

## Amendment X Industrial Hemp Definition

1 **Amendment X proposes amending the Colorado Constitution to:**

- 2     ◆ remove the definition of “industrial hemp” from the Colorado Constitution and,  
3     instead, use the definition in federal law or state statute.

### 4 **Summary and Analysis**

5     ***What is industrial hemp?*** Industrial hemp (commonly referred to as “hemp”) is an  
6     agricultural commodity that belongs to the cannabis family. Industrial hemp has only  
7     trace amounts of the psychoactive component of marijuana (delta-9 tetrahydrocannabinol  
8     or THC), typically around 0.3 percent. By contrast, most marijuana strains sold in  
9     Colorado range between 8 and 30 percent THC. Industrial hemp’s applications include  
10    building material, clothing, food, oil, rope, and, potentially, medicine.

11    ***Existing definitions of industrial hemp.*** Federal law defines the term “industrial  
12    hemp” to mean “the plant *Cannabis sativa* L. and any part of such plant, whether  
13    growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than  
14    0.3 percent on a dry weight basis.”

15    The Colorado Constitution and state statutes define the term “industrial hemp” to  
16    mean “the plant of the genus *cannabis* and any part of such plant, whether growing or  
17    not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths  
18    [0.3] percent on a dry weight basis.”

19    ***Colorado’s regulation of industrial hemp.*** Amendment 64, which legalized the  
20    recreational use of marijuana in 2012, added a definition of “industrial hemp” to the  
21    Colorado Constitution and required the state legislature to enact legislation concerning  
22    its cultivation, processing, and sale. In 2013, the state legislature modified the statutory  
23    definition of “industrial hemp” to mirror the state’s constitutional definition and created  
24    the Industrial Hemp Regulatory Program in the Colorado Department of Agriculture. In  
25    subsequent years, the state legislature has addressed several policy issues related to  
26    industrial hemp, including acceptable uses, seed certification, testing, and water rights.

27    Under current state law, in the event that the federal government authorizes the  
28    U.S. Department of Agriculture to regulate the cultivation and research and development  
29    of industrial hemp, the state’s program automatically repeals.

30    ***Industrial hemp industry in Colorado.*** Since 2014, Colorado has been the leading  
31    producer of industrial hemp in the country. As of June 1, 2018, there are 688 registered  
32    hemp growers in Colorado cultivating 23,500 outdoor acres and 3.9 million indoor  
33    square feet of industrial hemp.

34    ***Industrial hemp and federal law.*** Under current federal law, all cannabis varieties,  
35    including industrial hemp, are classified as controlled substances regulated by the

1 federal Drug Enforcement Agency in the U.S. Department of Justice. However, the  
2 U.S. Congress authorized the limited cultivation of industrial hemp for research purposes  
3 in 2014, and currently has legislation pending regarding industrial hemp.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2018**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

#### 4 **Argument For**

5 Striking the definition of industrial hemp from the Colorado Constitution allows the  
6 state legislature to react to changes to the definition at the federal level. As a result,  
7 Colorado's industrial hemp growers will maintain compliance with federal policy and  
8 remain competitive with other states.

#### 9 **Argument Against**

10 Voters approved Amendment 64 to the Colorado Constitution in 2012, which  
11 included the current definition of industrial hemp. Amendment X allows the state  
12 legislature to make changes to the term's definition, which may cause uncertainty among  
13 industrial hemp growers who have relied on the constitutional definition in establishing  
14 their businesses.

#### 15 **Estimate of Fiscal Impact**

16 Removing the definition of industrial hemp from the Colorado Constitution has no  
17 impact on the revenue or expenditures of any state or local government agencies.