

CHAPTER 221

WATER AND IRRIGATION

SENATE BILL 17-117

BY SENATOR(S) Coram, Cooke, Baumgardner, Crowder, Fenberg, Holbert, Jahn, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Neville T., Priola, Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A.;
 also REPRESENTATIVE(S) Catlin and Valdez, Arndt, Becker J., Beckman, Bridges, Carver, Coleman, Covarrubias, Danielson, Esgar, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Humphrey, Jackson, Kennedy, Lebsock, Liston, Lontine, McKean, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Navarro, Neville P., Pabon, Pettersen, Rankin, Rosenthal, Saine, Salazar, Singer, Wilson, Winter, Wist, Young, Duran.

AN ACT

CONCERNING CONFIRMATION THAT INDUSTRIAL HEMP IS A RECOGNIZED AGRICULTURAL PRODUCT FOR WHICH A PERSON WITH A WATER RIGHT DECREED FOR AGRICULTURAL USE MAY USE THE WATER SUBJECT TO THE WATER RIGHT FOR INDUSTRIAL HEMP CULTIVATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) In Colorado, industrial hemp is a recognized agricultural product pursuant to article 61 of title 35, Colorado Revised Statutes;

(b) Even federal law recognizes the importance of industrial hemp for agricultural purposes by authorizing the use of industrial hemp for agricultural research purposes in section 7606 of the "Agricultural Act of 2014", Pub.L. 113-79, also referred to as the "2014 U.S. Farm Bill";

(c) Section 763 of the Omnibus Appropriations Act of 2016, Pub.L. 114-113, provides: "None of the funds made available by this Act or any other Act may be used ... to prohibit the transportation, processing, sale, or use of industrial hemp ...";

(d) As stated in Colorado's Water Plan, protecting the beneficial use of water for agricultural production is one of Colorado's core water values;

(e) Given the importance of protecting water use for agricultural production in

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

Colorado and the inclusion of industrial hemp as a valued agricultural product, it should be recognized that an owner of an agricultural water right shall not be denied use of his or her water right if the water subject to the agricultural water right is used for industrial hemp growth or cultivation.

SECTION 2. In Colorado Revised Statutes, **add** 37-92-311 as follows:

37-92-311. Industrial hemp cultivation allowed under an agricultural water right - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "INDUSTRIAL HEMP" HAS THE MEANING SET FORTH IN SECTION 35-61-101 (7).

(2) A PERSON WITH AN ABSOLUTE OR CONDITIONAL WATER RIGHT DECREED FOR AGRICULTURAL USE MAY USE THE WATER SUBJECT TO THE AGRICULTURAL WATER RIGHT FOR ANY PRODUCT AUTHORIZED FOR GROWTH AND CULTIVATION BY TITLE 35.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2017