

CHAPTER 344

EDUCATION - POSTSECONDARY

HOUSE BILL 19-1311

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also SENATOR(S) Bridges, Court, Crowder, Fenberg, Ginal, Gonzales, Holbert, Marble, Pettersen, Rankin, Tate, Todd, Garcia.

AN ACT**CONCERNING THE CREATION OF THE INSTITUTE OF CANNABIS RESEARCH AT COLORADO STATE UNIVERSITY - PUEBLO.**

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

SECTION 1. In Colorado Revised Statutes, **amend 23-31.5-112** as follows:

23-31.5-112. Institute of cannabis research - governing board - powers relating to the receipt and use of certain tax revenues - definitions. (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GOVERNING BOARD" MEANS THE INSTITUTE OF CANNABIS RESEARCH GOVERNING BOARD CREATED IN SUBSECTION (3) OF THIS SECTION.

(b) "HOST INSTITUTION" MEANS THE NOT-FOR-PROFIT RESEARCH ENTITY OR INSTITUTION OF HIGHER EDUCATION WHERE THE INSTITUTE OF CANNABIS RESEARCH IS BASED.

(c) "INSTITUTE" MEANS THE INSTITUTE OF CANNABIS RESEARCH CREATED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(d) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" HAS THE SAME MEANING AS IN SECTION 23-3.1-102 (5).

(2)(a) THERE IS CREATED THE INSTITUTE OF CANNABIS RESEARCH, TO BE HOUSED AT COLORADO STATE UNIVERSITY - PUEBLO, UNLESS A RELOCATION OCCURS PURSUANT TO SUBSECTION (7) OF THIS SECTION.

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.

(b) THE ROLE AND MISSION OF THE INSTITUTE IS TO CONDUCT RESEARCH RELATED TO CANNABIS, INCLUDING CLINICAL RESEARCH, BIOTECHNOLOGIES, CLINICAL STUDIES, THE EFFICACIES OF MEDICAL MARIJUANA, AND ECONOMIC DEVELOPMENT ASSOCIATED WITH CANNABIS IN COLORADO, AND TO PUBLICLY DISSEMINATE THE RESULTS OF THE RESEARCH.

(3) (a) THERE IS CREATED THE INSTITUTE OF CANNABIS RESEARCH GOVERNING BOARD. THE GOVERNING BOARD CONSISTS OF:

(I) THE CHANCELLOR OF THE COLORADO STATE UNIVERSITY SYSTEM OR HIS OR HER DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION OR HIS OR HER DESIGNEE;

(III) THE PRESIDENT OF THE UNIVERSITY OF COLORADO OR HIS OR HER DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR HIS OR HER DESIGNEE;

(V) THE FOLLOWING SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE:

(A) THREE SCIENTISTS FROM RELEVANT FIELDS WHO HAVE BEEN EMPLOYED AT APPROPRIATE RESEARCH-ORIENTED INSTITUTIONS OR ENTITIES WHO SUPPORT THE MISSION OF THE INSTITUTE; AND

(B) FOUR MEMBERS ASSOCIATED WITH CANNABIS-RELATED INDUSTRIES WITHIN COLORADO.

(b) THE GOVERNOR SHALL NAME THE CHAIR OF THE GOVERNING BOARD, WITH THE CONSENT OF THE SENATE.

(c) THE GOVERNING BOARD SHALL OVERSEE AND GUIDE THE ROLE AND MISSION OF THE INSTITUTE. THE GOVERNING BOARD SHALL DIRECT THE SPENDING OF THE MONEY RECEIVED BY THE INSTITUTE PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(d) THE GOVERNING BOARD SHALL ADVISE ANY COLORADO INSTITUTION OF HIGHER EDUCATION THAT SEEKS TO DEVELOP A CANNABIS-SPECIFIC CURRICULUM. THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SEEK INPUT FROM THE GOVERNING BOARD BEFORE APPROVING ANY CANNABIS-RELATED DEGREES OR CERTIFICATION.

(4) (a) The general assembly may allocate revenues from the marijuana tax cash fund created in section 39-28.8-501 C.R.S., to the board of governors of the Colorado state university system. The board of governors of the Colorado state university system may use such revenues for education and research programs at Colorado state university - Pueblo, including but not limited to the scientific and social science research of marijuana and other matters that impact the state and its regions. While conducting the marijuana research, Colorado state university - Pueblo is encouraged to consult with the scientific advisory council established

~~pursuant to section 25-1.5-106.5 (3)(a)(I), C.R.S., and the retail marijuana public health advisory council established pursuant to section 25-1.5-110, C.R.S.~~ SUPPORT THE INSTITUTE. THE INSTITUTE MAY SPEND THE MONEY RECEIVED FROM THE GENERAL ASSEMBLY FOR INSTITUTE PERSONNEL, TO CONDUCT RESEARCH, TO PRODUCE AN ANNUAL SYMPOSIUM, AND FOR ROUTINE FACILITY AND ADMINISTRATIVE COSTS CONSISTENT WITH FEDERAL STANDARDS.

(b) THE INSTITUTE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE INSTITUTE MAY ACCEPT AND EXPEND OTHER REVENUE GENERATED BY THE INSTITUTE, INCLUDING ANY FEES OR INTEREST EARNED ON THE MONEY AND REVENUE GENERATED FROM THE SALE OR LICENSE OF INTELLECTUAL PROPERTY AS APPROVED BY THE GOVERNING BOARD. THE GOVERNING BOARD MAY SOLICIT, ACCEPT, EXPEND, AND DISBURSE ALL MONEY COLLECTED FOR THE INSTITUTE FROM THE SOURCES SPECIFIED IN THIS SUBSECTION (4)(b) FOR THE PURPOSES OF CONDUCTING RESEARCH RELATED TO CANNABIS AND TO DISSEMINATING THE RESULTS OF SUCH RESEARCH PUBLICLY, CONSISTENT WITH THE ROLE AND MISSION OF THE INSTITUTE. SUCH MONEY MAY BE EXPENDED FOR THE PURPOSE OF FUNDING ACTIVITIES INITIATED DURING ANY STATE FISCAL YEAR THAT ARE TO BE COMPLETED IN SUBSEQUENT STATE FISCAL YEARS AND REPORTED ANNUALLY TO THE JOINT BUDGET COMMITTEE.

(c) THE GOVERNING BOARD SHALL APPROVE THE INSTITUTE'S ANNUAL BUDGET.

(d) THE GOVERNING BOARD, IN CONSULTATION WITH THE INSTITUTE'S DIRECTOR:

(I) MUST FUND RESEARCH THROUGH AN OPEN, COMPETITIVE PROCESS USING NATIONAL BEST PRACTICES; AND

(II) MAY AWARD RESEARCH FUNDS TO:

(A) ANY NOT-FOR-PROFIT COLORADO-BASED RESEARCH ENTITY;

(B) ANY COLORADO INSTITUTION OF HIGHER EDUCATION AND ANY RESEARCH ENTITY ASSOCIATED WITH SUCH INSTITUTION; OR

(C) A RESEARCH ENTITY THAT HAS A MARIJUANA RESEARCH AND DEVELOPMENT LICENSE PURSUANT TO SECTION 44-11-408, THAT IS OPERATING IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 44-11-408, AND IS CONDUCTING THE RESEARCH WITH A COLORADO INSTITUTION OF HIGHER EDUCATION.

(e) AN ENTITY OR INSTITUTION OF HIGHER EDUCATION THAT RECEIVES RESEARCH FUNDING FROM THE INSTITUTE SHALL PRESENT ITS RESEARCH RESULTS AT THE INSTITUTE'S ANNUAL SYMPOSIUM IN THE YEAR AFTER THE RESEARCH IS CONCLUDED AND SHALL SUBMIT ANY REPORTS REQUIRED BY THE GOVERNING BOARD.

(5) (a) THERE IS A DIRECTOR OF THE INSTITUTE. THE DIRECTOR IS AN EMPLOYEE OF THE INSTITUTION OF HIGHER EDUCATION THAT SERVES AS THE HOST INSTITUTION. THE GOVERNING BOARD IS THE SEARCH COMMITTEE TO THE HOST INSTITUTION'S CHIEF EXECUTIVE OFFICER, WHO IS THE HIRING AUTHORITY. THE GOVERNING BOARD SHALL PROVIDE FEEDBACK TO THE HIRING AUTHORITY FOR USE IN THE ANNUAL EVALUATION OF THE DIRECTOR.

(b) THE DIRECTOR'S RESPONSIBILITIES INCLUDE MANAGEMENT OF THE INSTITUTE'S BUDGET AND OVERSIGHT OF ITS EMPLOYEES, IMPLEMENTATION OF THE RESEARCH FUNDING PROCESS, AND DELIVERY OF THE SYMPOSIUM.

(6) (a) THE INSTITUTE DIRECTOR SHALL ANNUALLY PRODUCE A REPORT FOR THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THAT INCLUDES THE FOLLOWING INFORMATION:

(I) A DESCRIPTION OF THE RESEARCH FUNDED THROUGH THE INSTITUTE IN THE PREVIOUS YEAR; AND

(II) AN ACCOUNTING OF THE INSTITUTE'S SPENDING FOR THE PREVIOUS YEAR.

(b) THE GOVERNING BOARD SHALL SUBMIT THE ANNUAL REPORT TO THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL COMMENT ON THE ANNUAL REPORT TO ADVISE THE GENERAL ASSEMBLY ON THE EFFICACY OF THE INSTITUTE RELATED TO ITS ROLE AND MISSION.

(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS PURSUANT TO THIS SUBSECTION (6) CONTINUE INDEFINITELY.

(7) (a) THE INSTITUTE'S HOST INSTITUTION MAY OPT OUT OF THE MANAGEMENT OF THE INSTITUTE BY:

(I) PROVIDING AT LEAST ONE FISCAL YEAR'S NOTICE TO THE GOVERNING BOARD, JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES; AND

(II) SUPPORTING THE INSTITUTE DURING THE TRANSITION YEAR, DURING WHICH TIME THE GOVERNING BOARD SHALL CONDUCT AN OPEN SEARCH FOR A COLORADO NOT-FOR-PROFIT RESEARCH ENTITY OR INSTITUTION OF HIGHER EDUCATION WISHING TO HOST THE INSTITUTE.

(b) THE GOVERNING BOARD SHALL NOTIFY THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, IF IT DETERMINES THAT THE HOST INSTITUTION SHOULD BE RELOCATED. IF THE HOST INSTITUTION IS TO BE RELOCATED, THE GOVERNING BOARD SHALL CONDUCT A SEARCH USING NATIONAL BEST PRACTICES AND COMPLETE THE TRANSITION IN ONE FISCAL YEAR. THE HOST INSTITUTION SHALL CONTINUE TO SUPPORT THE INSTITUTE DURING THE TRANSITION. A NEW HOST INSTITUTION MUST HOST THE INSTITUTE FOR AT LEAST FIVE YEARS BEFORE ANY SUBSEQUENT RELOCATION, UNLESS THERE IS GOOD CAUSE TO CHANGE THE HOST INSTITUTION.

SECTION 2. In Colorado Revised Statutes, 23-1-104, amend (1)(b)(II) as follows:

23-1-104. Financing the system of postsecondary education - report.

(1)(b)(II) For the 2010-11 fiscal year and for fiscal years beginning on or after July 1, 2016, the general assembly shall also make annual appropriations of cash funds, other than cash funds received as tuition income or as fees, as a single line item to each governing board for the operation of its campuses. Each governing board shall allocate said cash fund appropriations to the institutions under its control in the manner deemed most appropriate by the governing board; except that, if the general assembly appropriates money pursuant to section 23-31.5-112, ~~to the board of governors of the Colorado state university system;~~ that money is not included within the single line item appropriation described in this ~~subparagraph (II)~~ SUBSECTION (1)(b)(II).

SECTION 3. 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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2019