEDERAL DEFINITION OF**
104 **INDUSTRIAL HEMP, FACILITATE DOMESTIC PRODUCTION OF**
105 **INDUSTRIAL HEMP, AND REMOVE BARRIERS TO STATE**
106 **REGULATION OF THE PRODUCTION OF INDUSTRIAL HEMP.**

1 WHEREAS, Industrial hemp refers to varieties of *Cannabis* that
2 contain less than 0.3% tetrahydrocannabinol (THC), are genetically
3 distinct from drug varieties of *Cannabis* (marijuana), and are cultivated
4 exclusively for fiber, stalk, and seed; and

5 WHEREAS, Industrial hemp should not be confused with varieties
6 of *Cannabis* that contain high concentrations of THC and that are
7 commonly referred to as marijuana; and

8 WHEREAS, Congress never intended to prohibit the production

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.

HOUSE
Final Reading
May 5, 2010

1 of industrial hemp when restricting the production, possession, and use
2 of marijuana; and

3 WHEREAS, The legislative history of the "Marijuana Tax Act of
4 1937", in which the current federal definition of marijuana first appeared,
5 indicates that the concerns expressed at the time by industrial hemp
6 farmers and manufacturers of industrial hemp products, including
7 Sherwin-Williams Paint Company, were assuaged by Federal Bureau of
8 Narcotics Commissioner Harry J. Anslinger, who promised that the
9 proposed legislation bore no threat to them, stating, "They are not only
10 amply protected under this act, but they can go ahead and raise hemp just
11 as they have always done it"; and

12 WHEREAS, The United States Court of Appeals for the Ninth
13 Circuit ruled in *Hemp Industries v. Drug Enforcement Administration*,
14 357 F.3d 1012, 9th Cir. 2004, that the federal "Controlled Substances
15 Act", enacted in 1970, 21 U.S.C. sec. 812 (b), explicitly excludes
16 non-psychoactive industrial hemp from the definition of marijuana, and
17 the federal government declined to appeal that decision; and

18 WHEREAS, The "Controlled Substances Act", enacted in 1970,
19 specifies the criteria for classifying a substance as a Schedule I drug,
20 which include a high potential for abuse, no accepted medical use, and a
21 lack of accepted safety for use, none of which apply to industrial hemp;
22 and

23 WHEREAS, Section 2 of article 28 of the United Nations' Single
24 Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol,
25 states, "This Convention shall not apply to the cultivation of the cannabis
26 plant exclusively for industrial purposes (fibre and seed) or horticultural
27 purposes"; and

28 WHEREAS, H.R. 1866, the "Industrial Hemp Farming Act of
29 2009", sponsored by U.S. Representative Ron Paul, is currently assigned
30 to the Crime, Terrorism, and Homeland Security subcommittee and would
31 require the definition of hemp to be distinct from that of marijuana, in
32 addition to making industrial hemp a states' rights issue; and

33 ==

34 WHEREAS, Industrial hemp is commercially produced in more
35 than 30 nations, including Canada, Great Britain, France, Germany,
36 Romania, Australia, and China; and

37 WHEREAS, The Canadian government, through the Canadian
38 Consulate in Denver and the Alberta Research Council, has expressed
39 interest in partnering with the Western states of the U.S. to maximize the
40 economic development potential of industrial hemp, turning what is now
41 considered a boutique industry into a mainstream industry; and

42 WHEREAS, The states of Hawaii, Kentucky, Maine, Minnesota,
43 Missouri, Montana, New Hampshire, New Mexico, North Dakota,
44 Oregon, Vermont, and Wisconsin introduced bills favoring industrial
45 hemp in 2009, and Montana, Maine, Oregon, Vermont, New Mexico, and

1 North Dakota passed legislation with broad bipartisan support, and North
2 Dakota is issuing licenses to grow under state law; and

3 WHEREAS, The National Farmers Union, American Farm
4 Bureau, National Association of State Departments of Agriculture,
5 Colorado Farm Bureau, and Rocky Mountain Farmers Union have all
6 adopted strong written policies in support of industrial hemp cultivation;
7 and

8 WHEREAS, The president of the National Farmers Union, Roger
9 Johnson, is currently in talks with the DEA about modifying its
10 enforcement policy to make the clear distinction between high-THC
11 content marijuana and non-psychoactive hemp; and

12 WHEREAS, Many farmers view industrial hemp as a versatile and
13 valuable agricultural commodity that will have long-term economic
14 benefits to both the farmers who produce the hemp and the persons who
15 utilize hemp in the production of twine, rope, textiles, paper products,
16 animal bedding, automobile parts, plastics, cosmetics, food, nutritional
17 supplements, body care products, fuels such as biodiesel, ethanol, and
18 butanol, and building materials including plywood, concrete, insulation,
19 and roofing; and

20 WHEREAS, The production of industrial hemp would provide
21 new jobs and promote new industries in Colorado, in addition to
22 supporting agriculture and agricultural communities, increasing the
23 sustainability of various manufacturers and producers, and improving
24 nutritional content in foods and feed; and

25 WHEREAS, At least 24 small businesses in Colorado deal in hemp
26 products, all of which must be imported, and the owners of these
27 businesses would strongly prefer to have a domestic source of hemp,
28 which would increase their profits; and

29 WHEREAS, Colorado should support a coordinated approach that
30 includes universities, colleges, and research institutions, law enforcement
31 agencies, and the U.S. Department of Agriculture; and

32 WHEREAS, U.S. sales of hemp food are growing by 50% per
33 year; industrial hemp seed prices are good, as conventional seed is priced
34 at \$0.39 to \$0.52 per pound and organic seed at \$0.72 to \$0.87 per pound;
35 and yields are high, such as in Canada, where the average yield is 800 to
36 1,000 pounds of seed per acre without irrigation and 1,600 to 2,000
37 pounds per acre with irrigation; and

38 WHEREAS, Industrial hemp is a high-value, low-input crop that
39 is not genetically modified, requires no pesticides, can be dry
40 land-farmed, and uses less fertilizer than wheat and corn; and

41 WHEREAS, Industrial hemp helps meet the demands of a market
42 increasingly concerned about environmental impact by providing nitrogen
43 to the soil, sequestering carbon, and growing without the use of toxic
44 chemicals; and

1 WHEREAS, Industrial hemp provides a practical transition to
2 sustainable agricultural practices and the conservation of precious
3 groundwater resources in the state; now, therefore,

4 *Be It Resolved by the House of Representatives of the Sixty-seventh*
5 *General Assembly of the State of Colorado, the Senate concurring herein:*

6 That the General Assembly urges the United States Congress to:

7 (1) Recognize industrial hemp as a valuable agricultural
8 commodity;

9 (2) Define industrial hemp in federal law as a non-psychoactive
10 and genetically identifiable species of the genus *Cannabis*;

11 (3) Acknowledge that allowing and encouraging farmers to
12 produce industrial hemp will improve the balance of trade by promoting
13 domestic sources of industrial hemp; and

14 (4) Assist U.S. producers by removing barriers to state regulation
15 of the commercial production of industrial hemp.

16 *Be It Further Resolved*, That copies of this Joint Resolution be sent
17 to President Barack Obama; Tom Vilsack, U.S. Secretary of Agriculture;
18 Senator Blanche Lincoln, Chair of the U.S. Senate Committee on
19 Agriculture, Nutrition and Forestry; Representative Collin Peterson, Chair
20 of the U.S. House Committee on Agriculture; and to each member of
21 Colorado's Congressional Delegation.