

CHAPTER 151

REVENUE - ACTIVITIES REGULATION

SENATE BILL 24-172

BY SENATOR(S) Pelton B., Ginal, Hinrichsen, Cutter, Fields, Gonzales, Priola;
also REPRESENTATIVE(S) McLachlan, Snyder, Titone, Woodrow.**AN ACT****CONCERNING CHANGING THE PHRASE "INDUSTRIAL HEMP PRODUCT" TO THE PHRASE "HEMP PRODUCT" IN THE STATUTES THAT REGULATE MARIJUANA.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 44-10-203, **amend** (2)(d)(I) as follows:**44-10-203. State licensing authority - rules. (2) Mandatory rule-making.** Rules promulgated pursuant to section 44-10-202 (1)(c) must include but need not be limited to the following subjects:

(d) (I) Establishment of a marijuana and marijuana products independent testing and certification program for marijuana business licensees, within an implementation time frame established by the department, requiring licensees to test marijuana and ~~industrial~~ hemp products to ensure, at a minimum, that products sold for human consumption by persons licensed pursuant to this article 10 do not contain contaminants that are injurious to health and to ensure correct labeling.

SECTION 2. In Colorado Revised Statutes, 44-10-501, **amend** (3)(e) as follows:**44-10-501. Medical marijuana store license. (3) (e) (I)** A medical marijuana store that sells ~~an industrial~~ A hemp product shall ensure that the ~~industrial~~ hemp product has passed all testing required by rules promulgated by the state licensing authority pursuant to section 44-10-203 (2)(d). Prior to taking possession of the ~~industrial~~ hemp product, a medical marijuana store shall verify the ~~industrial~~ hemp product passed all testing required for medical marijuana products at a licensed medical marijuana testing facility and that the person transferring the ~~industrial~~

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.

hemp product has received a registration from the department of public health and environment pursuant to section 25-5-426.

(II) Absent sampling and testing standards established by the department of public health and environment for the sampling and testing of ~~an industrial~~ A hemp product, a person transferring ~~an industrial~~ A hemp product to a medical marijuana store pursuant to this section shall comply with sampling and testing standards consistent with those established by the state licensing authority pursuant to this article 10. The state licensing authority shall report to the department of public health and environment any investigations or findings of violations of this section by a person registered pursuant to section 25-5-426.

SECTION 3. In Colorado Revised Statutes, 44-10-503, **amend** (5)(b) as follows:

44-10-503. Medical marijuana products manufacturer license - rules - definition. (5) (b) (I) A medical marijuana products manufacturer that uses ~~an industrial~~ A hemp product as an ingredient in a medical marijuana product shall ensure that the ~~industrial~~ hemp product has passed all testing required by rules promulgated by the state licensing authority pursuant to section 44-10-203 (2)(d). Prior to taking possession of the ~~industrial~~ hemp product, a medical marijuana products manufacturer shall verify the ~~industrial~~ hemp product passed all testing required for medical marijuana products at a licensed medical marijuana testing facility and that the person transferring the ~~industrial~~ hemp product has received a registration from the department of public health and environment pursuant to section 25-5-426.

(II) Absent sampling and testing standards established by the department of public health and environment for the sampling and testing of ~~an industrial~~ A hemp product, a person transferring ~~an industrial~~ A hemp product to a medical marijuana products manufacturer pursuant to this section shall comply with sampling and testing standards consistent with those established by the state licensing authority pursuant to this article 10. The state licensing authority shall report to the department of public health and environment any investigations or findings of violations of this section by a person registered pursuant to section 25-5-426.

SECTION 4. In Colorado Revised Statutes, 44-10-504, **amend** (1)(a) as follows:

44-10-504. Medical marijuana testing facility license - rules. (1) (a) A medical marijuana testing facility license may be issued to a person who performs testing and research on medical marijuana, ~~industrial~~ hemp products as regulated by part 4 of article 5 of title 25, for medical marijuana licensees, medical marijuana and medical marijuana products for marijuana and research development licensees, and marijuana or marijuana products grown or produced by a registered patient or registered primary caregiver on behalf of a registered patient, upon verification of registration pursuant to section 25-1.5-106 (7)(e) and verification that the patient is a participant in a clinical or observational study conducted by a marijuana research and development licensee, and ~~industrial~~ hemp products as regulated by part 4 of article 5 of title 25. The facility may develop and test medical marijuana products.

SECTION 5. In Colorado Revised Statutes, 44-10-601, **amend** (3)(c) and (7)(a) as follows:

44-10-601. Retail marijuana store license - rules - definitions. (3) (c) (I) A retail marijuana store that sells ~~an industrial~~ A hemp product shall ensure that the ~~industrial~~ hemp product has passed all testing required by rules promulgated by the state licensing authority pursuant to section 44-10-203 (2)(d). Prior to taking possession of the ~~industrial~~ hemp product, a retail marijuana store shall verify the ~~industrial~~ hemp product passed all testing required for retail marijuana products at a licensed retail marijuana testing facility and that the person transferring the ~~industrial~~ hemp product has received a registration from the department of public health and environment pursuant to section 25-5-426.

(II) Absent sampling and testing standards established by the department of public health and environment for the sampling and testing of ~~an industrial~~ A hemp product, a person transferring ~~an industrial~~ A hemp product to a retail marijuana store pursuant to this section shall comply with sampling and testing standards consistent with those established by the state licensing authority pursuant to this article 10. The state licensing authority shall report to the department of public health and environment any investigations or findings of violations of this section by a person registered pursuant to section 25-5-426.

(7) (a) A licensed retail marijuana store may only sell retail marijuana, retail marijuana products, marijuana accessories, nonconsumable products such as apparel, and marijuana related products such as childproof packaging containers, but is prohibited from selling or giving away any consumable product, including but not limited to cigarettes or alcohol, or edible product that does not contain marijuana, including but not limited to sodas, candies, or baked goods; except that a retail marijuana store may sell ~~industrial~~ hemp products.

SECTION 6. In Colorado Revised Statutes, 44-10-603, **amend** (11) as follows:

44-10-603. Retail marijuana products manufacturer license - rules - definition. (11) (a) A retail marijuana products manufacturer that uses ~~an industrial~~ A hemp product as an ingredient in a retail marijuana product shall ensure that the ~~industrial~~ hemp product has passed all testing required by rules promulgated by the state licensing authority pursuant to section 44-10-203 (2)(d). Prior to taking possession of the ~~industrial~~ hemp product, a retail marijuana products manufacturer shall verify that the ~~industrial~~ hemp product passed all testing required for retail marijuana products at a licensed retail marijuana testing facility and that the person transferring the ~~industrial~~ hemp product has received a registration from the department of public health and environment pursuant to section 25-5-426.

(b) Absent sampling and testing standards established by the department of public health and environment for the sampling and testing of ~~an industrial~~ A hemp product, a person transferring ~~industrial~~ A hemp product to a retail marijuana products manufacturer pursuant to this section shall comply with sampling and testing standards consistent with those established by the state licensing authority pursuant to this article 10. The state licensing authority shall report to the department of public health and environment any investigations or findings in violation of this section by a person registered pursuant to section 25-5-426.

SECTION 7. In Colorado Revised Statutes, 44-10-604, **amend** (1)(a) as follows:

44-10-604. Retail marijuana testing facility license - rules. (1) (a) A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana and industrial hemp as regulated by article 61 of title 35 and industrial hemp products as regulated by part 4 of article 5 of title 25. The facility may develop and test retail marijuana products, industrial hemp as regulated by article 61 of title 35, and industrial hemp products as regulated by part 4 of article 5 of title 25. Prior to performing testing on industrial hemp, a facility shall verify that the person requesting the testing has received a registration from the commissioner as required by section 35-61-104. Prior to performing testing on industrial hemp products, a facility shall verify that the person requesting the testing has received a registration as required by section 25-5-426.

SECTION 8. Act subject to petition - effective date. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 1, 2024