

CHAPTER 278

HEALTH AND ENVIRONMENT

SENATE BILL 22-205

BY SENATOR(S) Fenberg and Holbert, Fields, Jaquez Lewis, Moreno, Scott;
also REPRESENTATIVE(S) Valdez A. and Van Winkle, Bennett, Ricks, Snyder.

AN ACT

**CONCERNING THE REGULATION OF CANNABIS-RELATED PRODUCTS THAT MAY POTENTIALLY CAUSE
A PERSON TO BECOME INTOXICATED WHEN USED.**

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

SECTION 1. In Colorado Revised Statutes, 25-5-426, **add** (4)(e) as follows:

25-5-426. Wholesale food manufacturing and storage - definitions - legislative declaration - fees - cash fund - rules - repeal. (4) (e) IN ADDITION TO ANY POWERS LISTED IN THIS SECTION, THE DEPARTMENT MAY PROMULGATE RULES TO PROHIBIT, WITHIN FINAL PRODUCT 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** 44-10-206 as follows:

44-10-206. Task force - creation - report - repeal. (1) THE STATE LICENSING AUTHORITY SHALL CREATE A TASK FORCE TO STUDY INTOXICATING HEMP PRODUCTS AND MAKE LEGISLATIVE AND RULE RECOMMENDATIONS. THE EXECUTIVE DIRECTOR SHALL CONVENE THE TASK FORCE BY SEPTEMBER 1, 2022. THE TASK FORCE CONSISTS OF THE FOLLOWING REPRESENTATIVES:

(a) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR TO REPRESENT THE STATE LICENSING AUTHORITY;

(b) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

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.

- (c) ONE REPRESENTATIVE APPOINTED BY THE ATTORNEY GENERAL;
- (d) ONE REPRESENTATIVE APPOINTED BY THE COMMISSIONER OF AGRICULTURE;
- (e) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR WHO IS AN ATTORNEY WITH EXPERTISE IN THE REGULATION OF MARIJUANA;
- (f) FOUR REPRESENTATIVES APPOINTED BY THE EXECUTIVE DIRECTOR TO REPRESENT PERSONS LICENSED UNDER THIS ARTICLE 10 AS A MEDICAL MARIJUANA CULTIVATION FACILITY, MEDICAL MARIJUANA PRODUCTS MANUFACTURER, RETAIL MARIJUANA CULTIVATION FACILITY, OR RETAIL MARIJUANA PRODUCTS MANUFACTURER;
- (g) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE, WHO IS AN ATTORNEY WITH EXPERTISE IN THE REGULATION OF INDUSTRIAL HEMP;
- (h) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE, TO REPRESENT HEMP REFINERS;
- (i) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR TO REPRESENT A CONSUMER NONPROFIT ORGANIZATION;
- (j) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE, TO REPRESENT FULL SPECTRUM INDUSTRIAL HEMP PRODUCERS;
- (k) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR TO REPRESENT MEDICAL PATIENTS;
- (l) TWO REPRESENTATIVES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE, TO REPRESENT PERSONS WHO SELL HEMP AT RETAIL;
- (m) TWO REPRESENTATIVES APPOINTED BY THE EXECUTIVE DIRECTOR TO REPRESENT PERSONS LICENSED UNDER THIS ARTICLE 10 AS A MEDICAL MARIJUANA STORE OR AS A RETAIL MARIJUANA STORE;
- (n) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN CONSULTATION WITH THE COMMISSIONER OF AGRICULTURE, TO REPRESENT TESTING LABS; AND
- (o) ONE REPRESENTATIVE APPOINTED BY THE EXECUTIVE DIRECTOR TO REPRESENT A COUNTY OR DISTRICT PUBLIC HEALTH AGENCY ESTABLISHED UNDER SECTION 25-1-506.

(2)(a) THE TASK FORCE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1, 2023. THE REPORT MUST CONTAIN ANY OF THE TASK FORCE'S LEGISLATIVE RECOMMENDATIONS CONCERNING THE REGULATION OF INDUSTRIAL HEMP AND AN ANALYSIS OF THE EFFECTIVENESS OF EACH RECOMMENDATION.

(b) AS A PART OF THE REPORT, THE TASK FORCE SHALL MAKE RULE RECOMMENDATIONS CONCERNING THE REGULATION OF INTOXICATING HEMP PRODUCTS.

(c) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 3. In Colorado Revised Statutes, 6-1-105, **add** (1)(sss) as follows:

6-1-105. Unfair or deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(sss) VIOLATES THIS SECTION AS IT APPLIES TO HEMP, INDUSTRIAL HEMP, INDUSTRIAL HEMP PRODUCTS, INTOXICATING HEMP, ADULT USE CANNABIS PRODUCTS, THE PLANT CANNABIS SP., OR ANYTHING DERIVED FROM OR PRODUCED FROM THE PLANT CANNABIS SP.

SECTION 4. Appropriation. (1) For the 2022-23 state fiscal year, \$587,347 is appropriated to the department of law. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$582,717 for use by consumer protection for consumer protection and antitrust, which amount is based on an assumption that the department will require an additional 3.0 FTE; and

(b) \$4,630 for the vehicle lease services.

(2) For the 2022-23 state fiscal year, \$4,630 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of law under subsection (1)(b) of this section. To implement this act, the department of personnel may use this appropriation to provide vehicle lease services for the department of law.

SECTION 5. 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: May 31, 2022