

## CHAPTER 444

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**HEALTH AND ENVIRONMENT**


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SENATE BILL 23-271

BY SENATOR(S) Roberts and Van Winkle, Fenberg;  
 also REPRESENTATIVE(S) deGruy Kennedy and Snyder, Amabile, Bird, Brown, Titone.

**AN ACT**

**CONCERNING THE REGULATION OF COMPOUNDS THAT ARE RELATED TO CANNABINOIDS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-5-426, **amend** (4)(b)(II) and (4)(b)(III); and **repeal** (2)(g.3), (2)(g.5), (4)(b)(IV), (4)(d), and (4)(e) as follows:

**25-5-426. Wholesale food manufacturing and storage - definitions - legislative declaration - registration - 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) (b) In addition to the application fee a facility is required to pay pursuant to

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

subsection (4)(a) of this section, the schedule for annual registration fees for wholesale food manufacturers or storage facilities is as follows:

~~(II) Except as provided in subsection (4)(b)(IV) of this section, A wholesale food manufacturer or storage facility with gross annual sales of less than one hundred fifty thousand dollars shall pay the department a registration fee of sixty dollars.~~

~~(III) Except as provided in subsection (4)(b)(IV) of this section, A wholesale food manufacturer or storage facility with gross annual sales of one hundred fifty thousand dollars or more shall pay the department a registration fee of three hundred dollars.~~

~~(IV) A wholesale food manufacturer that produces an industrial hemp product shall pay the department a registration fee of three hundred dollars, regardless of its gross annual sales.~~

~~(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.~~

~~(e) In addition to any powers listed in this section, the department may promulgate rules to prohibit, within final products made available for sale, the chemical modification, conversion, or synthetic derivation of intoxicating tetrahydrocannabinol isomers, including delta-8, delta-9, and delta-10, or other intoxicating tetrahydrocannabinol isomers that originate from industrial hemp or may be synthetically derived.~~

**SECTION 2.** In Colorado Revised Statutes, **add** 25-5-427 as follows:

**25-5-427. Classes of hemp-derived compounds and cannabinoids - definitions - registration required - prohibitions - safe harbor - rules - repeal.**

**(1) Legislative declaration.** THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE REGISTRATION OF HEMP PRODUCT AND SAFE HARBOR HEMP PRODUCT MANUFACTURERS AND THE REGULATION OF PREMISES AND PLACES WHERE HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS ARE MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR DISTRIBUTION, OR HELD FOR DISTRIBUTION IN ACCORDANCE WITH THIS PART 4 AND ANY RULES PROMULGATED UNDER THIS PART 4:

(a) ARE NECESSARY TO PROTECT THE PUBLIC HEALTH;

(b) WILL BENEFIT CONSUMERS BY ENSURING THAT HEMP PRODUCTS ARE SOLD AND DISTRIBUTED BY SAFE SOURCES;

(c) WILL ASSIST RETAILERS BY ENSURING THAT HEMP PRODUCTS HAVE NOT BEEN ADULTERATED DURING MANUFACTURING, PRODUCTION, PACKAGING, PROCESSING, PREPARING, TREATING, TRANSPORTING, AND STORAGE; AND

(d) WILL CONTRIBUTE TO THE ECONOMIC HEALTH OF THE STATE BY ENSURING THAT COLORADO HEMP PRODUCT AND SAFE HARBOR HEMP PRODUCT MANUFACTURERS ARE PERMITTED TO SHIP THEIR PRODUCTS IN INTERSTATE COMMERCE.

(2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIETARY SUPPLEMENT" HAS THE MEANING SET FORTH IN SECTION 25-5-426 (2)(d).

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

(c) "HEMP MANUFACTURER OR STORAGE FACILITY" MEANS A FACILITY WHERE HEMP PRODUCTS ARE MANUFACTURED OR STORED.

(d) "HEMP PRODUCT" MEANS A FINISHED PRODUCT THAT CONTAINS HEMP AND THAT:

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

(II) IS INTENDED FOR HUMAN USE OR CONSUMPTION;

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

(IV) IS PRODUCED FROM HEMP;

(V) CONTAINS NO MORE THAN ONE AND THREE-FOURTHS MILLIGRAMS OF THC PER SERVING; AND

(VI) CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL TO FIFTEEN TO ONE.

(e) "INTOXICATING CANNABINOID" MEANS A CANNABINOID THAT IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN THIS SECTION OR BY RULE OF THE DEPARTMENT ACTING IN COORDINATION WITH THE STATE LICENSING AUTHORITY, IN ACCORDANCE WITH SUBSECTIONS (4)(g) AND (4)(h) OF THIS SECTION.

(f) "MANUFACTURING OR PROCESSING", "MANUFACTURING", "MANUFACTURE", "PROCESS", OR "PROCESSING" HAS THE SAME MEANING AS "MANUFACTURING OR PROCESSING", AS SET FORTH IN SECTION 25-5-426 (2)(h).

(g) "NONINTOXICATING CANNABINOID" MEANS A CANNABINOID THAT IS CLASSIFIED AS A NONINTOXICATING CANNABINOID IN THIS SECTION OR BY RULE OF THE DEPARTMENT ACTING IN COORDINATION WITH THE STATE LICENSING AUTHORITY, IN ACCORDANCE WITH SUBSECTIONS (4)(g) AND (4)(h) OF THIS SECTION.

(h) "PHYSICAL SEPARATION" MEANS SEGREGATION OF THE OPERATIONS OF A REGULATED HEMP FACILITY:

(I) INCLUDING THE PHYSICAL SEPARATION OF HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS DURING MANUFACTURE, PRODUCTION, STORAGE, AND DISTRIBUTION; AND

(II) THE USE OF SEPARATE EQUIPMENT FOR THE MANUFACTURE OR PRODUCTION OF HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS.

(i) "POTENTIALLY INTOXICATING CANNABINOID" HAS THE MEANING SET FORTH IN SECTION 44-10-103 (48.5).

(j) "REGISTRANT" MEANS A PERSON REGISTERED UNDER SUBSECTION (5) OF THIS SECTION.

(k) "REGULATED HEMP FACILITY" MEANS:

(I) A HEMP MANUFACTURER OR STORAGE FACILITY; OR

(II) A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY.

(l) "SAFE HARBOR HEMP PRODUCT" MEANS A HEMP-DERIVED COMPOUND OR CANNABINOID, WHETHER A FINISHED PRODUCT OR IN THE PROCESS OF BEING PRODUCED, THAT IS PERMITTED TO BE MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR DISTRIBUTION, OR HELD FOR DISTRIBUTION IN COLORADO FOR EXPORT FROM COLORADO BUT THAT IS NOT PERMITTED TO BE SOLD OR DISTRIBUTED IN COLORADO.

(m) "SAFE HARBOR MANUFACTURER OR STORAGE FACILITY" OR "SAFE HARBOR FACILITY" MEANS A FACILITY THAT MANUFACTURES FOR DISTRIBUTION, PRODUCES FOR DISTRIBUTION, PACKAGES FOR DISTRIBUTION, PROCESSES FOR DISTRIBUTION, PREPARES FOR DISTRIBUTION, TREATS FOR DISTRIBUTION, TRANSPORTS FOR DISTRIBUTION, OR HOLDS FOR DISTRIBUTION A SAFE HARBOR HEMP PRODUCT.

(n) "SEMI-SYNTHETIC CANNABINOID" HAS THE MEANING SET FORTH IN SECTION 44-10-209 (2)(b).

(o) "SERVING" MEANS THE SIZE OR PORTION CUSTOMARILY CONSUMED PER EATING OCCASION, EXPRESSED IN A COMMON HOUSEHOLD MEASURE AS ESTABLISHED IN TABLE 2 OF 21 CFR 101.12.

(p) "STATE LICENSING AUTHORITY" HAS THE MEANING SET FORTH IN SECTION 44-10-103 (69).

(q) "SYNTHETIC CANNABINOID" HAS THE MEANING SET FORTH IN SECTION 44-10-209 (2)(c).

(r) "TETRAHYDROCANNABINOL" OR "THC" HAS THE MEANING SET FORTH IN SECTION 44-10-209 (2)(d).

(s) "TINCTURE" MEANS A LIQUID HEMP PRODUCT THAT IS PACKAGED IN A CONTAINER OF FOUR FLUID OUNCES OR LESS, THAT IS NOT A BEVERAGE OR INTENDED FOR DRINKING, AND THAT CONSISTS OF A SOLUTION:

(I) CONTAINING AT LEAST TWENTY-FIVE PERCENT NON-DENATURED ALCOHOL OR A BASE OF GLYCERIN OR PLANT-BASED OIL;

(II) CONTAINING HEMP, HEMP CONCENTRATE, OR HEMP EXTRACT; AND

(III) INTENDED FOR HUMAN USE.

(3) **Powers and duties of the department - rules.** THE DEPARTMENT HAS THE POWER AND DUTY TO:

(a) GRANT OR DENY A REGISTRATION ISSUED UNDER SUBSECTION (5) OF THIS SECTION AND TO GRANT OR DENY THE ANNUAL RENEWAL OF A REGISTRATION;

(b) SUSPEND, DENY, OR REVOKE A REGISTRATION UNDER CIRCUMSTANCES PRESCRIBED IN THIS SECTION OR IN RULES PROMULGATED UNDER THIS SECTION;

(c) REVIEW ANY RECORDS OF A REGISTRANT THAT MANUFACTURES FOR DISTRIBUTION, PRODUCES FOR DISTRIBUTION, PACKAGES FOR DISTRIBUTION, PROCESSES FOR DISTRIBUTION, PREPARES FOR DISTRIBUTION, TREATS FOR DISTRIBUTION, TRANSPORTS FOR DISTRIBUTION, OR HOLDS FOR DISTRIBUTION PRODUCTS SUBJECT TO THIS SECTION AS NECESSARY TO VERIFY COMPLIANCE WITH THIS SECTION;

(d) PROMULGATE RULES NECESSARY TO AUTHORIZE OR PROHIBIT CHEMICAL MODIFICATION, CONVERSION, OR SYNTHETIC DERIVATION OF CANNABINOIDS OR OTHER HEMP-DERIVED COMPOUNDS, UNLESS OTHERWISE PERMITTED BY THIS PART 4 OR BY ANY RULES PROMULGATED UNDER THIS PART 4;

(e) (I) PROMULGATE RULES, IN COORDINATION WITH THE STATE LICENSING AUTHORITY, ESTABLISHING THE AMOUNT OF ANY CANNABINOID THAT MAKES THE CANNABINOID INTOXICATING;

(II) PROMULGATE RULES IMPLEMENTING SUBSECTION (8) OF THIS SECTION;

(III) IF NECESSARY, PROMULGATE RULES CREATING A PROCESS TO PREVENT CROSS CONTAMINATION BETWEEN HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS AND SPECIFYING A SET OF REQUIREMENTS FOR:

(A) THE CO-LOCATION OF THE MANUFACTURE OF, PRODUCTION OF, STORAGE OF, AND DISTRIBUTION OF HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS; AND

(B) THE USE OF THE SAME EQUIPMENT FOR THE PRODUCTION OF SAFE HARBOR HEMP PRODUCTS AND HEMP PRODUCTS;

(IV) PROMULGATE RULES PROHIBITING THE EXPORT OF A SAFE HARBOR HEMP PRODUCT TO A STATE WHERE THE SAFE HARBOR HEMP PRODUCT IS PROHIBITED BY STATE STATUTE; AND

(V) PROMULGATE RULES PROHIBITING THE MANUFACTURE, PRODUCTION, OR DISTRIBUTION OF A SAFE HARBOR PRODUCT THAT IS ALSO A SYNTHETIC CANNABINOID;

(f) PROMULGATE RULES GOVERNING TESTING AND LABELING, AS PROVIDED IN SUBSECTIONS (4)(c)(II) AND (4)(d)(III) OF THIS SECTION. IN PROMULGATING THE LABELING FOR HEMP PRODUCTS, THE DEPARTMENT SHALL CONSIDER:

(I) THE LABELING RULES PROMULGATED BY THE STATE LICENSING AUTHORITY GOVERNING PRODUCTS WITH THC;

(II) HOW BEST TO INFORM CONSUMERS OF THE RATIO OF CANNABIDIOL TO THC, INCLUDING A DIFFERENTIATION BETWEEN PRODUCT LABELS BASED ON THE RATIO OF CBD TO THC; AND

(III) INFORMATION ON POTENTIAL HEALTH EFFECTS OF USING HEMP PRODUCTS AND REQUIREMENTS FOR CONSUMER NOTICE AS REQUIRED IN SUBSECTION (4)(f) OF THIS SECTION.

(g) PROMULGATE RULES AUTHORIZING, PROHIBITING, OR REGULATING HEMP-DERIVED INGREDIENTS IN HEMP PRODUCTS THAT ARE COMPOUNDS OTHER THAN CANNABINOIDS;

(h) PROMULGATE ANY OTHER RULES THAT ARE NECESSARY FOR THE FAIR, IMPARTIAL, AND COMPREHENSIVE ADMINISTRATION OF THIS PART 4 WITH RESPECT TO HEMP, HEMP PRODUCTS, OR SAFE HARBOR HEMP PRODUCTS; AND

(i) ISSUE A CEASE-AND-DESIST ORDER OR CLEAN-UP ORDER TO ADDRESS VIOLATIONS OF THIS SECTION.

**(4) Classifications of hemp-derived compounds and cannabinoids - rules.**

(a) HEMP-DERIVED COMPOUNDS AND CANNABINOIDS ARE DIVIDED INTO THREE CLASSIFICATIONS:

(I) NONINTOXICATING CANNABINOIDS;

(II) POTENTIALLY INTOXICATING CANNABINOIDS; AND

(III) INTOXICATING CANNABINOIDS.

(b) (I) NONINTOXICATING CANNABINOIDS INCLUDE:

(A) FULL SPECTRUM HEMP EXTRACT THAT CONTAINS NO MORE THAN ONE AND THREE-FOURTHS MILLIGRAMS OF THC PER SERVING AND CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL TO FIFTEEN TO ONE;

(B) BROAD SPECTRUM HEMP EXTRACT;

- (C) CANNABIDIOL, ALSO KNOWN AS "CBD";
- (D) TETRAHYDROCANNABIVARIN, ALSO KNOWN AS "THCV";
- (E) CANNABICHROMENE, ALSO KNOWN AS "CBC";
- (F) CANNABICITRAN, ALSO KNOWN AS "CBT";
- (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";
- (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";
- (I) CANNABIGEROL, ALSO KNOWN AS "CBG";
- (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND
- (K) CANNABINOL, ALSO KNOWN AS "CBN".

(II) NONINTOXICATING CANNABINOIDS THAT ARE DERIVED FROM HEMP MAY BE USED AS AN INGREDIENT IN A HEMP PRODUCT OR AS A FINISHED HEMP PRODUCT IN ACCORDANCE WITH THIS SECTION AND THE RULES PROMULGATED UNDER THIS PART 4 OR IN ACCORDANCE WITH ARTICLE 10 OF TITLE 44 AND THE RULES PROMULGATED UNDER ARTICLE 10 OF TITLE 44.

(c) (I) A PERSON SHALL NOT:

(A) MANUFACTURE, PRODUCE, OR DISTRIBUTE A POTENTIALLY INTOXICATING CANNABINOID WITHIN COLORADO, AS AN INGREDIENT IN A HEMP PRODUCT OR AS A FINISHED HEMP PRODUCT, UNLESS THE POTENTIALLY INTOXICATING CANNABINOID IS A SAFE HARBOR HEMP PRODUCT THAT IS EXPORTED FROM COLORADO; OR

(B) MARKET OR PROMOTE A HEMP PRODUCT AS CONTAINING THC OR ANY OTHER POTENTIALLY INTOXICATING CANNABINOID.

(II) A PERSON THAT MANUFACTURES, PRODUCES, OR DISTRIBUTES A PRODUCT CONTAINING A POTENTIALLY INTOXICATING CANNABINOID SHALL LABEL THE PRODUCT IN ACCORDANCE WITH THE RULES PROMULGATED UNDER THIS SECTION.

(d) (I) INTOXICATING CANNABINOIDS INCLUDE THE FOLLOWING IN AN AMOUNT THAT EXCEEDS THE AMOUNT ESTABLISHED BY RULE OR, IF NO RULE ESTABLISHES THE AMOUNT, IN ANY AMOUNT:

- (A) DELTA-10 THC AND ITS ISOMERS;
- (B) DELTA-9 THC AND ITS ISOMERS;
- (C) DELTA-8 THC AND ITS ISOMERS;
- (D) DELTA-7 THC AND ITS ISOMERS;
- (E) DELTA-6a, 10a THC AND ITS ISOMERS;

(F) EXO-TETRAHYDROCANNABINOL;

(G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC, 3-HYDROXY-THC, OR 7-HYDROXY-THC;

(H) HYDROGENATED FORMS OF THC, INCLUDING HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND HEXAHYDROCANNABIHEXOL;

(I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;

(J) ESTER FORMS OF THC, INCLUDING DELTA-8 THC-O-ACETATE, DELTA-9 THC-O-ACETATE, AND HEXAHYDROCANNABINOL-O-ACETATE;

(K) TETRAHYDROCANNABIVARINS, INCLUDING DELTA-8 TETRAHYDROCANNABIVARIN BUT EXCLUDING DELTA-9 TETRAHYDROCANNABIVARIN;

(L) ANALOGUES OF TETRAHYDROCANNABINOLS WITH AN ALKYL CHAIN OF FOUR OR MORE CARBON ATOMS, INCLUDING TETRAHYDROCANNABIPHOROLS, TETRAHYDROCANNABIOCTYLS, TETRAHYDROCANNABIHEXOLS, OR TETRAHYDROCANNABUTOLS; AND

(M) ANY COMBINATION OF THE COMPOUNDS, INCLUDING HEXAHYDROCANNABIPHOROL-O-ESTER, LISTED IN THIS SUBSECTION (4)(d)(I).

(II) A PERSON SHALL NOT:

(A) MANUFACTURE, PRODUCE, OR DISTRIBUTE AN INTOXICATING CANNABINOID WITHIN COLORADO, AS AN INGREDIENT IN A HEMP PRODUCT OR AS A FINISHED HEMP PRODUCT, UNLESS THE INTOXICATING CANNABINOID IS A SAFE HARBOR HEMP PRODUCT THAT IS EXPORTED FROM COLORADO; OR

(B) MARKET OR PROMOTE A SAFE HARBOR HEMP PRODUCT OR HEMP PRODUCT AS CONTAINING THC OR ANY OTHER INTOXICATING CANNABINOID.

(III) A PERSON THAT MANUFACTURES, PRODUCES, OR DISTRIBUTES A PRODUCT CONTAINING AN INTOXICATING CANNABINOID SHALL LABEL THE PRODUCT IN ACCORDANCE WITH THE RULES PROMULGATED UNDER THIS SECTION.

(e) (I) A PERSON SHALL NOT MANUFACTURE, PRODUCE, SELL, OR OFFER TO SELL A SYNTHETIC CANNABINOID OR A PRODUCT CONTAINING A SYNTHETIC CANNABINOID UNLESS AUTHORIZED BY RULE. IF SYNTHETIC CANNABINOIDS ARE PERMITTED BY RULE, THE DEPARTMENT, IN COORDINATION WITH THE STATE LICENSING AUTHORITY, SHALL PROMULGATE RULES PROVIDING STANDARDS AND REQUIREMENTS FOR THE MANUFACTURE AND PRODUCTION OF SYNTHETIC CANNABINOIDS IN COLORADO. THE RULES MUST INCLUDE A LABELING REQUIREMENT FOR ANY HEMP-DERIVED PRODUCT MANUFACTURED OR PRODUCED IN COLORADO THAT CONTAINS A SEMI-SYNTHETIC OR SYNTHETIC CANNABINOID AS AN INGREDIENT.

(II) TO BE SOLD, OFFERED FOR SALE, OR DISTRIBUTED, SEMI-SYNTHETIC CANNABINOIDS MUST MEET PRODUCTION, TESTING, AND LABELING REQUIREMENTS



ESTABLISHED IN RULES PROMULGATED BY THE DEPARTMENT UNDER SECTION 25-5-420 AND SUBSECTION (4)(e)(I) OF THIS SECTION.

(f) THE DEPARTMENT SHALL PROMULGATE RULES REQUIRING A CONSUMER NOTICE STATEMENT IF ANY HEMP-DERIVED PRODUCTS THAT ARE MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR DISTRIBUTION, OR HELD FOR DISTRIBUTION IN THIS STATE CONTAIN INTOXICATING CANNABINOIDS OR POTENTIALLY INTOXICATING CANNABINOIDS.

(g) THE DEPARTMENT, IN COORDINATION WITH THE STATE LICENSING AUTHORITY, MAY PROMULGATE RULES TO:

(I) CLASSIFY A HEMP-DERIVED COMPOUND OR CANNABINOID THAT IS NOT CLASSIFIED IN THIS SUBSECTION (4);

(II) RECLASSIFY A HEMP-DERIVED COMPOUND OR CANNABINOID CLASSIFIED IN THIS SUBSECTION (4) IF:

(A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED A PROCESS TO REVIEW AND APPROVE HEMP-DERIVED COMPOUNDS OR CANNABINOIDS;

(B) THE REVIEW AND APPROVAL PROCESS DESCRIBED IN SUBSECTION (4)(g)(II)(A) OF THIS SECTION EVALUATES THE INTOXICATING POTENTIAL OF THE HEMP-DERIVED COMPOUND OR CANNABINOID; AND

(C) THE RECLASSIFICATION IS BASED ON THE FINDINGS OF THE PROCESS AND EVALUATION DESCRIBED IN SUBSECTIONS (4)(g)(II)(A) AND (4)(g)(II)(B) OF THIS SECTION.

(h) TO RECLASSIFY A HEMP-DERIVED COMPOUND OR CANNABINOID, UNDER SUBSECTION (4)(g) OF THIS SECTION, THE RECLASSIFICATION MUST:

(I) BE SUPPORTED BY PEER-REVIEWED RESEARCH OR CLINICAL TRIALS ESTABLISHING TO A REASONABLE DEGREE OF SCIENTIFIC CERTAINTY THAT THE HEMP-DERIVED COMPOUND OR CANNABINOID OR A PRODUCT CONTAINING A HEMP-DERIVED COMPOUND OR CANNABINOID SHOULD BE RECLASSIFIED; OR

(II) BE BASED ON A THREAT TO HUMAN HEALTH, INCLUDING SUBSTANTIAL REPORTS OF INTOXICATION OR ADVERSE HEALTH EVENT REPORTS.

**(5) Registration required - regulated hemp facilities - application - fees - repeal.** (a) BEGINNING JULY 1, 2023, AND ON OR BEFORE JULY 1 OF EACH YEAR THEREAFTER, THE OWNER OF A REGULATED HEMP FACILITY SHALL SUBMIT A REGISTRATION APPLICATION TO THE DEPARTMENT. TO SUBMIT AN APPLICATION, EACH HEMP MANUFACTURER OR STORAGE FACILITY AND EACH SAFE HARBOR MANUFACTURER OR STORAGE FACILITY MUST PAY AN ANNUAL APPLICATION FEE OF ONE HUNDRED DOLLARS PLUS ANY ADDITIONAL REGISTRATION FEE SPECIFIED IN SUBSECTION (5)(b) OF THIS SECTION. EACH REGISTRATION EXPIRES ON JUNE 30 OF THE YEAR FOR WHICH THE REGISTRATION IS ISSUED, REGARDLESS OF WHETHER THE

REGISTRATION WAS ISSUED AFTER JULY 1 FOR THE YEAR. NOTWITHSTANDING THAT A REGISTRATION IS VALID FOR ONLY A PORTION OF A FISCAL YEAR, THE APPLICATION AND REGISTRATION FEE DO NOT CHANGE.

(b) IN ADDITION TO THE APPLICATION FEE IMPOSED IN SUBSECTION (5)(a) OF THIS SECTION, THE ANNUAL REGISTRATION FEE FOR A REGULATED HEMP FACILITY IS ONE THOUSAND FIVE HUNDRED DOLLARS.

(c) (I) TO BE REGISTERED UNDER SUBSECTION (5)(a) OF THIS SECTION, A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY MUST DEMONSTRATE COMPLIANCE WITH THE FEDERAL CURRENT GOOD MANUFACTURING PRACTICES FOR FOOD OR DIETARY SUPPLEMENTS BEFORE REGISTERING OR WITHIN TWELVE MONTHS AFTER THE PREVIOUS REGISTRATION BY SUBMITTING TO THE DEPARTMENT:

(A) AN ATTESTATION FORM, AS PROVIDED BY THE DEPARTMENT, WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND EACH YEAR THEREAFTER; AND

(B) EVIDENCE OF OBTAINING AN INSPECTION FROM AN APPROVED THIRD-PARTY AUDITOR BY JULY 1, 2024, AND BY JULY 1 OF EACH YEAR THEREAFTER.

(II) THE DEPARTMENT SHALL NOT REGISTER A PERSON AS A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY UNDER THIS SUBSECTION (5) IF THE PERSON IS REGISTERED AS A HEMP MANUFACTURER OR STORAGE FACILITY OR AS A WHOLESALE FOOD MANUFACTURING AND STORAGE FACILITY, UNLESS EACH SAFE HARBOR HEMP PRODUCT:

(A) IS PHYSICALLY SEPARATED FROM HEMP PRODUCTS DURING THE MANUFACTURE OF, PRODUCTION OF, STORAGE OF, AND DISTRIBUTION OF THE SAFE HARBOR HEMP PRODUCT;

(B) IS MANUFACTURED, PRODUCED, STORED, AND DISTRIBUTED IN ACCORDANCE WITH PROCEDURES THAT ARE APPROVED BY THE DEPARTMENT AND THAT ENSURE NO CROSS CONTAMINATION BETWEEN HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS; OR

(C) IS MANUFACTURED, PRODUCED, STORED, AND DISTRIBUTED IN ACCORDANCE WITH RULES OF THE DEPARTMENT PROMULGATED IN ACCORDANCE WITH SUBSECTION (3)(e)(III) OF THIS SECTION.

(III) TO BE EXPORTED FOR SALE OR DISTRIBUTION, EACH SAFE HARBOR HEMP PRODUCT MUST BE TESTED AND LABELED IN ACCORDANCE WITH RULES PROMULGATED UNDER SECTION 25-5-420 AND SUBSECTION (4)(e) OF THIS SECTION.

(d) A REGISTRATION ISSUED UNDER THIS SUBSECTION (5) IS SUBJECT TO SUSPENSION OR REVOCATION, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, IF THE REGISTRANT VIOLATES THIS PART 4 OR RULES PROMULGATED UNDER THIS PART 4.

(e) A REGISTRANT WHO VIOLATES THIS SECTION IS SUBJECT TO THE CIVIL PENALTIES ESTABLISHED IN SUBSECTION (9) OF THIS SECTION.

(f) (I) A REGULATED HEMP FACILITY MAY CONTINUE MANUFACTURING, PRODUCING, AND DISTRIBUTING HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS UNTIL THE DEPARTMENT PROMULGATES RULES IMPLEMENTING THIS SUBSECTION (5) IF THE REGULATED HEMP FACILITY COMPLIES WITH THE CURRENTLY APPLICABLE STATUTES AND RULES.

(II) THIS SUBSECTION (5)(f) IS REPEALED, EFFECTIVE JULY 1, 2025.

(6) **Hemp products not adulterated.** A PRODUCT CONTAINING HEMP PRODUCED BY A REGISTRANT IS NOT DEEMED ADULTERATED, AS DEFINED IN SECTIONS 25-5-410 AND 25-5-416, UNLESS THE PRODUCT MEETS ONE OR MORE OF THE CRITERIA FOR ADULTERATION SET FORTH IN SECTION 25-5-410 OR 25-5-416.

(7) **Fees deposited in fund.** THE DEPARTMENT SHALL TRANSMIT FEES COLLECTED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE WHOLESALE FOOD MANUFACTURING AND STORAGE PROTECTION CASH FUND ESTABLISHED IN SECTION 25-5-426 (5).

(8) **Offenses.** IT IS UNLAWFUL TO ENGAGE IN OR KNOWINGLY CAUSE A PERSON TO ENGAGE IN ANY OF THE FOLLOWING ACTS:

(a) MANUFACTURING, SELLING, OR DELIVERING OR HOLDING OR OFFERING FOR SALE ANY PRODUCTS CONTAINING HEMP AND INTOXICATING CANNABINOIDS OR POTENTIALLY INTOXICATING CANNABINOIDS IN EXCESS OF LIMITS ESTABLISHED BY RULES PROMULGATED UNDER SUBSECTION (3)(e) OF THIS SECTION OR SECTION 25-5-420;

(b) MANUFACTURING A PRODUCT CONTAINING HEMP THAT IS NOT A COSMETIC, A DIETARY SUPPLEMENT, A FOOD, A FOOD ADDITIVE, OR AN HERB;

(c) MANUFACTURING, PRODUCING, SELLING, DISTRIBUTING, OR HOLDING FOR SALE OR DISTRIBUTION A HEMP PRODUCT WITHOUT REGISTERING WITH THE DEPARTMENT UNDER THIS SECTION;

(d) MANUFACTURING, PRODUCING, SELLING, DISTRIBUTING, OR HOLDING FOR SALE OR DISTRIBUTION A SAFE HARBOR HEMP PRODUCT WITHOUT REGISTERING WITH THE DEPARTMENT UNDER THIS SECTION;

(e) (I) SELLING A HEMP PRODUCT TO AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE IF THE HEMP PRODUCT:

(A) HAS MORE THAN ONE AND ONE-FOURTH MILLIGRAMS OF THC PER SERVING;  
OR

(B) HAS A RATIO OF CANNABIDIOL TO THC OF LESS THAN TWENTY TO ONE.

(II) THIS SUBSECTION (8)(e) DOES NOT APPLY TO:

(A) PRODUCTS WITH NO THC;

(B) TINCTURES;

(C) COSMETICS; OR

(D) A HEMP PRODUCT THAT THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS DETERMINED IS GENERALLY RECOGNIZED AS SAFE UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET SEQ.

(f) (I) SELLING A HEMP PRODUCT IN A PACKAGE WITH MORE THAN FIVE SERVINGS IF THE HEMP PRODUCT:

(A) HAS MORE THAN ONE AND ONE-FOURTH MILLIGRAMS OF THC PER SERVING;  
AND

(B) HAS A RATIO OF CANNABIDIOL TO THC OF LESS THAN TWENTY TO ONE.

(II) THIS SUBSECTION (8)(f) DOES NOT APPLY TO:

(A) PRODUCTS WITH NO THC;

(B) TINCTURES;

(C) COSMETICS; OR

(D) A HEMP PRODUCT THAT THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS DETERMINED IS GENERALLY RECOGNIZED AS SAFE UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET SEQ.

(g) (I) SELLING A HEMP PRODUCT IN A PACKAGE WITH MORE THAN THIRTY SERVINGS IF THE HEMP PRODUCT:

(A) HAS MORE THAN ONE AND ONE-FOURTH MILLIGRAMS OF THC PER SERVING;  
AND

(B) HAS A RATIO OF CANNABIDIOL TO THC OF TWENTY TO ONE OR MORE.

(II) THIS SUBSECTION (8)(f) DOES NOT APPLY TO:

(A) PRODUCTS WITH NO THC;

(B) TINCTURES;

(C) COSMETICS; OR

(D) A HEMP PRODUCT THAT THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS DETERMINED IS GENERALLY RECOGNIZED AS SAFE UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET SEQ.

(9) **Penalties.** A PERSON WHO VIOLATES THIS SECTION, THE RULES PROMULGATED UNDER THIS SECTION, OR A FINAL CEASE-AND-DESIST ORDER OR CLEAN-UP ORDER UNDER SUBSECTION (3)(i) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS PER DAY PER VIOLATION. THE DEPARTMENT OR THE COURT SHALL TRANSMIT EACH CIVIL PENALTY COLLECTED UNDER THIS

SUBSECTION (9) TO THE STATE TREASURER, WHO SHALL CREDIT THE PENALTY TO THE WHOLESALE FOOD MANUFACTURING AND STORAGE PROTECTION CASH FUND ESTABLISHED IN SECTION 25-5-426 (5). IN DETERMINING THE AMOUNT OF A CIVIL PENALTY UNDER THIS SUBSECTION (9), THE DEPARTMENT OR THE COURT SHALL CONSIDER THE FOLLOWING FACTORS:

- (a) THE ACTUAL OR POTENTIAL DAMAGE FROM THE VIOLATION;
- (b) THE VIOLATOR'S COMPLIANCE HISTORY;
- (c) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR NEGLIGENT;
- (d) THE EFFECT UPON OR THREAT POSED TO THE PUBLIC HEALTH OR ENVIRONMENT AS A RESULT OF THE VIOLATION;
- (e) THE DURATION OF THE VIOLATION; AND
- (f) ANY ECONOMIC BENEFIT REALIZED BY THE VIOLATOR AS A RESULT OF THE VIOLATION.

(10) **Inspections and monitoring - rules.** (a) FOR THE PURPOSE OF ENFORCEMENT OF THIS SECTION, THE DEPARTMENT MAY CONDUCT INSPECTIONS OF REGULATED HEMP FACILITIES IN ACCORDANCE WITH SECTION 25-5-421.

(b) UNLESS THE DEPARTMENT APPROVES, A COUNTY, A DISTRICT CREATED UNDER ARTICLE 1 OF TITLE 32, A MUNICIPALITY, OR A CITY AND COUNTY SHALL NOT PERFORM A FOOD SAFETY INSPECTION AT A PREMISES OR PLACE WHERE HEMP PRODUCTS OR SAFE HARBOR HEMP PRODUCTS ARE MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR DISTRIBUTION, OR HELD FOR DISTRIBUTION.

(c) THE DEPARTMENT MAY PROMULGATE RULES ESTABLISHING MONITORING REQUIREMENTS FOR SAFE HARBOR HEMP PRODUCTS IN ACCORDANCE WITH GOOD MANUFACTURING PRACTICES. THE RULES MAY INCLUDE INVENTORY TRACKING, SURVEILLANCE, AND RECORD-KEEPING REQUIREMENTS.

**SECTION 3.** In Colorado Revised Statutes, 44-10-103, **repeal** (21) and (22); and **add** (17.5), (22.5), (42.5), (42.6), and (48.5) as follows:

**44-10-103. Definitions - rules.** As used in this article 10, unless the context otherwise requires:

(17.5) "HEMP PRODUCT" HAS THE MEANING SET FORTH IN SECTION 25-5-427 (2)(d).

(21) ~~"Industrial hemp" means a plant of the genus cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.~~

(22) ~~"Industrial hemp product" means a finished product containing industrial hemp that:~~

~~(a) Is a cosmetic, food, food additive, or herb;~~

~~(b) Is for human use or consumption;~~

~~(c) Contains any part of the hemp plant, including naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, or derivatives; and~~

~~(d) Contains a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.~~

(22.5) "INTOXICATING CANNABINOID" MEANS A CANNABINOID THAT IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN SECTION 44-10-209 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN ACCORDANCE WITH SUBSECTIONS (3)(f) AND (3)(g) OF THIS SECTION.

(42.5) "NONINTOXICATING CANNABINOID" MEANS A CANNABINOID THAT IS CLASSIFIED AS A NONINTOXICATING CANNABINOID IN SECTION 44-10-209 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN ACCORDANCE WITH SUBSECTIONS (3)(f) AND (3)(g) OF THIS SECTION.

(42.6) "NOVEL CANNABINOID" MEANS ANY CANNABINOID THAT HAS NOT BEEN ASSESSED BY THE STATE OR A FEDERAL AGENCY FOR A SAFETY PROFILE AND INTOXICATION PROFILE.

(48.5) (a) "POTENTIALLY INTOXICATING CANNABINOID" MEANS:

(I) A NOVEL CANNABINOID; AND

(II) A CANNABINOID THAT IS NOT A PHYTOCANNABINOID.

(b) "POTENTIALLY INTOXICATING CANNABINOID" DOES NOT INCLUDE:

(I) NONINTOXICATING CANNABINOIDS; OR

(II) CANNABINOIDS OR COMPOUNDS THAT COMPRISE A NATURALLY DERIVED FULL SPECTRUM HEMP EXTRACT OR BROAD SPECTRUM HEMP EXTRACT.

**SECTION 4.** In Colorado Revised Statutes, **add** 44-10-208 and 44-10-209 as follows:

**44-10-208. Feasibility study - standing committee - report - definition - repeal.** (1) (a) ON OR BEFORE JULY 1, 2024, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE GENERAL ASSEMBLY A REPORT ANALYZING THE FEASIBILITY OF ESTABLISHING A STANDING COMMITTEE TO EVALUATE CANNABINOIDS AND CANNABIS-DERIVED PRODUCTS FOR THE PURPOSE OF DETERMINING AND MAKING RECOMMENDATIONS REGARDING THEIR SAFETY PROFILES AND POTENTIAL FOR

INTOXICATION. THE REPORT MUST CONSIDER AND RECOMMEND LEGISLATIVE ACTION ADDRESSING THE FOLLOWING SUBJECTS:

(I) THE APPROPRIATE STATE AGENCY OR AGENCIES TO BE INVOLVED IN, AND THEIR ROLE IN, THE EVALUATION PROCESS;

(II) THE ABILITY OF A STANDING COMMITTEE TO DETERMINE SAFETY PROFILES OF CANNABINOIDS AND CANNABIS-DERIVED PRODUCTS, INCLUDING THE PROCESS BY WHICH A STANDING COMMITTEE WOULD MAKE SUCH A DETERMINATION;

(III) THE ABILITY OF A STANDING COMMITTEE TO DETERMINE THE POTENTIAL FOR INTOXICATION OF CANNABINOIDS AND CANNABIS-DERIVED PRODUCTS, INCLUDING THE PROCESS BY WHICH A STANDING COMMITTEE WOULD MAKE SUCH A DETERMINATION;

(IV) RECOMMENDATIONS AS TO MEMBERS OF A STANDING COMMITTEE AND A PROCESS TO MAKE APPOINTMENTS OF MEMBERS TO A STANDING COMMITTEE;

(V) RECOMMENDATIONS REGARDING AN OPERABLE TIMELINE FOR IMPLEMENTATION OF A STANDING COMMITTEE; AND

(VI) THE FISCAL EFFECTS OF AND THE RESOURCES NEEDED TO IMPLEMENT AND ADMINISTER A STANDING COMMITTEE.

(b) TO INFORM THE FEASIBILITY REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY ENGAGE EXPERTS, INCLUDING:

(I) THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO SECTION 25-1-105 OR THE DESIGNEE OF THE CHIEF MEDICAL OFFICER;

(II) THE STATE TOXICOLOGIST OR THE DESIGNEE OF THE STATE TOXICOLOGIST;

(III) AN EPIDEMIOLOGIST WITH EXPERTISE IN DESIGNING AND CONDUCTING OBSERVATIONAL STUDIES OR CLINICAL TRIALS;

(IV) A CLINICIAN FAMILIAR WITH DOSAGE FORMS AND ROUTES OF ADMINISTRATION OF RELEVANT PRODUCTS;

(V) A MEDICAL TOXICOLOGIST; AND

(VI) A PHARMACOLOGIST WITH EXPERTISE IN DRUG DEVELOPMENT.

(2) AS USED IN THIS SECTION, "STATE TOXICOLOGIST" MEANS THE DIRECTOR OF THE TOXICOLOGY AND ENVIRONMENTAL EPIDEMIOLOGY OFFICE, OR A SUCCESSOR OFFICE, IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

**44-10-209. Classes of marijuana-derived cannabinoids and compounds - definitions - privileges - prohibitions - rule-making - rules. (1) Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THE REGULATION OF MARIJUANA-DERIVED POTENTIALLY INTOXICATING CANNABINOIDS AND INTOXICATING CANNABINOIDS, AND THE REGULATION OF PREMISES WHERE POTENTIALLY INTOXICATING CANNABINOIDS AND INTOXICATING CANNABINOIDS ARE MANUFACTURED, PACKAGED, AND SOLD IN ACCORDANCE WITH THIS ARTICLE 10 AND RULES PROMULGATED UNDER THIS ARTICLE 10:

(I) IS NECESSARY TO PROTECT THE PUBLIC HEALTH; AND

(II) WILL BENEFIT CONSUMERS BY ENSURING THAT THE MANUFACTURE, SALE, AND DISTRIBUTION OF MARIJUANA-DERIVED POTENTIALLY INTOXICATING CANNABINOIDS AND INTOXICATING CANNABINOID PRODUCTS ARE REGULATED IN A WAY TO PROMOTE PUBLIC HEALTH; AND

(b) THE TAXATION OF MARIJUANA-DERIVED POTENTIALLY INTOXICATING CANNABINOIDS AND INTOXICATING CANNABINOIDS MUST BE ADDRESSED TO ENSURE BOTH COMPLIANCE WITH COLORADO VOTERS' INTENT AND EQUITABLE ECONOMIC TREATMENT.

(2) **Definitions** . AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(b) (I) "SEMI-SYNTHETIC CANNABINOID" MEANS A SUBSTANCE THAT IS CREATED BY A CHEMICAL REACTION THAT CONVERTS ONE CANNABINOID EXTRACTED FROM A CANNABIS PLANT DIRECTLY INTO A DIFFERENT CANNABINOID.

(II) "SEMI-SYNTHETIC CANNABINOID" INCLUDES CANNABINOIDS, SUCH AS CANNABINOL THAT WAS PRODUCED BY THE CONVERSION OF CANNABIDIOL.

(III) "SEMI-SYNTHETIC CANNABINOID" DOES NOT INCLUDE CANNABINOIDS PRODUCED VIA DECARBOXYLATION OF NATURALLY OCCURRING ACIDIC FORMS OF CANNABINOIDS, SUCH AS TETRAHYDROCANNABINOLIC ACID, INTO THE CORRESPONDING NEUTRAL CANNABINOID, SUCH AS THC, THROUGH THE USE OF HEAT OR LIGHT, WITHOUT THE USE OF CHEMICAL REAGENTS OR CATALYSTS, AND THAT RESULTS IN NO OTHER CHEMICAL CHANGE.

(c) (I) "SYNTHETIC CANNABINOID" MEANS A CANNABINOID-LIKE COMPOUND THAT WAS PRODUCED BY USING CHEMICAL SYNTHESIS, CHEMICAL MODIFICATION, OR CHEMICAL CONVERSION, INCLUDING BY USING IN-VITRO BIOSYNTHESIS OR OTHER BIOCONVERSION OF SUCH A METHOD.

(II) "SYNTHETIC CANNABINOID" DOES NOT INCLUDE:

(A) A COMPOUND PRODUCED THROUGH THE DECARBOXYLATION OF NATURALLY OCCURRING CANNABINOIDS FROM THEIR ACIDIC FORMS; OR

(B) A SEMI-SYNTHETIC CANNABINOID.

(d) (I) "TETRAHYDROCANNABINOL" OR "THC" MEANS THE SUBSTANCE CONTAINED IN THE PLANT CANNABIS SPECIES, IN THE RESINOUS EXTRACTS OF THE



CANNABIS SPECIES, OR A CARBOXYLIC ACID OF, DERIVATIVE OF, SALT OF, ISOMER OF, OR SALT OR ACID OF AN ISOMER OF THESE SUBSTANCES.

(II) "TETRAHYDROCANNABINOL" OR "THC" INCLUDES:

(A) DELTA-10 THC AND ITS ISOMERS;

(B) DELTA-9 THC AND ITS ISOMERS;

(C) DELTA-8 THC AND ITS ISOMERS;

(D) DELTA-7 THC AND ITS ISOMERS;

(E) DELTA-6a, 10a THC AND ITS ISOMERS; AND

(F) EXO-TETRAHYDROCANNABINOL;

(III) "TETRAHYDROCANNABINOL" OR "THC" MAY ALSO CONTAIN:

(A) PRODUCTS OF ANY OF THE COMPOUNDS LISTED IN SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(F) OF THIS SECTION; OR

(B) METABOLITES OF ANY OF THE COMPOUNDS LISTED IN SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(F) OF THIS SECTION.

**(3) Classification of marijuana-derived compounds and cannabinoids - rules.**

(a) MARIJUANA-DERIVED COMPOUNDS AND CANNABINOIDS ARE DIVIDED INTO THREE CLASSIFICATIONS:

(I) NONINTOXICATING CANNABINOIDS;

(II) POTENTIALLY INTOXICATING CANNABINOIDS; AND

(III) INTOXICATING CANNABINOIDS.

(b) (I) NONINTOXICATING CANNABINOIDS INCLUDE:

(A) FULL SPECTRUM HEMP EXTRACT THAT CONTAINS NO MORE THAN ONE AND THREE-FOURTHS MILLIGRAMS OF THC PER SERVING AND CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL TO FIFTEEN TO ONE;

(B) BROAD SPECTRUM HEMP EXTRACT;

(C) CANNABIDIOL, ALSO KNOWN AS "CBD";

(D) TETRAHYDROCANNABIVARIN, ALSO KNOWN AS "THCV";

(E) CANNABICHROMENE, ALSO KNOWN AS "CBC";

(F) CANNABICITRAN, ALSO KNOWN AS "CBT";

- (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";
- (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";
- (I) CANNABIGEROL, ALSO KNOWN AS "CBG";
- (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND
- (K) CANNABINOL, ALSO KNOWN AS "CBN".

(II) (A) NONINTOXICATING CANNABINOIDS THAT ARE DERIVED FROM HEMP MAY BE USED AS AN INGREDIENT IN A HEMP PRODUCT OR AS A FINISHED HEMP PRODUCT IN ACCORDANCE WITH SECTION 25-5-427 AND THE RULES PROMULGATED UNDER PART 4 OF ARTICLE 5 OF TITLE 25 OR IN ACCORDANCE WITH THIS ARTICLE 10 AND ANY RULES PROMULGATED UNDER THIS ARTICLE 10.

(B) A RETAIL MARIJUANA PRODUCT CONTAINING A MARIJUANA-DERIVED NONINTOXICATING CANNABINOID AS AN INGREDIENT IS SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE WITH SECTION 39-28.8-202.

(c) (I) A LICENSEE UNDER THIS ARTICLE 10 MAY MANUFACTURE, PROCESS, TRANSFER, OR SELL POTENTIALLY INTOXICATING CANNABINOIDS THAT ARE DERIVED FROM MARIJUANA IN ACCORDANCE WITH THIS ARTICLE 10 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

(II) A RETAIL MARIJUANA PRODUCT CONTAINING A MARIJUANA-DERIVED POTENTIALLY INTOXICATING CANNABINOID AS AN INGREDIENT IS SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE WITH SECTION 39-28.8-202.

(d) (I) INTOXICATING CANNABINOIDS INCLUDE THE FOLLOWING IN AN AMOUNT THAT EXCEEDS THE AMOUNT ESTABLISHED BY RULE OR, IF NO RULE ESTABLISHES THE AMOUNT, IN ANY AMOUNT:

- (A) DELTA-10 THC AND ITS ISOMERS;
- (B) DELTA-9 THC AND ITS ISOMERS;
- (C) DELTA-8 THC AND ITS ISOMERS;
- (D) DELTA-7 THC AND ITS ISOMERS;
- (E) DELTA-6a, 10a THC AND ITS ISOMERS;
- (F) EXO-TETRAHYDROCANNABINOL;
- (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC, 3-HYDROXY-THC, OR 7-HYDROXY-THC;
- (H) HYDROGENATED FORMS OF THC, INCLUDING HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND HEXAHYDROCANNABIHEXOL;

(I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;

(J) ESTER FORMS OF THC, INCLUDING DELTA-8 THC-O-ACETATE, DELTA-9 THC-O-ACETATE, AND HEXAHYDROCANNABINOL-O-ACETATE;

(K) VARIN FORMS OF THC, INCLUDING DELTA-8 TETRAHYDROCANNABIVARIN BUT EXCLUDING DELTA-9 TETRAHYDROCANNABIVARIN;

(L) ANALOGUES OF TETRAHYDROCANNABINOLS WITH AN ALKYL CHAIN OF FOUR OR MORE CARBON ATOMS, INCLUDING TETRAHYDROCANNABIPHOROLS, TETRAHYDROCANNABIOCTYLS, TETRAHYDROCANNABIHEXOLS, OR TETRAHYDROCANNABUTOLS; AND

(M) ANY COMBINATION OF THE COMPOUNDS, INCLUDING HEXAHYDROCANNABIPHOROL-O-ESTER, LISTED IN THIS SUBSECTION (3)(d)(I).

(II) (A) A PERSON LICENSED UNDER THIS ARTICLE 10 MAY USE AN INTOXICATING CANNABINOID THAT IS DERIVED FROM MARIJUANA AS AN INGREDIENT IN A REGULATED MARIJUANA PRODUCT OR AS A FINISHED REGULATED MARIJUANA PRODUCT IN ACCORDANCE WITH THIS ARTICLE 10 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

(B) A RETAIL MARIJUANA PRODUCT CONTAINING A MARIJUANA-DERIVED INTOXICATING CANNABINOID AS AN INGREDIENT IS SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE WITH SECTION 39-28.8-202.

(e) (I) A PERSON SHALL NOT MANUFACTURE, PRODUCE, SELL, OR OFFER TO SELL A SYNTHETIC CANNABINOID OR A PRODUCT CONTAINING A SYNTHETIC CANNABINOID UNLESS AUTHORIZED BY RULE. IF SYNTHETIC CANNABINOIDS ARE PERMITTED BY RULE, THE STATE LICENSING AUTHORITY, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL PROMULGATE RULES PROVIDING STANDARDS AND REQUIREMENTS FOR THE MANUFACTURE AND PRODUCTION OF SYNTHETIC CANNABINOIDS IN COLORADO. THE RULES MUST INCLUDE A REQUIREMENT THAT MARIJUANA-DERIVED PRODUCTS MANUFACTURED OR PRODUCED IN COLORADO THAT CONTAIN A SEMI-SYNTHETIC OR SYNTHETIC CANNABINOID AS AN INGREDIENT ARE LABELED IN ACCORDANCE WITH RULES PROMULGATED PURSUANT TO THIS ARTICLE 10.

(II) THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES THAT ARE NECESSARY FOR THE FAIR, IMPARTIAL, AND COMPREHENSIVE ADMINISTRATION OF THIS SECTION.

(III) A PERSON LICENSED UNDER THIS ARTICLE 10 THAT PRODUCES SEMI-SYNTHETIC CANNABINOIDS SHALL COMPLY WITH THE PRODUCTION, TESTING, AND LABELING REQUIREMENTS ESTABLISHED BY RULE OF THE STATE LICENSING AUTHORITY.

(f) THE STATE LICENSING AUTHORITY, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY PROMULGATE RULES TO:

(I) CLASSIFY A MARIJUANA-DERIVED COMPOUND OR CANNABINOID THAT IS NOT CLASSIFIED IN THIS SUBSECTION (3);

(II) RECLASSIFY A MARIJUANA-DERIVED COMPOUND OR CANNABINOID CLASSIFIED IN THIS SUBSECTION (3) IF:

(A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED A PROCESS TO REVIEW AND APPROVE MARIJUANA-DERIVED COMPOUNDS OR CANNABINOIDS;

(B) THE REVIEW AND APPROVAL PROCESS DESCRIBED IN SUBSECTION (3)(f)(II)(A) OF THIS SECTION EVALUATES THE INTOXICATING POTENTIAL OF THE MARIJUANA-DERIVED COMPOUND OR CANNABINOID; AND

(C) THE RECLASSIFICATION IS BASED ON THE FINDINGS OF THE PROCESS AND EVALUATION DESCRIBED IN SUBSECTIONS (3)(f)(II)(A) AND (3)(f)(II)(B) OF THIS SECTION.

(g) TO RECLASSIFY A MARIJUANA-DERIVED COMPOUND OR CANNABINOID, UNDER SUBSECTION (3)(f) OF THIS SECTION, THE RECLASSIFICATION MUST:

(I) BE SUPPORTED BY PEER- REVIEWED RESEARCH OR CLINICAL TRIALS ESTABLISHING TO A REASONABLE DEGREE OF SCIENTIFIC CERTAINTY THAT THE MARIJUANA-DERIVED COMPOUND OR CANNABINOID OR A PRODUCT CONTAINING A MARIJUANA-DERIVED COMPOUND OR CANNABINOID SHOULD BE RECLASSIFIED; OR

(II) BE BASED ON A THREAT TO HUMAN HEALTH, INCLUDING SUBSTANTIAL REPORTS OF INTOXICATION OR ADVERSE HEALTH EVENT REPORTS.

(4) **Rules.** IN ADDITION TO ANY POWERS LISTED IN THIS SECTION, THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES:

(a) NECESSARY TO AUTHORIZE OR PROHIBIT CHEMICAL MODIFICATION, CONVERSION, OR SYNTHETIC DERIVATION OF CANNABINOIDS OR MARIJUANA-DERIVED COMPOUNDS, UNLESS OTHERWISE PERMITTED BY THIS ARTICLE 10 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10; OR

(b) AUTHORIZING, PROHIBITING, OR REGULATING MARIJUANA-DERIVED INGREDIENTS IN MEDICAL OR RETAIL MARIJUANA PRODUCTS THAT ARE COMPOUNDS OTHER THAN CANNABINOIDS.

**SECTION 5.** In Colorado Revised Statutes, 44-10-502, **amend** (7) as follows:

**44-10-502. Medical marijuana cultivation facility license - rules - definitions.**

(7) (a) ~~A medical marijuana cultivation facility shall only obtain medical marijuana seeds or immature plants from its own medical marijuana, commonly owned from the retail marijuana of an identical direct beneficial owner, or marijuana that is properly transferred from another medical marijuana business pursuant to the inventory tracking requirements imposed by rule.~~ IN ACCORDANCE WITH THE RULES PROMULGATED BY THE STATE LICENSING AUTHORITY, A MEDICAL MARIJUANA CULTIVATION FACILITY MAY OBTAIN IMMATURE PLANTS, MARIJUANA SEEDS, AND

MARIJUANA GENETIC MATERIAL, AS GENETIC MATERIAL IS DEFINED IN RULE OF THE STATE LICENSING AUTHORITY, FROM:

(I) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION FACILITY;

(II) A RETAIL MARIJUANA TESTING FACILITY;

(III) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE IN ANOTHER JURISDICTION; OR

(IV) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE LICENSING AUTHORITY.

(b) (I) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES ALLOWING A REGULATED MARIJUANA CULTIVATION FACILITY TO TRANSFER IMMATURE PLANTS, MARIJUANA SEEDS, AND MARIJUANA GENETIC MATERIAL, AS GENETIC MATERIAL IS DEFINED IN RULE OF THE STATE LICENSING AUTHORITY, FROM:

(A) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION FACILITY;

(B) A RETAIL MARIJUANA TESTING FACILITY;

(C) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE IN ANOTHER JURISDICTION; OR

(D) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE LICENSING AUTHORITY.

(II) THE RULES PROMULGATED UNDER THIS SUBSECTION (7)(b) MUST INCLUDE INVENTORY TRACKING, REPORTING, AND RECORDING-KEEPING REQUIREMENTS.

**SECTION 6.** In Colorado Revised Statutes, 44-10-503, **add** (1)(c) as follows:

**44-10-503. Medical marijuana products manufacturer license - rules - definition.** (1) (c) A PERSON MUST BE LICENSED AS A MEDICAL MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING CANNABINOIDS OR INTOXICATING CANNABINOIDS FROM MEDICAL MARIJUANA TO BE USED AS AN INGREDIENT OR AS A FINISHED MEDICAL MARIJUANA PRODUCT.

**SECTION 7.** In Colorado Revised Statutes, 44-10-602, **amend** (12) as follows:

**44-10-602. Retail marijuana cultivation facility license - rules - definitions.** (12) (a) ~~A retail marijuana cultivation facility shall only obtain retail marijuana seeds or immature plants from its own retail marijuana, commonly owned from the medical marijuana of an identical direct beneficial owner, or marijuana that is properly transferred from another retail marijuana business pursuant to the inventory tracking requirements imposed by rule.~~ IN ACCORDANCE WITH THE RULES PROMULGATED BY THE STATE LICENSING AUTHORITY, A RETAIL MARIJUANA CULTIVATION FACILITY MAY OBTAIN IMMATURE PLANTS, MARIJUANA SEEDS, AND

MARIJUANA GENETIC MATERIAL, AS GENETIC MATERIAL IS DEFINED IN RULE OF THE STATE LICENSING AUTHORITY, FROM:

(I) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION FACILITY;

(II) A RETAIL MARIJUANA TESTING FACILITY;

(III) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE IN ANOTHER JURISDICTION; OR

(IV) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE LICENSING AUTHORITY.

(b) (I) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES ALLOWING A REGULATED MARIJUANA CULTIVATION FACILITY TO TRANSFER IMMATURE PLANTS, MARIJUANA SEEDS, AND MARIJUANA GENETIC MATERIAL, AS GENETIC MATERIAL IS DEFINED IN RULE OF THE STATE LICENSING AUTHORITY, FROM:

(A) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION FACILITY;

(B) A RETAIL MARIJUANA TESTING FACILITY;

(C) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE IN ANOTHER JURISDICTION; OR

(D) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE LICENSING AUTHORITY.

(II) THE RULES PROMULGATED UNDER THIS SUBSECTION (12)(b) MUST INCLUDE INVENTORY TRACKING, REPORTING, AND RECORDING-KEEPING REQUIREMENTS.

**SECTION 8.** In Colorado Revised Statutes, 44-10-603, **add** (1)(f) as follows:

**44-10-603. Retail marijuana products manufacturer license - rules - definition.** (1) (f) A PERSON MUST BE LICENSED AS A RETAIL MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING CANNABINOIDS OR INTOXICATING CANNABINOIDS FROM RETAIL MARIJUANA TO BE USED AS AN INGREDIENT OR AS FINISHED RETAIL MARIJUANA PRODUCTS IN ACCORDANCE WITH THIS ARTICLE 10.

**SECTION 9.** In Colorado Revised Statutes, 6-1-725, **amend** (1) as follows:

**6-1-725. Synthetic cannabinoids - incense - deceptive trade practice.** (1) EXCEPT IN ACCORDANCE WITH ARTICLE 10 OF TITLE 44 OR ARTICLE 4 OF TITLE 25, it is unlawful for any person or entity to distribute, dispense, manufacture, display for sale, offer for sale, attempt to sell, or sell to a purchaser any product that contains any amount of any synthetic cannabinoid, as defined in section 18-18-102 (34.5). ~~C.R.S.~~

**SECTION 10.** In Colorado Revised Statutes, 18-18-406.1, **amend** (1) as follows:

**18-18-406.1. Unlawful use or possession of synthetic cannabinoids or salvia divinorum.** (1) ~~On and after January 1, 2012~~ EXCEPT AS PROVIDED IN SECTION 25-5-427 OR ARTICLE 10 OF TITLE 44, it is unlawful for any person to use or possess any amount of any synthetic cannabinoid or salvia divinorum.

**SECTION 11.** In Colorado Revised Statutes, 18-18-406.2, **amend** (1) introductory portion as follows:

**18-18-406.2. Unlawful distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum.** (1) EXCEPT AS PROVIDED IN SECTION 25-5-427 OR ARTICLE 10 OF TITLE 44, it is unlawful for any person knowingly to:

**SECTION 12.** In Colorado Revised Statutes, 30-15-401, **amend** (1.7) as follows:

**30-15-401. General regulations - definitions.** (1.7) In addition to any other powers, a board of county commissioners may charge a fee for a local license and adopt resolutions or ordinances to establish requirements on businesses engaged in the storage, extraction, processing, or manufacturing of industrial hemp, as defined in section 35-61-101 (7), or ~~industrial~~ hemp products, as defined in section ~~25-5-426~~ (2)(g.5) 25-5-427 (2)(d). A county shall not impose additional food production regulations on ~~industrial~~ hemp processors or HEMP products if the regulations conflict with state law.

**SECTION 13.** In Colorado Revised Statutes, 31-15-501, **amend** (1)(r) as follows:

**31-15-501. Powers to regulate businesses.** (1) The governing bodies of municipalities have the following powers to regulate businesses:

(r) To charge a fee for a local license and establish licensing requirements on businesses engaged in the storage, extraction, processing, or manufacturing of industrial hemp, as defined in section 35-61-101 (7), or ~~industrial~~ hemp products, as defined in section ~~25-5-426~~ (2)(g.5) 25-5-427 (2)(d). A municipality shall not impose additional food production regulations on ~~industrial~~ hemp processors or HEMP products if the regulations conflict with state law.

**SECTION 14.** In Colorado Revised Statutes, 39-28.8-101, **amend** (4) and (7) as follows:

**39-28.8-101. Definitions.** Unless the context otherwise requires, any terms not defined in this article 28.8 have the meanings set forth in article 26 of this title 39. As used in this article 28.8, unless the context otherwise requires:

(4) ~~"Industrial "Hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis~~ HAS THE MEANING SET FORTH IN SECTION 35-61-101 (7).

(7) (a) (I) "Retail marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds ~~thereof~~ OF THE PLANT, 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, including marijuana concentrate;

(II) "RETAIL MARIJUANA" INCLUDES:

(A) A NONINTOXICATING CANNABINOID, AS DEFINED IN SECTION 44-10-103 (42.5), PRODUCED FROM RETAIL MARIJUANA;

(B) A POTENTIALLY INTOXICATING CANNABINOID, AS DEFINED IN SECTION 44-10-103 (48.5), PRODUCED FROM RETAIL MARIJUANA; AND

(C) AN INTOXICATING CANNABINOID, AS DEFINED IN SECTION 44-10-103 (22.5), PRODUCED FROM RETAIL MARIJUANA.

(b) "Retail marijuana" does not include ~~industrial~~ hemp, nor does it include fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**SECTION 15.** In Colorado Revised Statutes, 39-28.8-501, **amend** (2)(b)(IV)(I) as follows:

**39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any money in the fund for the following purposes:

(I) To research, regulate, study, and test ~~industrial~~ hemp or hemp seeds;

**SECTION 16. Appropriation.** (1) For the 2023-24 state fiscal year, \$1,574,061 is appropriated to the department of public health and environment. This appropriation consists of \$1,168,485 from the general fund and \$405,576 from the wholesale food manufacturing and storage protection cash fund created in section 25-5-426 (5), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$787,821 from the general fund for administration and support related to disease control and public health response, which amount is based on an assumption that the department will require an additional 1.9 FTE. Of this amount, \$212,532 is further appropriated to the department for the 2024-25 state fiscal year for the same purpose;

(b) \$405,576 from the wholesale food manufacturing and storage protection cash fund for environmental health programs, which amount is based on an assumption that the department will require an additional 3.5 FTE; and

(c) \$380,664 from the general fund for the purchase of legal services.

(2) Any money appropriated in subsection (1)(c) of this section not expended



prior to July 1, 2024, is further appropriated to the department for the 2024-25 state fiscal year for the same purpose.

(3) For the 2023-24 state fiscal year, \$295,024 is appropriated to the marijuana cash fund created in section 44-10-801 (1)(a), C.R.S. This appropriation is from the general fund. The department of revenue is responsible for the accounting related to this appropriation.

(4) For the 2023-24 state fiscal year, \$295,024 is appropriated to the department of revenue. This appropriation is from reappropriated funds in the marijuana cash fund under subsection (3) of this section. To implement this act, the department may use the appropriation as follows:

(a) \$237,924 for activities related to hemp and marijuana derived cannabinoids, which amount is based on an assumption that the department will require an additional 1.5 FTE; and

(b) \$57,100 for the purchase of legal services.

(5) Any money appropriated in subsection (4)(a) of this section not expended prior to July 1, 2024, is further appropriated to the department for the 2024-25 state fiscal year for the same purpose.

(6) For the 2023-24 state fiscal year, \$437,764 is appropriated to the department of law. This appropriation is from reappropriated funds received from the departments of public health and environment and revenue under subsection (1)(c) and (4)(b) of this section and is based on an assumption that the department of law will require an additional 1.3 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the departments of public health and environment and revenue.

(7) Of the amount appropriated in subsection (6) of this section, \$380,664 is further appropriated to the department for the 2024-25 state fiscal year to provide legal services to the department of public health and environment.

**SECTION 17. Applicability.** This act applies to offenses committed or conduct occurring on or after the effective date of this act.

**SECTION 18. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2023