

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 12-0485.01 Kristen Forrestal x4217

HOUSE BILL 12-1099

HOUSE SPONSORSHIP

McKinley, Sonnenberg

SENATE SPONSORSHIP

Tochtrop and Williams S.,

House Committees

Local Government
Appropriations

Senate Committees

Agriculture, Natural Resources, and Energy
Legislative Council
Finance
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF AN INDUSTRIAL HEMP
102 REMEDIATION PILOT PROGRAM TO STUDY PHYTOREMEDIATION
103 THROUGH THE GROWTH OF HEMP ON CONTAMINATED SOIL,
104 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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 chair of the agriculture, livestock, and natural resources committee in the house of representatives and the chair of the agriculture,

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.

SENATE
2nd Reading Unamended
May 8, 2012

HOUSE
3rd Reading Unamended
April 24, 2012

HOUSE
Amended 2nd Reading
April 17, 2012

natural resources, and energy committee in the senate will appoint 7 members to the industrial hemp remediation pilot program committee (committee). The committee will establish an industrial hemp remediation pilot program (pilot program) to study how soils and water may be made more pristine and healthy by phytoremediation, removal of contaminants, and rejuvenation through the growth of industrial hemp. The committee consists of members with various scientific backgrounds and with knowledge about the growth of industrial hemp. The growth of industrial hemp is prohibited until the commissioner of agriculture (commissioner) approves the site chosen by the committee, the security measures that have been put in place by the committee at the pilot program location, and the cleanup plan for the site at the conclusion of the pilot program. The committee will make a final report of its findings and submit the report to the commissioner. The committee may accept gifts, grants, and donations for the pilot program. The pilot program is repealed on July 1, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 18.7 to
3 title 25 as follows:

4 **ARTICLE 18.7**

5 **Industrial Hemp Remediation Pilot Program**

6 **25-18.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "COMMITTEE" MEANS THE INDUSTRIAL HEMP REMEDIATION
9 PILOT PROGRAM COMMITTEE ESTABLISHED IN SECTION 25-18.7-103.

10 (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
11 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

12 (3) "INDUSTRIAL HEMP" MEANS ANY VARIETY OF THE PLANT
13 CANNABIS SATIVA L. CONTAINING NO MORE THAN THREE-TENTHS OF ONE
14 PERCENT OF TETRAHYDROCANNABINOLS, WHETHER GROWING OR NOT.

15 (4) "PHYTOREMEDIATION" MEANS THE MITIGATION OF POLLUTANT
16 CONCENTRATIONS, INCLUDING METALS, PESTICIDES, SOLVENTS,

1 EXPLOSIVES, AND CRUDE OIL AND ITS DERIVATIVES, IN CONTAMINATED
2 SOILS, WATER, AND AIR MAKING SOILS MORE CONDUCTIVE TO CROP
3 PRODUCTION THROUGH THE GROWTH OF INDUSTRIAL HEMP.

4 (5) "Tetrahydrocannabinols" HAS THE SAME MEANING SET
5 FORTH IN SECTION 12-22-303 (32), C.R.S.

6 **25-18.7-102. Industrial hemp - permitted growth.**

7 (1) GROWING AND POSSESSING INDUSTRIAL HEMP FOR THE PURPOSES OF
8 THIS ARTICLE IS PERMITTED IN THIS STATE.

9 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
10 INDIVIDUAL IS NOT SUBJECT TO ANY CIVIL OR CRIMINAL ACTIONS FOR
11 GROWING INDUSTRIAL HEMP OR OTHERWISE PARTICIPATING IN THE
12 INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM IF THE INDIVIDUAL'S
13 ACTIONS ARE IN COMPLIANCE WITH THE PILOT PROGRAM ESTABLISHED IN
14 THIS ARTICLE.

15 **25-18.7-103. Industrial hemp remediation pilot program**
16 **committee - appointments - duties.** (1) THE CHAIR OF THE

17 AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE IN THE
18 HOUSE OF REPRESENTATIVES AND THE CHAIR OF THE AGRICULTURE,
19 NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE SENATE SHALL
20 JOINTLY APPOINT SEVEN MEMBERS TO THE INDUSTRIAL HEMP
21 REMEDIATION PILOT PROGRAM COMMITTEE, WHICH IS HEREBY
22 ESTABLISHED.

23 (2) (a) THE COMMITTEE SHALL ESTABLISH AN INDUSTRIAL HEMP
24 REMEDIATION PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE
25 "PILOT PROGRAM", IN ORDER TO DETERMINE HOW SOILS AND WATER MAY
26 BE MADE MORE PRISTINE AND HEALTHY BY PHYTOREMEDIATION, REMOVAL
27 OF CONTAMINANTS, AND REJUVENATION THROUGH THE GROWTH OF

1 INDUSTRIAL HEMP. THE COMMITTEE SHALL CHOOSE A SECURE, INDOOR
2 GROWING SITE FOR THE PILOT PROGRAM.

3 (b) THE COMMITTEE SHALL STUDY AND INCLUDE IN A FINAL
4 REPORT TO THE EXECUTIVE DIRECTOR THE FOLLOWING COMPONENTS AS
5 PART OF THE PILOT PROGRAM:

6 (I) THE RATE OF CONTAMINATION UPTAKE FROM SOIL AND WATER;

7 (II) THE MODE OF EFFICIENT UPTAKE FROM SOIL AND WATER;

8 (III) THE RATE OF CARBON FIXATION IN THE CALVIN CYCLE;

9 (IV) THE LOCATIONS IN THE ROOTS, STEMS, LEAVES, AND FLOWERS
10 OF THE PLANTS AT WHICH CONTAMINANT ARE FIXATED;

11 (V) WHAT CONTAMINANTS ARE STABILIZED IN THE PLANTS;

12 (VI) WHAT CONTAMINANTS ON THE SITE NEED ADDITIONAL
13 TREATMENT IN ORDER TO MAKE THE SOIL OR WATER HEALTHY AND
14 PRISTINE;

15 (VII) WHAT DISPOSAL METHOD IS BEST FOR THE DIFFERENT
16 CONTAMINANTS, INCLUDING PETRIFICATION, ENCASEMENT, INCINERATION,
17 BURIAL, AND COMPOSTING;

18 (VIII) SET A BASELINE FOR THE PLANTS CULTIVATED IN A CLEAN
19 SOIL TO SET A STANDARD; AND

20 (IX) OTHER DATA DEEMED IMPORTANT TO THE PILOT PROGRAM.

21 (c) THE COMMITTEE SHALL SUBMIT A REPORT TO THE EXECUTIVE
22 DIRECTOR NO LATER THAN SIX MONTHS AFTER THE CONCLUSION OF THE
23 PILOT PROGRAM THAT OUTLINES THE FINDINGS OF THE COMMITTEE.

24 **25-18.7-104. Gifts, grants, and donations - authority to accept**
25 **- cash fund - notice of funding through gifts, grants, and donations -**
26 **repeal.** (1) THE COMMITTEE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,
27 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE

1 PURPOSES OF THIS ARTICLE; EXCEPT THAT THE COMMITTEE SHALL NOT
2 ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS
3 THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE
4 STATE. THE COMMITTEE SHALL TRANSMIT ALL PRIVATE AND PUBLIC
5 MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
6 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HEMP
7 REMEDIATION PILOT PROGRAM CASH FUND, WHICH FUND IS HEREBY
8 CREATED AND REFERRED TO IN THIS ARTICLE AS THE "FUND". THE MONEYS
9 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
10 ASSEMBLY TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
11 FOR APPROPRIATION TO THE COMMITTEE FOR THE DIRECT AND INDIRECT
12 COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE.

13 (2) (a) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
14 THE COMMITTEE SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT
15 HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR
16 DONATIONS FOR THE INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM
17 AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN
18 SECTION 24-75-1303 (3), C.R.S.

19 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2015.

20 **25-18.7-105. Repeal of article.** THIS ARTICLE IS REPEALED,
21 EFFECTIVE JULY 1, 2022.

22 **SECTION 2. Appropriation.** In addition to any other
23 appropriation, there is hereby appropriated, out of any moneys in the
24 hemp remediation pilot program cash fund created in section
25 25-18.7-104, Colorado Revised Statutes, not otherwise appropriated, to
26 the department of public health and environment, for the fiscal year
27 beginning July 1, 2012, the sum of \$25,000, or so much thereof as may

1 be necessary, for allocation to the hazardous materials and solid waste
2 management division, for expenses of the industrial hemp remediation
3 pilot program committee related to the implementation of this act.

4 **SECTION 3. Effective date.** This act takes effect July 1, 2012.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.