

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0932.01 Jery Payne x2157

SENATE BILL 23-271

SENATE SPONSORSHIP

Roberts and Van Winkle,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF COMPOUNDS THAT ARE RELATED**
102 **TO CANNABINOIDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires the manufacturer of cosmetic products, dietary supplements, food products, and food additives, including hemp products, to be registered with the department of public health and environment (department).

The bill creates a new framework for the department to regulate and register hemp products and certain intoxicating hemp products and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

for the marijuana enforcement division in the department of revenue (division) to regulate intoxicating products or potentially intoxicating compounds that are or may be cannabinoids. This regulation includes:

- The power to promulgate rules authorizing or prohibiting chemical modification, conversion, or synthetic derivation to create certain types of intoxicating cannabinoids;
- Labeling and advertising requirements;
- Production and testing requirements; and
- Inspection, record-keeping, and tracking requirements.

Hemp- and marijuana-derived compounds and cannabinoids are classified into three classifications:

- Nonintoxicating cannabinoids;
- Potentially intoxicating compounds; and
- Intoxicating cannabinoids.

Nonintoxicating cannabinoids that are derived from hemp may be produced, distributed, or sold as a hemp product. With the exception of products manufactured or produced for export, which are referred to as "safe harbor hemp products", products containing potentially intoxicating compounds and intoxicating cannabinoids must only be produced, distributed, or sold by a person licensed by the division to produce, distribute, or sell the compound or cannabinoid as a product.

The bill clarifies that:

- Nonintoxicating cannabinoids, potentially intoxicating compounds, and intoxicating cannabinoids are marijuana or marijuana products for the purposes of the retail marijuana sales tax; and
- A person must be licensed to manufacture potentially intoxicating compounds or intoxicating cannabinoids.

The bill prohibits the following acts:

- Manufacturing, selling, or delivering products that contain intoxicating cannabinoids in excess of limits established by rule;
- Manufacturing a product containing hemp that is not a cosmetic, a dietary supplement, a food, a food additive, or an herb; or
- Manufacturing, producing, selling, distributing, or holding for sale or distribution a safe harbor hemp product without registering with the department.

The penalty for a violation is up to \$10,000. The bill specifies factors to consider in determining the amount of the penalty.

The bill requires the executive director of the department of revenue to analyze 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 department of revenue may engage

experts to do this analysis.

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

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

5 **25-5-426. Wholesale food manufacturing and storage -**
6 **definitions - legislative declaration - registration - fees - cash fund.**

7 (2) As used in this section, unless the context otherwise requires:

8 (g.3) ~~"Industrial hemp" has the meaning set forth in section~~
9 ~~35-61-101 (7).~~

10 (g.5) ~~"Industrial hemp product" means a finished product~~
11 ~~containing industrial hemp that:~~

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

13 ~~(II) Is for human use or consumption;~~

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

17 ~~(IV) Contains a delta-9 tetrahydrocannabinol concentration of no~~
18 ~~more than three-tenths of one percent.~~

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

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

1 registration fee of three hundred dollars.

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

5 (d) ~~Industrial hemp products produced by wholesale food~~
6 ~~manufacturing facilities registered in accordance with this subsection (4)~~
7 ~~shall not be deemed adulterated, as defined in sections 25-5-410 and~~
8 ~~25-5-416, unless the products meet one or more of the criteria set forth in~~
9 ~~section 25-5-410 or 25-5-416.~~

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

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

18 **25-5-427. Classes of hemp-derived compounds and**
19 **cannabinoids - definitions - registration required - prohibitions - safe**
20 **harbor - rules - repeal. (1) Legislative declaration.** THE GENERAL
21 ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE REGISTRATION
22 OF HEMP PRODUCT AND SAFE HARBOR HEMP PRODUCT MANUFACTURERS
23 AND THE REGULATION OF PREMISES AND PLACES WHERE HEMP PRODUCTS
24 AND SAFE HARBOR HEMP PRODUCTS ARE MANUFACTURED FOR
25 DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR
26 DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR
27 DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR

1 DISTRIBUTION, OR HELD FOR DISTRIBUTION IN ACCORDANCE WITH THIS
2 PART 4 AND ANY RULES PROMULGATED UNDER THIS PART 4:

3 (a) ARE NECESSARY TO PROTECT THE PUBLIC HEALTH;

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

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

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

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

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

18 (b) "HEMP" HAS THE MEANING SET FORTH IN SECTION 35-61-101
19 (7).

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

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

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

26 (II) IS INTENDED FOR HUMAN USE OR CONSUMPTION;

27 (III) CONTAINS ANY PART OF THE HEMP PLANT, INCLUDING

1 NATURALLY OCCURRING CANNABINOIDS, COMPOUNDS, CONCENTRATES,
2 EXTRACTS, ISOLATES, OR RESINS;

3 (IV) IS PRODUCED FROM HEMP;

4 (V) CONTAINS NO MORE THAN TWO AND ONE-HALF MILLIGRAMS
5 OF THC PER SERVING; AND

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

8 (e) "INTOXICATING CANNABINOID" HAS THE MEANING SET FORTH
9 IN SECTION 44-10-103 (22.5).

10 (f) "MANUFACTURING OR PROCESSING", "MANUFACTURING",
11 "MANUFACTURE", "PROCESS", OR "PROCESSING" HAS THE SAME MEANING
12 AS "MANUFACTURING OR PROCESSING", AS SET FORTH IN SECTION
13 25-5-426 (2)(h).

14 (g) "NONINTOXICATING CANNABINOID" HAS THE MEANING SET
15 FORTH IN SECTION 44-10-103 (42.5).

16 (h) "POTENTIALLY INTOXICATING COMPOUND" HAS THE MEANING
17 SET FORTH IN SECTION 44-10-103 (48.5).

18 (i) "REGISTRANT" MEANS A PERSON REGISTERED UNDER
19 SUBSECTION (5) OF THIS SECTION.

20 (j) "REGULATED HEMP FACILITY" MEANS:

21 (I) A HEMP MANUFACTURER OR STORAGE FACILITY; OR

22 (II) A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY.

23 (k) "SAFE HARBOR HEMP PRODUCT" MEANS A HEMP-DERIVED
24 COMPOUND OR CANNABINOID, WHETHER A FINISHED PRODUCT OR IN THE
25 PROCESS OF BEING PRODUCED, THAT IS PERMITTED TO BE MANUFACTURED
26 FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR
27 DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR

1 DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR
2 DISTRIBUTION, OR HELD FOR DISTRIBUTION IN COLORADO FOR EXPORT
3 FROM COLORADO BUT THAT IS NOT PERMITTED TO BE SOLD OR
4 DISTRIBUTED IN COLORADO.

5 (l) "SAFE HARBOR MANUFACTURER OR STORAGE FACILITY" OR
6 "SAFE HARBOR FACILITY" MEANS A FACILITY THAT MANUFACTURES FOR
7 DISTRIBUTION, PRODUCES FOR DISTRIBUTION, PACKAGES FOR
8 DISTRIBUTION, PROCESSES FOR DISTRIBUTION, PREPARES FOR
9 DISTRIBUTION, TREATS FOR DISTRIBUTION, TRANSPORTS FOR
10 DISTRIBUTION, OR HOLDS FOR DISTRIBUTION A SAFE HARBOR HEMP
11 PRODUCT.

12 (m) "SEMI-SYNTHETIC CANNABINOID" HAS THE MEANING SET
13 FORTH IN SECTION 44-10-208 (2)(b).

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

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

19 (p) "SYNTHETIC CANNABINOID" HAS THE MEANING SET FORTH IN
20 SECTION 44-10-208 (2)(c).

21 (q) "Tetrahydrocannabinol" or "THC" HAS THE MEANING SET
22 FORTH IN SECTION 44-10-208 (2)(d).

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

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

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

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

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

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

18 (f) PROMULGATE RULES GOVERNING LABELING AS PROVIDED IN
19 SUBSECTIONS (4)(c)(II) AND (4)(d)(III) OF THIS SECTION;

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

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

26 (4) **Classifications of hemp-derived compounds and**
27 **cannabinoids - rules.** (a) HEMP-DERIVED COMPOUNDS AND

1 CANNABINOIDS ARE DIVIDED INTO THREE CLASSIFICATIONS:

2 (I) NONINTOXICATING CANNABINOIDS;

3 (II) POTENTIALLY INTOXICATING COMPOUNDS; AND

4 (III) INTOXICATING CANNABINOIDS.

5 (b) (I) NONINTOXICATING CANNABINOIDS INCLUDE:

6 (A) FULL SPECTRUM HEMP EXTRACT THAT CONTAINS NO MORE
7 THAN TWO AND ONE-HALF MILLIGRAMS OF THC PER SERVING AND
8 CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL
9 TO FIFTEEN TO ONE;

10 (B) BROAD SPECTRUM HEMP EXTRACT;

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

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

13 (E) CANNABICHRMENE, ALSO KNOWN AS "CBC";

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

15 (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";

16 (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";

17 (I) CANNABIGEROL, ALSO KNOWN AS "CBG";

18 (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND

19 (K) CANNABINOL, ALSO KNOWN AS "CBN".

20 (II) NONINTOXICATING CANNABINOIDS THAT ARE DERIVED FROM
21 HEMP MAY BE USED AS AN INGREDIENT IN A HEMP PRODUCT OR AS A
22 FINISHED HEMP PRODUCT IN ACCORDANCE WITH THIS SECTION AND THE
23 RULES PROMULGATED UNDER THIS PART 4 OR IN ACCORDANCE WITH
24 ARTICLE 10 OF TITLE 44 AND THE RULES PROMULGATED UNDER ARTICLE
25 10 OF TITLE 44.

26 (c) (I) A PERSON SHALL NOT:

27 (A) MANUFACTURE, PRODUCE, OR DISTRIBUTE A POTENTIALLY

1 INTOXICATING COMPOUND WITHIN COLORADO, AS AN INGREDIENT IN A
2 HEMP PRODUCT OR AS A FINISHED HEMP PRODUCT, UNLESS THE
3 POTENTIALLY INTOXICATING COMPOUND IS A SAFE HARBOR HEMP
4 PRODUCT THAT IS EXPORTED FROM COLORADO; OR

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

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

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

14 (A) DELTA-10 THC AND ITS ISOMERS;

15 (B) DELTA-9 THC AND ITS ISOMERS;

16 (C) DELTA-8 THC AND ITS ISOMERS;

17 (D) DELTA-7 THC AND ITS ISOMERS;

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

19 (F) EXO-TETRAHYDROCANNABINOL;

20 (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC,
21 3-HYDROXY-THC, OR 7-HYDROXY-THC;

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

25 (I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;

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

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

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

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

11 (II) A PERSON SHALL NOT:

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

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

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

24 (e) (I) A PERSON SHALL NOT MANUFACTURE, PRODUCE, SELL, OR
25 OFFER TO SELL A SYNTHETIC CANNABINOID OR A PRODUCT CONTAINING A
26 SYNTHETIC CANNABINOID UNLESS AUTHORIZED BY RULE. IF SYNTHETIC
27 CANNABINOIDS ARE PERMITTED BY RULE, THE DEPARTMENT, IN

1 COORDINATION WITH THE STATE LICENSING AUTHORITY, SHALL
2 PROMULGATE RULES PROVIDING STANDARDS AND REQUIREMENTS FOR THE
3 MANUFACTURE AND PRODUCTION OF SYNTHETIC CANNABINOIDS IN
4 COLORADO. THE RULES MUST INCLUDE A LABELING REQUIREMENT FOR
5 ANY HEMP-DERIVED PRODUCT MANUFACTURED OR PRODUCED IN
6 COLORADO THAT CONTAINS A SEMI-SYNTHETIC OR SYNTHETIC
7 CANNABINOID AS AN INGREDIENT.

8 (II) TO BE SOLD, OFFERED FOR SALE, OR DISTRIBUTED,
9 SEMI-SYNTHETIC CANNABINOIDS MUST MEET PRODUCTION, TESTING, AND
10 LABELING REQUIREMENTS ESTABLISHED IN RULES PROMULGATED BY THE
11 DEPARTMENT UNDER SECTION 25-5-420 AND SUBSECTION (4)(e)(I) OF THIS
12 SECTION.

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

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

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

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

27 (A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED

1 A PROCESS TO REVIEW AND APPROVE HEMP-DERIVED COMPOUNDS OR
2 CANNABINOIDS;

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

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

9 (5) **Registration required - regulated hemp facilities -**
10 **application - fees - repeal.** (a) BEGINNING JULY 1, 2023, AND ON OR
11 BEFORE JULY 1 OF EACH YEAR THEREAFTER, THE OWNER OF A REGULATED
12 HEMP FACILITY SHALL SUBMIT A REGISTRATION APPLICATION TO THE
13 DEPARTMENT. TO SUBMIT AN APPLICATION, EACH HEMP MANUFACTURER
14 OR STORAGE FACILITY AND EACH SAFE HARBOR MANUFACTURER OR
15 STORAGE FACILITY MUST PAY AN ANNUAL APPLICATION FEE OF ONE
16 HUNDRED DOLLARS PLUS ANY ADDITIONAL REGISTRATION FEE SPECIFIED
17 IN SUBSECTION (5)(b) OF THIS SECTION. EACH REGISTRATION EXPIRES ON
18 JUNE 30 OF THE YEAR FOR WHICH THE REGISTRATION IS ISSUED,
19 REGARDLESS OF WHETHER THE REGISTRATION WAS ISSUED AFTER JULY 1
20 FOR THE YEAR. NOTWITHSTANDING THAT A REGISTRATION IS VALID FOR
21 ONLY A PORTION OF A FISCAL YEAR, THE APPLICATION AND REGISTRATION
22 FEE DO NOT CHANGE.

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

26 (c) (I) TO BE REGISTERED UNDER SUBSECTION (5)(a) OF THIS
27 SECTION, A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY MUST

1 DEMONSTRATE COMPLIANCE WITH THE FEDERAL CURRENT GOOD
2 MANUFACTURING PRACTICES FOR FOOD OR DIETARY SUPPLEMENTS BEFORE
3 REGISTERING OR WITHIN TWELVE MONTHS AFTER THE PREVIOUS
4 REGISTRATION BY SUBMITTING TO THE DEPARTMENT:

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

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

11 (II) THE DEPARTMENT SHALL NOT REGISTER A PERSON AS A SAFE
12 HARBOR MANUFACTURER OR STORAGE FACILITY UNDER THIS SUBSECTION
13 (5) IF THE PERSON IS REGISTERED AS A HEMP MANUFACTURER OR STORAGE
14 FACILITY OR AS A WHOLESALE FOOD MANUFACTURING AND STORAGE
15 FACILITY, UNLESS EACH SAFE HARBOR HEMP PRODUCT IS PREPARED IN A
16 PREMISES THAT IS USED EXCLUSIVELY FOR THE MANUFACTURE AND
17 PREPARATION OF SAFE HARBOR HEMP PRODUCTS.

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

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

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

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

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

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

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

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

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

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

27 **(9) Penalties.** A PERSON WHO VIOLATES THIS SECTION, THE RULES

1 PROMULGATED UNDER THIS SECTION, OR A FINAL CEASE-AND-DESIST
2 ORDER OR CLEAN-UP ORDER UNDER SUBSECTION (3)(h) OF THIS SECTION
3 IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND
4 DOLLARS PER DAY PER VIOLATION. THE DEPARTMENT OR THE COURT
5 SHALL TRANSMIT EACH CIVIL PENALTY COLLECTED UNDER THIS
6 SUBSECTION (9) TO THE STATE TREASURER, WHO SHALL CREDIT THE
7 PENALTY TO THE WHOLESALE FOOD MANUFACTURING AND STORAGE
8 PROTECTION CASH FUND ESTABLISHED IN SECTION 25-5-426 (5). IN
9 DETERMINING THE AMOUNT OF A CIVIL PENALTY UNDER THIS SUBSECTION
10 (9), THE DEPARTMENT OR THE COURT SHALL CONSIDER THE FOLLOWING
11 FACTORS:

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

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

25 (b) UNLESS THE DEPARTMENT APPROVES, A COUNTY, A DISTRICT
26 CREATED UNDER ARTICLE 1 OF TITLE 32, A MUNICIPALITY, OR A CITY AND
27 COUNTY SHALL NOT PERFORM A FOOD SAFETY INSPECTION AT A PREMISES

1 OR PLACE WHERE HEMP PRODUCTS OR SAFE HARBOR HEMP PRODUCTS ARE
2 MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION,
3 PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED
4 FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR
5 DISTRIBUTION, OR HELD FOR DISTRIBUTION.

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

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

14 **44-10-103. Definitions - rules.** As used in this article 10, unless
15 the context otherwise requires:

16 (17.5) "HEMP PRODUCT" HAS THE MEANING SET FORTH IN SECTION
17 25-5-427 (2)(d).

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

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

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

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

26 (c) ~~Contains any part of the hemp plant, including naturally~~
27 ~~occurring cannabinoids, compounds, concentrates, extracts, isolates,~~

1 ~~resins, or derivatives, and~~

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

4 (22.5) "INTOXICATING CANNABINOID" MEANS A CANNABINOID
5 THAT IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN SECTION
6 44-10-208 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN
7 COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
8 ENVIRONMENT.

9 (42.5) "NONINTOXICATING CANNABINOID" MEANS A CANNABINOID
10 THAT IS CLASSIFIED AS A NONINTOXICATING CANNABINOID IN SECTION
11 44-10-208 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN
12 COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
13 ENVIRONMENT.

14 (42.6) "NOVEL CANNABINOID" MEANS ANY CANNABINOID THAT
15 HAS NOT BEEN ASSESSED BY THE STATE OR A FEDERAL AGENCY FOR A
16 SAFETY PROFILE AND INTOXICATION PROFILE.

17 (48.5) (a) "POTENTIALLY INTOXICATING COMPOUND" MEANS:

18 (I) A NOVEL CANNABINOID; AND

19 (II) A CANNABINOID THAT IS NOT A PHYTOCANNABINOID.

20 (b) "POTENTIALLY INTOXICATING COMPOUND" DOES NOT INCLUDE:

21 (I) NONINTOXICATING CANNABINOIDS; OR

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

25 **SECTION 4.** In Colorado Revised Statutes, **add** 44-10-207 and
26 44-10-208 as follows:

27 **44-10-207. Feasibility study - standing committee - report -**

1 **definition - repeal.** (1) (a) ON OR BEFORE JULY 1, 2024, THE EXECUTIVE
2 DIRECTOR SHALL SUBMIT TO THE GENERAL ASSEMBLY A REPORT
3 ANALYZING THE FEASIBILITY OF ESTABLISHING A STANDING COMMITTEE
4 TO EVALUATE CANNABINOIDS AND CANNABIS-DERIVED PRODUCTS FOR THE
5 PURPOSE OF DETERMINING AND MAKING RECOMMENDATIONS REGARDING
6 THEIR SAFETY PROFILES AND POTENTIAL FOR INTOXICATION. THE REPORT
7 MUST CONSIDER AND RECOMMEND LEGISLATIVE ACTION ADDRESSING THE
8 FOLLOWING SUBJECTS:

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

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

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

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

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

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

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

1 INCLUDING:

2 (I) THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO SECTION
3 25-1-105 OR THE DESIGNEE OF THE CHIEF MEDICAL OFFICER;

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

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

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

10 (V) A MEDICAL TOXICOLOGIST; AND

11 (VI) A PHARMACOLOGIST WITH EXPERTISE IN DRUG
12 DEVELOPMENT.

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

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

18 **44-10-208. Classes of marijuana-derived cannabinoids and**
19 **compounds - definitions - privileges - prohibitions - rule-making -**
20 **rules. (1) Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND
21 DECLARES THAT:

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

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

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

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

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

13 (a) "HEMP" HAS THE MEANING SET FORTH IN SECTION 35-61-101
14 (7).

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

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

22 (III) "SEMI-SYNTHETIC CANNABINOID" DOES NOT INCLUDE
23 CANNABINOIDS PRODUCED VIA DECARBOXYLATION OF NATURALLY
24 OCCURRING ACIDIC FORMS OF CANNABINOIDS, SUCH AS
25 TETRAHYDROCANNABINOLIC ACID, INTO THE CORRESPONDING NEUTRAL
26 CANNABINOID, SUCH AS THC, THROUGH THE USE OF HEAT OR LIGHT,
27 WITHOUT THE USE OF CHEMICAL REAGENTS OR CATALYSTS, AND THAT

1 RESULTS IN NO OTHER CHEMICAL CHANGE.

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

7 (II) "SYNTHETIC CANNABINOID" DOES NOT INCLUDE:

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

10 (B) A SEMI-SYNTHETIC CANNABINOID.

11 (d) (I) "TETRAHYDROCANNABINOL" OR "THC" MEANS THE
12 SUBSTANCE CONTAINED IN THE PLANT CANNABIS SPECIES, IN THE
13 RESINOUS EXTRACTS OF THE CANNABIS SPECIES, OR A CARBOXYLIC ACID
14 OF, DERIVATIVE OF, SALT OF, ISOMER OF, OR SALT OR ACID OF AN ISOMER
15 OF THESE SUBSTANCES.

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

17 (A) DELTA-10 THC AND ITS ISOMERS;

18 (B) DELTA-9 THC AND ITS ISOMERS;

19 (C) DELTA-8 THC AND ITS ISOMERS;

20 (D) DELTA-7 THC AND ITS ISOMERS;

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

22 (F) EXO-TETRAHYDROCANNABINOL;

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

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

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

1 **(3) Classification of marijuana-derived compounds and**
2 **cannabinoids - rules. (a) MARIJUANA-DERIVED COMPOUNDS AND**

3 CANNABINOIDS ARE DIVIDED INTO THREE CLASSIFICATIONS:

- 4 (I) NONINTOXICATING CANNABINOIDS;
- 5 (II) POTENTIALLY INTOXICATING COMPOUNDS; AND
- 6 (III) INTOXICATING CANNABINOIDS.

7 (b) (I) NONINTOXICATING CANNABINOIDS INCLUDE:

8 (A) FULL SPECTRUM HEMP EXTRACT THAT CONTAINS NO MORE
9 THAN TWO AND ONE-HALF MILLIGRAMS OF THC PER SERVING AND
10 CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL
11 TO FIFTEEN TO ONE;

- 12 (B) BROAD SPECTRUM HEMP EXTRACT;
- 13 (C) CANNABIDIOL, ALSO KNOWN AS "CBD";
- 14 (D) TETRAHYDROCANNABIVARIN, ALSO KNOWN AS "THCV";
- 15 (E) CANNABICHROMENE, ALSO KNOWN AS "CBC";
- 16 (F) CANNABICITRAN, ALSO KNOWN AS "CBT";
- 17 (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";
- 18 (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";
- 19 (I) CANNABIGEROL, ALSO KNOWN AS "CBG";
- 20 (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND
- 21 (K) CANNABINOL, ALSO KNOWN AS "CBN".

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

1 (B) A MARIJUANA-DERIVED NONINTOXICATING CANNABINOID IS A
2 MARIJUANA PRODUCT THAT IS SUBJECT TO RETAIL MARIJUANA SALES TAX
3 IN ACCORDANCE WITH SECTION 39-28.8-202.

4 (c) (I) A LICENSEE UNDER THIS ARTICLE 10 MAY MANUFACTURE,
5 PROCESS, TRANSFER, OR SELL POTENTIALLY INTOXICATING COMPOUNDS
6 THAT ARE DERIVED FROM MARIJUANA IN ACCORDANCE WITH THIS ARTICLE
7 10 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

8 (II) A MARIJUANA-DERIVED POTENTIALLY INTOXICATING
9 COMPOUND IS RETAIL MARIJUANA THAT IS SUBJECT TO RETAIL MARIJUANA
10 SALES TAX IN ACCORDANCE WITH SECTION 39-28.8-202.

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

14 (A) DELTA-10 THC AND ITS ISOMERS;

15 (B) DELTA-9 THC AND ITS ISOMERS;

16 (C) DELTA-8 THC AND ITS ISOMERS;

17 (D) DELTA-7 THC AND ITS ISOMERS;

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

19 (F) EXO-TETRAHYDROCANNABINOL;

20 (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC,
21 3-HYDROXY-THC, OR 7-HYDROXY-THC;

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

25 (I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;

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

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

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

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

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

16 (B) A MARIJUANA-DERIVED INTOXICATING CANNABINOID IS A
17 MARIJUANA PRODUCT THAT IS SUBJECT TO SALES TAX IN ACCORDANCE
18 WITH SECTION 39-28.8-202.

19 (e) (I) A PERSON SHALL NOT MANUFACTURE, PRODUCE, SELL, OR
20 OFFER TO SELL A SYNTHETIC CANNABINOID OR A PRODUCT CONTAINING A
21 SYNTHETIC CANNABINOID UNLESS AUTHORIZED BY RULE. IF SYNTHETIC
22 CANNABINOIDS ARE PERMITTED BY RULE, THE STATE LICENSING
23 AUTHORITY, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH
24 AND ENVIRONMENT, SHALL PROMULGATE RULES PROVIDING STANDARDS
25 AND REQUIREMENTS FOR THE MANUFACTURE AND PRODUCTION OF
26 SYNTHETIC CANNABINOIDS IN COLORADO. THE RULES MUST INCLUDE A
27 REQUIREMENT THAT MARIJUANA-DERIVED PRODUCTS MANUFACTURED OR

1 PRODUCED IN COLORADO THAT CONTAIN A SEMI-SYNTHETIC OR
2 SYNTHETIC CANNABINOID AS AN INGREDIENT ARE LABELED IN
3 ACCORDANCE WITH RULES PROMULGATED PURSUANT TO THIS ARTICLE 10.

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

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

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

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

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

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

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

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

1 **(4) Rules to prohibit synthetic cannabinoids.** IN ADDITION TO
2 ANY POWERS LISTED IN THIS SECTION, THE STATE LICENSING AUTHORITY
3 MAY PROMULGATE RULES NECESSARY TO PROHIBIT CHEMICAL
4 MODIFICATION, CONVERSION, OR SYNTHETIC DERIVATION OF
5 CANNABINOIDS OR MARIJUANA-DERIVED COMPOUNDS, UNLESS OTHERWISE
6 PERMITTED BY THIS ARTICLE 10 AND THE RULES PROMULGATED UNDER
7 THIS ARTICLE 10.

8 **SECTION 5.** In Colorado Revised Statutes, 44-10-503, **add**
9 (1)(c) as follows:

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

17 **SECTION 6.** In Colorado Revised Statutes, 44-10-603, **add** (1)(f)
18 as follows:

19 **44-10-603. Retail marijuana products manufacturer license -**
20 **rules - definition.** (1) (f) A PERSON MUST BE LICENSED AS A RETAIL
21 MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE
22 AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING
23 COMPOUNDS OR INTOXICATING CANNABINOIDS FROM RETAIL MARIJUANA
24 TO BE USED AS AN INGREDIENT OR AS FINISHED RETAIL MARIJUANA
25 PRODUCTS IN ACCORDANCE WITH THIS ARTICLE 10.

26 **SECTION 7.** In Colorado Revised Statutes, 6-1-725, **amend** (1)
27 as follows:

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

7 **SECTION 8.** In Colorado Revised Statutes, 18-18-406.1, **amend**
8 (1) as follows:

9 **18-18-406.1. Unlawful use or possession of synthetic**
10 **cannabinoids or salvia divinorum.** (1) ~~On and after January 1, 2012~~
11 EXCEPT AS PROVIDED IN SECTION 25-5-427 OR ARTICLE 10 OF TITLE 44, it
12 is unlawful for any person to use or possess any amount of any synthetic
13 cannabinoid or salvia divinorum.

14 **SECTION 9.** In Colorado Revised Statutes, 18-18-406.2, **amend**
15 (1) introductory portion as follows:

16 **18-18-406.2. Unlawful distribution, manufacturing,**
17 **dispensing, sale, or cultivation of synthetic cannabinoids or salvia**
18 **divinorum.** (1) EXCEPT AS PROVIDED IN SECTION 25-5-427 OR ARTICLE
19 10 OF TITLE 44, it is unlawful for any person knowingly to:

20 **SECTION 10.** In Colorado Revised Statutes, 30-15-401, **amend**
21 (1.7) as follows:

22 **30-15-401. General regulations - definitions.** (1.7) In addition
23 to any other powers, a board of county commissioners may charge a fee
24 for a local license and adopt resolutions or ordinances to establish
25 requirements on businesses engaged in the storage, extraction, processing,
26 or manufacturing of industrial hemp, as defined in section 35-61-101 (7),
27 or ~~industrial~~ hemp products, as defined in section ~~25-5-426 (2)(g.5)~~

1 25-5-427 (2)(d). A county shall not impose additional food production
2 regulations on ~~industrial~~ hemp processors or HEMP products if the
3 regulations conflict with state law.

4 **SECTION 11.** In Colorado Revised Statutes, 31-15-501, **amend**
5 (1)(r) as follows:

6 **31-15-501. Powers to regulate businesses.** (1) The governing
7 bodies of municipalities have the following powers to regulate
8 businesses:

9 (r) To charge a fee for a local license and establish licensing
10 requirements on businesses engaged in the storage, extraction, processing,
11 or manufacturing of industrial hemp, as defined in section 35-61-101 (7),
12 or ~~industrial~~ hemp products, as defined in section ~~25-5-426 (2)(g.5)~~
13 25-5-427 (2)(d). A municipality shall not impose additional food
14 production regulations on ~~industrial~~ hemp processors or HEMP products
15 if the regulations conflict with state law.

16 **SECTION 12.** In Colorado Revised Statutes, 39-28.8-101,
17 **amend** (7) as follows:

18 **39-28.8-101. Definitions.** Unless the context otherwise requires,
19 any terms not defined in this article 28.8 have the meanings set forth in
20 article 26 of this title 39. As used in this article 28.8, unless the context
21 otherwise requires:

22 (7) (a) (I) "Retail marijuana" means all parts of the plant of the
23 genus cannabis whether growing or not, the seeds ~~thereof~~ OF THE PLANT,
24 the resin extracted from any part of the plant, and every compound,
25 manufacture, salt, derivative, mixture, or preparation of the plant, its
26 seeds, or its resin, including marijuana concentrate;

27 (II) RESIN EXTRACTS, COMPOUNDS, DERIVATIVES, OR

1 PREPARATIONS OF THE PLANT OF THE GENUS CANNABIS INCLUDE:

2 (A) A NONINTOXICATING CANNABINOID, AS DEFINED IN SECTION
3 44-10-103 (42.5), PRODUCED FROM THE PLANT OF THE GENUS CANNABIS;

4 (B) A POTENTIALLY INTOXICATING COMPOUND, AS DEFINED IN
5 SECTION 44-10-103 (48.5), PRODUCED FROM THE PLANT OF THE GENUS
6 CANNABIS; AND

7 (C) AN INTOXICATING CANNABINOID, AS DEFINED IN SECTION
8 44-10-103 (22.5), PRODUCED FROM THE PLANT OF THE GENUS CANNABIS.

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

14 **SECTION 13. Applicability.** This act applies to offenses
15 committed or conduct occurring on or after the effective date of this act.

16 **SECTION 14. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.