



Agriculture

During the 2019 legislative session, the General Assembly considered measures to: regulate industrial hemp; increase food safety and branding; modify certain agricultural operations; and continue existing agricultural programs and laws.

Industrial Hemp

The General Assembly passed two bills concerning the regulation of industrial hemp. In 2018, the U.S. Congress enacted the Agricultural Improvement Act of 2018 which removed hemp from schedule I of the federal Controlled Substances Act. The 2018 act requires the United States Department of Agriculture (USDA) to develop a plan for the regulation of hemp and authorizes each state to seek approval from the USDA to receive regulatory authority over hemp production within the state by preparing and submitting a state hemp management plan.

Senate Bill 19-220 updates the laws governing Colorado's industrial hemp regulatory program to align with the 2018 federal act and authorizes the Colorado Department of Agriculture (CDA) to prepare and submit a state plan to the USDA.

Senate Bill 19-240 sets the annual registration fee for wholesale industrial hemp food manufacturers paid to the Department of Public Health and Environment at \$300. The bill also authorizes local governments to regulate the

storage, extraction, processing, or manufacturing of industrial hemp or industrial hemp products, if the regulations do not conflict with state law.

Food Safety and Labeling

Currently, the U.S. Food and Drug Administration (FDA) regulates food safety. The CDA has a cooperative agreement with the FDA to implement food safety rules in Colorado through June 30, 2021. *House Bill 19-1114* authorizes CDA to adopt and enforce the FDA's food safety regulations.

The General Assembly also considered a measure concerning meat labeling. *House Bill 19-1102* would have prohibited food that is not primarily derived from livestock or that is grown in a lab from being labeled as "meat." This bill was postponed indefinitely. *House Resolution 19-1005* requests the USDA and FDA to expedite rulemaking concerning cell-cultured food.

Agricultural Operations

Several bills before the 2019 General Assembly concerned agricultural operations. *House Bill 19-1191* allows a farm stand to operate on land regardless of whether the land is zoned as agricultural. The bill also permits a farm stand to be located on a parcel of any size.

Primary Author: Jimmy Reed ✦ 303-866-2756 ✦ jimmy.reed@state.co.us

Agriculture (cont'd)

House Bill 19-1162 expands the definition of farm equipment for sales tax exemption purposes to include ear tags and ear tag scanners for food animals or animals used in the production of food.

House Bill 19-1247 directs the CDA to convene an advisory group to study the potential applications for blockchain technology in agricultural operations and to report to the General Assembly in 2020 with its findings. This bill is only applicable if there is sufficient gifts, grants, or donations to cover the cost of the study.

Regulatory Legislation

The General Assembly passed a number of regulatory bills. *Senate Bill 19-147* continues the Seed Potato Act in the CDA through September 1, 2028. The act was scheduled to repeal in 2019. The bill changes the act to include repealing the option to have an independent auditor perform a record review of potato growers; requiring the potato marketing order area committee for Area II pay all the costs of regulating seed potatoes; and repealing the \$2,500 fine limit for violations of the act. Similarly, *Senate Bill 19-148* continues the Seed Potato Advisory Committee within CDA indefinitely. The bill also makes changes to the membership of the committee.

Senate Bill 19-150 continues the regulation of public livestock markets in the CDA until September 1, 2034. The regulation was scheduled to repeal in 2019. The bill also included modifications to the licensing process and sanitation requirements.

CDA also regulates pet animal breeders, groomers, trainers, boarders, shelters, rescues, and sellers under the Pet Animal Care Facilities Act (PACFA). *Senate Bill 19-158* continues PACFA through September 1, 2026. The act was scheduled to repeal in 2019.

The Colorado Food System Advisory Council works to strengthen healthy food access for Coloradans through Colorado agriculture and local food systems, and economies. *House Bill 19-1202* relocates the Council from the CDA to Colorado State University (CSU) and modifies its membership, purpose, and duties.