

CHAPTER 341

AGRICULTURE

HOUSE BILL 18-1295

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also SENATOR(S) Coram, Aguilar, Baumgardner, Court, Crowder, Fenberg, Fields, Garcia, Gardner, Guzman, Hill, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Marble, Merrifield, Neville T., Smallwood, Sonnenberg, Tate, Todd, Williams A., Grantham.

AN ACT

CONCERNING MODIFICATIONS TO THE "COLORADO FOOD AND DRUG ACT" TO ALLOW PRODUCTS CONTAINING INDUSTRIAL HEMP, AND, IN CONNECTION THEREWITH, ESTABLISHING THAT PRODUCTS CONTAINING INDUSTRIAL HEMP ARE NOT ADULTERATED OR MISBRANDED BY VIRTUE OF CONTAINING INDUSTRIAL HEMP.

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

SECTION 1. In Colorado Revised Statutes, 25-5-415, **amend** (1) introductory portion and (1)(l) as follows:

25-5-415. Misbranding. (1) A drug or device ~~shall be~~ is deemed to be misbranded:

(l) If it is for HUMAN use ~~by man~~ and contains any quantity of the narcotic or hypnotic substance alpha eucaine, barbituric acid, betaeucaine, bromal, ~~cannabis~~, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of ~~such~~ THE substance, which derivative, after investigation, has been found to be and designated as habit-forming by rules issued by the department or pursuant to the federal act, unless its label bears the name and quantity or proportion of the substance or derivative and in juxtaposition therewith the statement "Warning - May be habit-forming";

SECTION 2. In Colorado Revised Statutes, 25-5-426, **add** (2)(g.3), (2)(g.5), and (4)(d) as follows:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

25-5-426. Wholesale food manufacturing and storage - definitions - legislative declaration - fees - cash fund. (2) As used in this section, unless the context otherwise requires:

(g.3) "INDUSTRIAL HEMP" HAS THE MEANING SET FORTH IN SECTION 35-61-101 (7).

(g.5) "INDUSTRIAL HEMP PRODUCT" MEANS A FINISHED PRODUCT CONTAINING INDUSTRIAL HEMP THAT:

(I) IS A COSMETIC, FOOD, FOOD ADDITIVE, OR HERB;

(II) IS FOR HUMAN USE OR CONSUMPTION;

(III) CONTAINS ANY PART OF THE HEMP PLANT, INCLUDING NATURALLY OCCURRING CANNABINOIDS, COMPOUNDS, CONCENTRATES, EXTRACTS, ISOLATES, RESINS, OR DERIVATIVES; AND

(IV) CONTAINS A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION OF NO MORE THAN THREE-TENTHS OF ONE PERCENT.

(4) (d) INDUSTRIAL HEMP PRODUCTS PRODUCED BY WHOLESALE FOOD MANUFACTURING FACILITIES REGISTERED IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL NOT BE DEEMED ADULTERATED, AS DEFINED IN SECTIONS 25-5-410 AND 25-5-416, UNLESS THE PRODUCTS MEET ONE OR MORE OF THE CRITERIA SET FORTH IN SECTION 25-5-410 OR 25-5-416.

SECTION 3. In Colorado Revised Statutes, 18-18-102, **amend** the introductory portion and (18):

18-18-102. Definitions. As used in this article **18**:

(18) (a) "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin. It does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart from any other item defined as "marijuana" in this subsection (18). "Marijuana" does not include marijuana concentrate as defined in subsection (19) of this section.

(b) HOUSE BILL 18-1295, ENACTED IN 2018, DOES NOT ALLOW AN ENTITY WITH FEDERAL DRUG ADMINISTRATION APPROVAL OR ITS AGENT TO INITIATE CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS TO PREVENT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR DISTRIBUTION OF NATURALLY OCCURRING CANNABINOID OR CANNABINOID EXTRACTS OR RESTRICT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR DISTRIBUTION OF NATURALLY OCCURRING CANNABINOID OR CANNABINOID EXTRACTS.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if

adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: May 30, 2018