

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0932.01 Jery Payne x2157

SENATE BILL 23-271

SENATE SPONSORSHIP

Roberts and Van Winkle, Fenberg

HOUSE SPONSORSHIP

deGruy Kennedy and Snyder, Amabile, Bird, Brown

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF COMPOUNDS THAT ARE RELATED**
102 **TO CANNABINOIDS, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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

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.

HOUSE
Amended 3rd Reading
May 7, 2023

HOUSE
Amended 2nd Reading
May 6, 2023

SENATE
3rd Reading Unamended
April 27, 2023

SENATE
Amended 2nd Reading
April 26, 2023

and register hemp products and certain intoxicating hemp products and 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 ONE AND THREE-FOURTHS
5 MILLIGRAMS 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" MEANS A CANNABINOID THAT
9 IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN THIS SECTION OR BY
10 RULE OF THE DEPARTMENT ACTING IN COORDINATION WITH THE STATE
11 LICENSING AUTHORITY, IN ACCORDANCE WITH SUBSECTIONS (4)(g) AND
12 (4)(h) OF THIS SECTION.

13 (f) "MANUFACTURING OR PROCESSING", "MANUFACTURING",
14 "MANUFACTURE", "PROCESS", OR "PROCESSING" HAS THE SAME MEANING
15 AS "MANUFACTURING OR PROCESSING", AS SET FORTH IN SECTION
16 25-5-426 (2)(h).

17 (g) "NONINTOXICATING CANNABINOID" MEANS A CANNABINOID
18 THAT IS CLASSIFIED AS A NONINTOXICATING CANNABINOID IN THIS
19 SECTION OR BY RULE OF THE DEPARTMENT ACTING IN COORDINATION WITH
20 THE STATE LICENSING AUTHORITY, IN ACCORDANCE WITH SUBSECTIONS
21 (4)(g) AND (4)(h) OF THIS SECTION.

22 (h) "PHYSICAL SEPARATION" MEANS SEGREGATION OF THE
23 OPERATIONS OF A REGULATED HEMP FACILITY:

24 (I) INCLUDING THE PHYSICAL SEPARATION OF HEMP PRODUCTS AND
25 SAFE HARBOR HEMP PRODUCTS DURING MANUFACTURE, PRODUCTION,
26 STORAGE, AND DISTRIBUTION; AND

27 (II) THE USE OF SEPARATE EQUIPMENT FOR THE MANUFACTURE OR

1 PRODUCTION OF HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS.

2 (i) "POTENTIALLY INTOXICATING CANNABINOID" HAS THE
3 MEANING SET FORTH IN SECTION 44-10-103 (48.5).

4 (j) "REGISTRANT" MEANS A PERSON REGISTERED UNDER
5 SUBSECTION (5) OF THIS SECTION.

6 (k) "REGULATED HEMP FACILITY" MEANS:

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

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

9 (l) "SAFE HARBOR HEMP PRODUCT" MEANS A HEMP-DERIVED
10 COMPOUND OR CANNABINOID, WHETHER A FINISHED PRODUCT OR IN THE
11 PROCESS OF BEING PRODUCED, THAT IS PERMITTED TO BE MANUFACTURED
12 FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION, PACKAGED FOR
13 DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED FOR
14 DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR
15 DISTRIBUTION, OR HELD FOR DISTRIBUTION IN COLORADO FOR EXPORT
16 FROM COLORADO BUT THAT IS NOT PERMITTED TO BE SOLD OR
17 DISTRIBUTED IN COLORADO.

18 (m) "SAFE HARBOR MANUFACTURER OR STORAGE FACILITY" OR
19 "SAFE HARBOR FACILITY" MEANS A FACILITY THAT MANUFACTURES FOR
20 DISTRIBUTION, PRODUCES FOR DISTRIBUTION, PACKAGES FOR
21 DISTRIBUTION, PROCESSES FOR DISTRIBUTION, PREPARES FOR
22 DISTRIBUTION, TREATS FOR DISTRIBUTION, TRANSPORTS FOR
23 DISTRIBUTION, OR HOLDS FOR DISTRIBUTION A SAFE HARBOR HEMP
24 PRODUCT.

25 (n) "SEMI-SYNTHETIC CANNABINOID" HAS THE MEANING SET
26 FORTH IN SECTION 44-10-208 (2)(b).

27 (o) "SERVING" MEANS THE SIZE OR PORTION CUSTOMARILY

1 CONSUMED PER EATING OCCASION, EXPRESSED IN A COMMON HOUSEHOLD
2 MEASURE AS ESTABLISHED IN TABLE 2 OF 21 CFR 101.12.

3 (p) "STATE LICENSING AUTHORITY" HAS THE MEANING SET FORTH
4 IN SECTION 44-10-103 (69).

5 (q) "SYNTHETIC CANNABINOID" HAS THE MEANING SET FORTH IN
6 SECTION 44-10-208 (2)(c).

7 (r) "TETRAHYDROCANNABINOL" OR "THC" HAS THE MEANING SET
8 FORTH IN SECTION 44-10-208 (2)(d).

9 (s) "TINCTURE" MEANS A LIQUID HEMP PRODUCT THAT IS
10 PACKAGED IN A CONTAINER OF FOUR FLUID OUNCES OR LESS, THAT IS NOT
11 A BEVERAGE OR INTENDED FOR DRINKING, AND THAT CONSISTS OF A
12 SOLUTION:

13 (I) CONTAINING AT LEAST TWENTY-FIVE PERCENT
14 NON-DENATURED ALCOHOL OR A BASE OF GLYCERIN OR PLANT-BASED OIL;

15 (II) CONTAINING HEMP, HEMP CONCENTRATE, OR HEMP EXTRACT;

16 AND

17 (III) INTENDED FOR HUMAN USE.

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

20 (a) GRANT OR DENY A REGISTRATION ISSUED UNDER SUBSECTION
21 (5) OF THIS SECTION AND TO GRANT OR DENY THE ANNUAL RENEWAL OF A
22 REGISTRATION;

23 (b) SUSPEND, DENY, OR REVOKE A REGISTRATION UNDER
24 CIRCUMSTANCES PRESCRIBED IN THIS SECTION OR IN RULES PROMULGATED
25 UNDER THIS SECTION;

26 (c) REVIEW ANY RECORDS OF A REGISTRANT THAT MANUFACTURES
27 FOR DISTRIBUTION, PRODUCES FOR DISTRIBUTION, PACKAGES FOR

1 DISTRIBUTION, PROCESSES FOR DISTRIBUTION, PREPARES FOR
2 DISTRIBUTION, TREATS FOR DISTRIBUTION, TRANSPORTS FOR
3 DISTRIBUTION, OR HOLDS FOR DISTRIBUTION PRODUCTS SUBJECT TO THIS
4 SECTION AS NECESSARY TO VERIFY COMPLIANCE WITH THIS SECTION;

5 (d) PROMULGATE RULES NECESSARY TO AUTHORIZE OR PROHIBIT
6 CHEMICAL MODIFICATION, CONVERSION, OR SYNTHETIC DERIVATION OF
7 CANNABINOIDS OR OTHER HEMP-DERIVED COMPOUNDS, UNLESS
8 OTHERWISE PERMITTED BY THIS PART 4 OR BY ANY RULES PROMULGATED
9 UNDER THIS PART 4;

10 (e) (I) PROMULGATE RULES, IN COORDINATION WITH THE STATE
11 LICENSING AUTHORITY, ESTABLISHING THE AMOUNT OF ANY CANNABINOID
12 THAT MAKES THE CANNABINOID INTOXICATING;

13 (II) PROMULGATE RULES IMPLEMENTING SUBSECTION (8) OF THIS
14 SECTION;

15 (III) IF NECESSARY, PROMULGATE RULES CREATING A PROCESS TO
16 PREVENT CROSS CONTAMINATION BETWEEN HEMP PRODUCTS AND SAFE
17 HARBOR HEMP PRODUCTS AND SPECIFYING A SET OF REQUIREMENTS FOR:

18 (A) THE CO-LOCATION OF THE MANUFACTURE OF, PRODUCTION OF,
19 STORAGE OF, AND DISTRIBUTION OF HEMP PRODUCTS AND SAFE HARBOR
20 HEMP PRODUCTS; AND

21 (B) THE USE OF THE SAME EQUIPMENT FOR THE PRODUCTION OF
22 SAFE HARBOR HEMP PRODUCTS AND HEMP PRODUCTS.

23 (IV) PROMULGATE RULES PROHIBITING THE EXPORT OF A SAFE
24 HARBOR HEMP PRODUCT TO A STATE WHERE THE SAFE HARBOR HEMP
25 PRODUCT IS PROHIBITED BY STATE STATUTE; AND

26 (V) PROMULGATE RULES PROHIBITING THE MANUFACTURE,
27 PRODUCTION, OR DISTRIBUTION OF A SAFE HARBOR PRODUCT THAT IS ALSO

1 A SYNTHETIC CANNABINOID;

2 (f) PROMULGATE RULES GOVERNING TESTING AND LABELING, AS
3 PROVIDED IN SUBSECTIONS (4)(c)(II) AND (4)(d)(III) OF THIS SECTION. IN
4 PROMULGATING THE LABELING FOR HEMP PRODUCTS, THE DEPARTMENT
5 SHALL CONSIDER:

6 (I) THE APPROPRIATENESS OF LABELING RULES PROMULGATED BY
7 THE STATE LICENSING AUTHORITY GOVERNING PRODUCTS WITH THC; AND

8 (II) HOW BEST TO INFORM CONSUMERS OF THE RATIO OF
9 CANNABIDIOL TO THC, INCLUDING A DIFFERENTIATION BETWEEN PRODUCT
10 LABELS BASED ON THE RATIO OF CBD TO THC.

11 (g) PROMULGATE RULES AUTHORIZING, PROHIBITING, OR
12 REGULATING HEMP-DERIVED INGREDIENTS IN HEMP PRODUCTS THAT ARE
13 COMPOUNDS OTHER THAN CANNABINOIDS;

14 (h) PROMULGATE ANY OTHER RULES THAT ARE NECESSARY FOR
15 THE FAIR, IMPARTIAL, AND COMPREHENSIVE ADMINISTRATION OF THIS
16 PART 4 WITH RESPECT TO HEMP, HEMP PRODUCTS, OR SAFE HARBOR HEMP
17 PRODUCTS; AND

18 (i) ISSUE A CEASE-AND-DESIST ORDER OR CLEAN-UP ORDER TO
19 ADDRESS VIOLATIONS OF THIS SECTION.

20 (4) **Classifications of hemp-derived compounds and**
21 **cannabinoids - rules.** (a) HEMP-DERIVED COMPOUNDS AND
22 CANNABINOIDS ARE DIVIDED INTO THREE CLASSIFICATIONS:

23 (I) NONINTOXICATING CANNABINOIDS;

24 (II) POTENTIALLY INTOXICATING CANNABINOIDS; AND

25 (III) INTOXICATING CANNABINOIDS.

26 (b) (I) NONINTOXICATING CANNABINOIDS INCLUDE:

27 (A) FULL SPECTRUM HEMP EXTRACT THAT CONTAINS NO MORE

1 THAN ONE AND THREE-FOURTHS MILLIGRAMS OF THC PER SERVING AND
2 CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL
3 TO FIFTEEN TO ONE;

- 4 (B) BROAD SPECTRUM HEMP EXTRACT;
- 5 (C) CANNABIDIOL, ALSO KNOWN AS "CBD";
- 6 (D) TETRAHYDROCANNABIVARIN, ALSO KNOWN AS "THCV";
- 7 (E) CANNABICHROMENE, ALSO KNOWN AS "CBC";
- 8 (F) CANNABICITRAN, ALSO KNOWN AS "CBT";
- 9 (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";
- 10 (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";
- 11 (I) CANNABIGEROL, ALSO KNOWN AS "CBG";
- 12 (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND
- 13 (K) CANNABINOL, ALSO KNOWN AS "CBN".

14 (II) NONINTOXICATING CANNABINOIDS THAT ARE DERIVED FROM
15 HEMP MAY BE USED AS AN INGREDIENT IN A HEMP PRODUCT OR AS A
16 FINISHED HEMP PRODUCT IN ACCORDANCE WITH THIS SECTION AND THE
17 RULES PROMULGATED UNDER THIS PART 4 OR IN ACCORDANCE WITH
18 ARTICLE 10 OF TITLE 44 AND THE RULES PROMULGATED UNDER ARTICLE
19 10 OF TITLE 44.

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

21 (A) MANUFACTURE, PRODUCE, OR DISTRIBUTE A POTENTIALLY
22 INTOXICATING CANNABINOID WITHIN COLORADO, AS AN INGREDIENT IN A
23 HEMP PRODUCT OR AS A FINISHED HEMP PRODUCT, UNLESS THE
24 POTENTIALLY INTOXICATING CANNABINOID IS A SAFE HARBOR HEMP
25 PRODUCT THAT IS EXPORTED FROM COLORADO; OR

26 (B) MARKET OR PROMOTE A HEMP PRODUCT AS CONTAINING THC
27 OR ANY OTHER POTENTIALLY INTOXICATING CANNABINOID.

1 (II) A PERSON THAT MANUFACTURES, PRODUCES, OR DISTRIBUTES
2 A PRODUCT CONTAINING A POTENTIALLY INTOXICATING CANNABINOID
3 SHALL LABEL THE PRODUCT IN ACCORDANCE WITH THE RULES
4 PROMULGATED UNDER THIS SECTION.

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

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

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

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

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

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

13 (F) EXO-TETRAHYDROCANNABINOL;

14 (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC,
15 3-HYDROXY-THC, OR 7-HYDROXY-THC;

16 (H) HYDROGENATED FORMS OF THC, INCLUDING
17 HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND
18 HEXAHYDROCANNABIHEXOL;

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

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

22 (K) TETRAHYDROCANNABIVARINS, INCLUDING DELTA-8
23 TETRAHYDROCANNABIVARIN BUT EXCLUDING DELTA-9
24 TETRAHYDROCANNABIVARIN;

25 (L) ANALOGUES OF TETRAHYDROCANNABINOLS WITH AN ALKYL
26 CHAIN OF FOUR OR MORE CARBON ATOMS, INCLUDING
27 TETRAHYDROCANNABIPHOROLS, TETRAHYDROCANNABIOCTYLS,

1 TETRAHYDROCANNABIHEXOLS, OR TETRAHYDROCANNABUTOLS; AND

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

5 (II) A PERSON SHALL NOT:

6 (A) MANUFACTURE, PRODUCE, OR DISTRIBUTE AN INTOXICATING
7 CANNABINOID WITHIN COLORADO, AS AN INGREDIENT IN A HEMP PRODUCT
8 OR AS A FINISHED HEMP PRODUCT, UNLESS THE INTOXICATING
9 CANNABINOID IS A SAFE HARBOR HEMP PRODUCT THAT IS EXPORTED FROM
10 COLORADO; OR

11 (B) MARKET OR PROMOTE A SAFE HARBOR HEMP PRODUCT OR
12 HEMP PRODUCT AS CONTAINING THC OR ANY OTHER INTOXICATING
13 CANNABINOID.

14 (III) A PERSON THAT MANUFACTURES, PRODUCES, OR DISTRIBUTES
15 A PRODUCT CONTAINING AN INTOXICATING CANNABINOID SHALL LABEL
16 THE PRODUCT IN ACCORDANCE WITH THE RULES PROMULGATED UNDER
17 THIS SECTION.

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

1 CANNABINOID AS AN INGREDIENT.

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

7 (f) THE DEPARTMENT SHALL PROMULGATE RULES REQUIRING A
8 CONSUMER NOTICE STATEMENT IF ANY HEMP-DERIVED PRODUCTS THAT
9 ARE MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION,
10 PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED
11 FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR
12 DISTRIBUTION, OR HELD FOR DISTRIBUTION IN THIS STATE CONTAIN
13 INTOXICATING CANNABINOIDS OR POTENTIALLY INTOXICATING
14 CANNABINOIDS.

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

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

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

21 (A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED
22 A PROCESS TO REVIEW AND APPROVE HEMP-DERIVED COMPOUNDS OR
23 CANNABINOIDS;

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

27 (C) THE RECLASSIFICATION IS BASED ON THE FINDINGS OF THE

1 PROCESS AND EVALUATION DESCRIBED IN SUBSECTIONS (4)(g)(II)(A) AND
2 (4)(g)(II)(B) OF THIS SECTION.

3 (h) TO RECLASSIFY A HEMP-DERIVED COMPOUND OR CANNABINOID,
4 UNDER SUBSECTION (4)(g) OF THIS SECTION, THE RECLASSIFICATION MUST:

5 (I) BE SUPPORTED BY PEER-REVIEWED RESEARCH OR CLINICAL
6 TRIALS ESTABLISHING TO A REASONABLE DEGREE OF SCIENTIFIC
7 CERTAINTY THAT THE HEMP-DERIVED COMPOUND OR CANNABINOID OR A
8 PRODUCT CONTAINING A HEMP-DERIVED COMPOUND OR CANNABINOID
9 SHOULD BE RECLASSIFIED; OR

10 (II) BE BASED ON A THREAT TO HUMAN HEALTH, INCLUDING
11 SUBSTANTIAL REPORTS OF INTOXICATION OR ADVERSE HEALTH EVENT
12 REPORTS.

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

27 (b) IN ADDITION TO THE APPLICATION FEE IMPOSED IN SUBSECTION

1 (5)(a) OF THIS SECTION, THE ANNUAL REGISTRATION FEE FOR A
2 REGULATED HEMP FACILITY IS ONE THOUSAND FIVE HUNDRED DOLLARS.

3 (c) (I) TO BE REGISTERED UNDER SUBSECTION (5)(a) OF THIS
4 SECTION, A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY MUST
5 DEMONSTRATE COMPLIANCE WITH THE FEDERAL CURRENT GOOD
6 MANUFACTURING PRACTICES FOR FOOD OR DIETARY SUPPLEMENTS BEFORE
7 REGISTERING OR WITHIN TWELVE MONTHS AFTER THE PREVIOUS
8 REGISTRATION BY SUBMITTING TO THE DEPARTMENT:

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

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

15 (II) THE DEPARTMENT SHALL NOT REGISTER A PERSON AS A SAFE
16 HARBOR MANUFACTURER OR STORAGE FACILITY UNDER THIS SUBSECTION
17 (5) IF THE PERSON IS REGISTERED AS A HEMP MANUFACTURER OR STORAGE
18 FACILITY OR AS A WHOLESALE FOOD MANUFACTURING AND STORAGE
19 FACILITY, UNLESS EACH SAFE HARBOR HEMP PRODUCT:

20 (A) IS PHYSICALLY SEPARATED FROM HEMP PRODUCTS DURING THE
21 MANUFACTURE OF, PRODUCTION OF, STORAGE OF, AND DISTRIBUTION OF
22 THE SAFE HARBOR HEMP PRODUCT;

23 (B) IS MANUFACTURED, PRODUCED, STORED, AND DISTRIBUTED IN
24 ACCORDANCE WITH PROCEDURES THAT ARE APPROVED BY THE
25 DEPARTMENT AND THAT ENSURE NO CROSS CONTAMINATION BETWEEN
26 HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS; OR

27 (C) IS MANUFACTURED, PRODUCED, STORED, AND DISTRIBUTED IN

1 ACCORDANCE WITH RULES OF THE DEPARTMENT PROMULGATED IN
2 ACCORDANCE WITH SUBSECTION (3)(e)(III) OF THIS SECTION.

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

7 (d) A REGISTRATION ISSUED UNDER THIS SUBSECTION (5) IS
8 SUBJECT TO SUSPENSION OR REVOCATION, IN ACCORDANCE WITH ARTICLE
9 4 OF TITLE 24, IF THE REGISTRANT VIOLATES THIS PART 4 OR RULES
10 PROMULGATED UNDER THIS PART 4.

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

13 (f) (I) SUBSECTIONS (5)(a) TO (5)(e) OF THIS SECTION DO NOT
14 APPLY TO A REGULATED HEMP FACILITY UNTIL THE DEPARTMENT
15 PROMULGATES RULES IMPLEMENTING THIS SUBSECTION (5). A REGULATED
16 HEMP FACILITY MAY CONTINUE MANUFACTURING, PRODUCING, AND
17 DISTRIBUTING HEMP PRODUCTS AND SAFE HARBOR HEMP PRODUCTS UNTIL
18 THE DEPARTMENT PROMULGATES RULES IMPLEMENTING THIS SUBSECTION
19 (5) IF THE REGULATED HEMP FACILITY COMPLIES WITH THE CURRENTLY
20 APPLICABLE STATUTES AND RULES.

21 (II) THIS SUBSECTION (5)(f) IS REPEALED, EFFECTIVE JULY 1, 2025.

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

27 (7) **Fees deposited in fund.** THE DEPARTMENT SHALL TRANSMIT

1 FEES COLLECTED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION
2 TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE
3 WHOLESALE FOOD MANUFACTURING AND STORAGE PROTECTION CASH
4 FUND ESTABLISHED IN SECTION 25-5-426 (5).

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

7 (a) MANUFACTURING, SELLING, OR DELIVERING OR HOLDING OR
8 OFFERING FOR SALE ANY PRODUCTS CONTAINING HEMP AND INTOXICATING
9 CANNABINOIDS OR POTENTIALLY INTOXICATING CANNABINOIDS IN EXCESS
10 OF LIMITS ESTABLISHED BY RULES PROMULGATED UNDER SUBSECTION
11 (3)(e) OF THIS SECTION OR SECTION 25-5-420;

12 (b) MANUFACTURING A PRODUCT CONTAINING HEMP THAT IS NOT
13 A COSMETIC, A DIETARY SUPPLEMENT, A FOOD, A FOOD ADDITIVE, OR AN
14 HERB;

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

18 (d) MANUFACTURING, PRODUCING, SELLING, DISTRIBUTING, OR
19 HOLDING FOR SALE OR DISTRIBUTION A SAFE HARBOR HEMP PRODUCT
20 WITHOUT REGISTERING WITH THE DEPARTMENT UNDER THIS SECTION;

21 (e) (I) SELLING A HEMP PRODUCT IN A PACKAGE WITH MORE THAN
22 FIVE SERVINGS OR SELLING A HEMP PRODUCT TO AN INDIVIDUAL WHO IS
23 UNDER TWENTY-ONE YEARS OF AGE IF, IN EITHER ACT, THE HEMP
24 PRODUCT:

25 (A) HAS MORE THAN ONE AND ONE-FOURTH MILIGRAMS OF THC
26 PER SERVING; OR

27 (B) HAS A RATIO OF CANNABIDIOL TO THC OF LESS THAN TWENTY

1 TO ONE.

2 (II) THIS SUBSECTION (8)(e) DOES NOT APPLY TO:

3 (A) PRODUCTS WITH NO THC;

4 (B) TINCTURES;

5 (C) COSMETICS; OR

6 (D) A HEMP PRODUCT THAT THE UNITED STATES FOOD AND DRUG
7 ADMINISTRATION HAS DETERMINED IS GENERALLY RECOGNIZED AS SAFE
8 UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC.
9 301 ET SEQ.

10

11 (9) **Penalties.** A PERSON WHO VIOLATES THIS SECTION, THE RULES
12 PROMULGATED UNDER THIS SECTION, OR A FINAL CEASE-AND-DESIST
13 ORDER OR CLEAN-UP ORDER UNDER SUBSECTION (3)(i) OF THIS SECTION IS
14 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS
15 PER DAY PER VIOLATION. THE DEPARTMENT OR THE COURT SHALL
16 TRANSMIT EACH CIVIL PENALTY COLLECTED UNDER THIS SUBSECTION (9)
17 TO THE STATE TREASURER, WHO SHALL CREDIT THE PENALTY TO THE
18 WHOLESALE FOOD MANUFACTURING AND STORAGE PROTECTION CASH
19 FUND ESTABLISHED IN SECTION 25-5-426 (5). IN DETERMINING THE
20 AMOUNT OF A CIVIL PENALTY UNDER THIS SUBSECTION (9), THE
21 DEPARTMENT OR THE COURT SHALL CONSIDER THE FOLLOWING FACTORS:

22 (a) THE ACTUAL OR POTENTIAL DAMAGE FROM THE VIOLATION;

23 (b) THE VIOLATOR'S COMPLIANCE HISTORY;

24 (c) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR
25 NEGLIGENT;

26 (d) THE EFFECT UPON OR THREAT POSED TO THE PUBLIC HEALTH OR
27 ENVIRONMENT AS A RESULT OF THE VIOLATION;

1 (e) THE DURATION OF THE VIOLATION; AND

2 (f) ANY ECONOMIC BENEFIT REALIZED BY THE VIOLATOR AS A
3 RESULT OF THE VIOLATION.

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

8 (b) UNLESS THE DEPARTMENT APPROVES, A COUNTY, A DISTRICT
9 CREATED UNDER ARTICLE 1 OF TITLE 32, A MUNICIPALITY, OR A CITY AND
10 COUNTY SHALL NOT PERFORM A FOOD SAFETY INSPECTION AT A PREMISES
11 OR PLACE WHERE HEMP PRODUCTS OR SAFE HARBOR HEMP PRODUCTS ARE
12 MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION,
13 PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED
14 FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR
15 DISTRIBUTION, OR HELD FOR DISTRIBUTION.

16 (c) THE DEPARTMENT MAY PROMULGATE RULES ESTABLISHING
17 MONITORING REQUIREMENTS FOR SAFE HARBOR HEMP PRODUCTS IN
18 ACCORDANCE WITH GOOD MANUFACTURING PRACTICES. THE RULES MAY
19 INCLUDE INVENTORY TRACKING, SURVEILLANCE, AND RECORD-KEEPING
20 REQUIREMENTS.

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

24 **44-10-103. Definitions - rules.** As used in this article 10, unless
25 the context otherwise requires:

26 (17.5) "HEMP PRODUCT" HAS THE MEANING SET FORTH IN SECTION
27 25-5-427 (2)(d).

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

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

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

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

9 ~~(c) Contains any part of the hemp plant, including naturally~~
10 ~~occurring cannabinoids, compounds, concentrates, extracts, isolates,~~
11 ~~resins, or derivatives; and~~

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

14 (22.5) "INTOXICATING CANNABINOID" MEANS A CANNABINOID
15 THAT IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN SECTION
16 44-10-208 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN
17 COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
18 ENVIRONMENT, IN ACCORDANCE WITH SUBSECTIONS (3)(f) AND (3)(g) OF
19 THIS SECTION.

20 (42.5) "NONINTOXICATING CANNABINOID" MEANS A CANNABINOID
21 THAT IS CLASSIFIED AS A NONINTOXICATING CANNABINOID IN SECTION
22 44-10-208 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN
23 COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
24 ENVIRONMENT, IN ACCORDANCE WITH SUBSECTIONS (3)(f) AND (3)(g) OF
25 THIS SECTION.

26 (42.6) "NOVEL CANNABINOID" MEANS ANY CANNABINOID THAT
27 HAS NOT BEEN ASSESSED BY THE STATE OR A FEDERAL AGENCY FOR A

1 SAFETY PROFILE AND INTOXICATION PROFILE.

2 (48.5) (a) "POTENTIALLY INTOXICATING CANNABINOID" MEANS:

3 (I) A NOVEL CANNABINOID; AND

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

5 (b) "POTENTIALLY INTOXICATING CANNABINOID" DOES NOT
6 INCLUDE:

7 (I) NONINTOXICATING CANNABINOIDS; OR

8 (II) CANNABINOIDS OR COMPOUNDS THAT COMPRISE A NATURALLY
9 DERIVED FULL SPECTRUM HEMP EXTRACT OR BROAD SPECTRUM HEMP
10 EXTRACT.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 44-10-207 and
12 44-10-208 as follows:

13 **44-10-207. Feasibility study - standing committee - report -**
14 **definition - repeal.** (1) (a) ON OR BEFORE JULY 1, 2024, THE EXECUTIVE
15 DIRECTOR SHALL SUBMIT TO THE GENERAL ASSEMBLY A REPORT
16 ANALYZING THE FEASIBILITY OF ESTABLISHING A STANDING COMMITTEE
17 TO EVALUATE CANNABINOIDS AND CANNABIS-DERIVED PRODUCTS FOR THE
18 PURPOSE OF DETERMINING AND MAKING RECOMMENDATIONS REGARDING
19 THEIR SAFETY PROFILES AND POTENTIAL FOR INTOXICATION. THE REPORT
20 MUST CONSIDER AND RECOMMEND LEGISLATIVE ACTION ADDRESSING THE
21 FOLLOWING SUBJECTS:

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

24 (II) THE ABILITY OF A STANDING COMMITTEE TO DETERMINE
25 SAFETY PROFILES OF CANNABINOIDS AND CANNABIS-DERIVED PRODUCTS,
26 INCLUDING THE PROCESS BY WHICH A STANDING COMMITTEE WOULD MAKE
27 SUCH A DETERMINATION;

1 (III) THE ABILITY OF A STANDING COMMITTEE TO DETERMINE THE
2 POTENTIAL FOR INTOXICATION OF CANNABINOIDS AND CANNABIS-DERIVED
3 PRODUCTS, INCLUDING THE PROCESS BY WHICH A STANDING COMMITTEE
4 WOULD MAKE SUCH A DETERMINATION;

5 (IV) RECOMMENDATIONS AS TO MEMBERS OF A STANDING
6 COMMITTEE AND A PROCESS TO MAKE APPOINTMENTS OF MEMBERS TO A
7 STANDING COMMITTEE;

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

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

12 (b) TO INFORM THE FEASIBILITY REPORT DESCRIBED IN SUBSECTION
13 (1)(a) OF THIS SECTION, THE DEPARTMENT MAY ENGAGE EXPERTS,
14 INCLUDING:

15 (I) THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO SECTION
16 25-1-105 OR THE DESIGNEE OF THE CHIEF MEDICAL OFFICER;

17 (II) THE STATE TOXICOLOGIST OR THE DESIGNEE OF THE STATE
18 TOXICOLOGIST;

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

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

23 (V) A MEDICAL TOXICOLOGIST; AND

24 (VI) A PHARMACOLOGIST WITH EXPERTISE IN DRUG
25 DEVELOPMENT.

26 (2) AS USED IN THIS SECTION, "STATE TOXICOLOGIST" MEANS THE
27 DIRECTOR OF THE TOXICOLOGY AND ENVIRONMENTAL EPIDEMIOLOGY

1 OFFICE, OR A SUCCESSOR OFFICE, IN THE DEPARTMENT OF PUBLIC HEALTH
2 AND ENVIRONMENT.

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

4 **44-10-208. Classes of marijuana-derived cannabinoids and**
5 **compounds - definitions - privileges - prohibitions - rule-making -**
6 **rules. (1) Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND
7 DECLARES THAT:

8 (a) THE REGULATION OF MARIJUANA-DERIVED POTENTIALLY
9 INTOXICATING CANNABINOIDS AND INTOXICATING CANNABINOIDS, AND
10 THE REGULATION OF PREMISES WHERE POTENTIALLY INTOXICATING
11 CANNABINOIDS AND INTOXICATING CANNABINOIDS ARE MANUFACTURED,
12 PACKAGED, AND SOLD IN ACCORDANCE WITH THIS ARTICLE 10 AND RULES
13 PROMULGATED UNDER THIS ARTICLE 10:

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

15 (II) WILL BENEFIT CONSUMERS BY ENSURING THAT THE
16 MANUFACTURE, SALE, AND DISTRIBUTION OF MARIJUANA-DERIVED
17 POTENTIALLY INTOXICATING CANNABINOIDS AND INTOXICATING
18 CANNABINOID PRODUCTS ARE REGULATED IN A WAY TO PROMOTE PUBLIC
19 HEALTH; AND

20 (b) THE TAXATION OF MARIJUANA-DERIVED POTENTIALLY
21 INTOXICATING CANNABINOIDS AND INTOXICATING CANNABINOIDS MUST
22 BE ADDRESSED TO ENSURE BOTH COMPLIANCE WITH COLORADO VOTERS'
23 INTENT AND EQUITABLE ECONOMIC TREATMENT.

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

26 (a) "HEMP" HAS THE MEANING SET FORTH IN SECTION 35-61-101
27 (7).

1 (b) (I) "SEMI-SYNTHETIC CANNABINOID" MEANS A SUBSTANCE
2 THAT IS CREATED BY A CHEMICAL REACTION THAT CONVERTS ONE
3 CANNABINOID EXTRACTED FROM A CANNABIS PLANT DIRECTLY INTO A
4 DIFFERENT CANNABINOID.

5 (II) "SEMI-SYNTHETIC CANNABINOID" INCLUDES CANNABINOIDS,
6 SUCH AS CANNABINOL THAT WAS PRODUCED BY THE CONVERSION OF
7 CANNABIDIOL.

8 (III) "SEMI-SYNTHETIC CANNABINOID" DOES NOT INCLUDE
9 CANNABINOIDS PRODUCED VIA DECARBOXYLATION OF NATURALLY
10 OCCURRING ACIDIC FORMS OF CANNABINOIDS, SUCH AS
11 TETRAHYDROCANNABINOLIC ACID, INTO THE CORRESPONDING NEUTRAL
12 CANNABINOID, SUCH AS THC, THROUGH THE USE OF HEAT OR LIGHT,
13 WITHOUT THE USE OF CHEMICAL REAGENTS OR CATALYSTS, AND THAT
14 RESULTS IN NO OTHER CHEMICAL CHANGE.

15 (c) (I) "SYNTHETIC CANNABINOID" MEANS A CANNABINOID-LIKE
16 COMPOUND THAT WAS PRODUCED BY USING CHEMICAL SYNTHESIS,
17 CHEMICAL MODIFICATION, OR CHEMICAL CONVERSION, INCLUDING BY
18 USING IN-VITRO BIOSYNTHESIS OR OTHER BIOCONVERSION OF SUCH A
19 METHOD.

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

21 (A) A COMPOUND PRODUCED THROUGH THE DECARBOXYLATION
22 OF NATURALLY OCCURRING CANNABINOIDS FROM THEIR ACIDIC FORMS; OR

23 (B) A SEMI-SYNTHETIC CANNABINOID.

24 (d) (I) "TETRAHYDROCANNABINOL" OR "THC" MEANS THE
25 SUBSTANCE CONTAINED IN THE PLANT CANNABIS SPECIES, IN THE
26 RESINOUS EXTRACTS OF THE CANNABIS SPECIES, OR A CARBOXYLIC ACID
27 OF, DERIVATIVE OF, SALT OF, ISOMER OF, OR SALT OR ACID OF AN ISOMER

1 OF THESE SUBSTANCES.

2 (II) "Tetrahydrocannabinol" or "THC" includes:

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

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

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

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

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

8 (F) EXO-Tetrahydrocannabinol;

9 (III) "Tetrahydrocannabinol" or "THC" may also contain:

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

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

14 (3) **Classification of marijuana-derived compounds and**
15 **cannabinoids - rules.** (a) MARIJUANA-DERIVED COMPOUNDS AND
16 CANNABINOIDS ARE DIVIDED INTO THREE CLASSIFICATIONS:

17 (I) NONINTOXICATING CANNABINOIDS;

18 (II) POTENTIALLY INTOXICATING CANNABINOIDS; AND

19 (III) INTOXICATING CANNABINOIDS.

20 (b) (I) NONINTOXICATING CANNABINOIDS INCLUDE:

21 (A) FULL SPECTRUM HEMP EXTRACT THAT CONTAINS NO MORE
22 THAN ONE AND THREE-FOURTHS MILLIGRAMS OF THC PER SERVING AND
23 CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL
24 TO FIFTEEN TO ONE;

25 (B) BROAD SPECTRUM HEMP EXTRACT;

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

27 (D) Tetrahydrocannabivarin, ALSO KNOWN AS "THCV";

- 1 (E) CANNABICHROMENE, ALSO KNOWN AS "CBC";
- 2 (F) CANNABICITRAN, ALSO KNOWN AS "CBT";
- 3 (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";
- 4 (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";
- 5 (I) CANNABIGEROL, ALSO KNOWN AS "CBG";
- 6 (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND
- 7 (K) CANNABINOL, ALSO KNOWN AS "CBN".

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

14 (B) A RETAIL MARIJUANA PRODUCT CONTAINING A
15 MARIJUANA-DERIVED NONINTOXICATING CANNABINOID AS AN INGREDIENT
16 IS SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE WITH
17 SECTION 39-28.8-202.

18 (c) (I) A LICENSEE UNDER THIS ARTICLE 10 MAY MANUFACTURE,
19 PROCESS, TRANSFER, OR SELL POTENTIALLY INTOXICATING CANNABINOIDS
20 THAT ARE DERIVED FROM MARIJUANA IN ACCORDANCE WITH THIS ARTICLE
21 10 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

22 (II) A RETAIL MARIJUANA PRODUCT CONTAINING A
23 MARIJUANA-DERIVED POTENTIALLY INTOXICATING CANNABINOID AS AN
24 INGREDIENT IS SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE
25 WITH SECTION 39-28.8-202.

26 (d) (I) INTOXICATING CANNABINOIDS INCLUDE THE FOLLOWING IN
27 AN AMOUNT THAT EXCEEDS THE AMOUNT ESTABLISHED BY RULE OR, IF NO

- 1 RULE ESTABLISHES THE AMOUNT, IN ANY AMOUNT:
- 2 (A) DELTA-10 THC AND ITS ISOMERS;
- 3 (B) DELTA-9 THC AND ITS ISOMERS;
- 4 (C) DELTA-8 THC AND ITS ISOMERS;
- 5 (D) DELTA-7 THC AND ITS ISOMERS;
- 6 (E) DELTA-6a, 10a THC AND ITS ISOMERS;
- 7 (F) EXO-TETRAHYDROCANNABINOL;
- 8 (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC,
9 3-HYDROXY-THC, OR 7-HYDROXY-THC;
- 10 (H) HYDROGENATED FORMS OF THC, INCLUDING
11 HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND
12 HEXAHYDROCANNABIHEXOL;
- 13 (I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;
- 14 (J) ESTER FORMS OF THC, INCLUDING DELTA-8 THC-O-ACETATE,
15 DELTA-9 THC-O-ACETATE, AND HEXAHYDROCANNABINOL-O-ACETATE;
- 16 (K) VARIN FORMS OF THC, INCLUDING DELTA-8
17 TETRAHYDROCANNABIVARIN BUT EXCLUDING DELTA-9
18 TETRAHYDROCANNABIVARIN;
- 19 (L) ANALOGUES OF TETRAHYDROCANNABINOLS WITH AN ALKYL
20 CHAIN OF FOUR OR MORE CARBON ATOMS, INCLUDING
21 TETRAHYDROCANNABIPHOROLS, TETRAHYDROCANNABIOCTYLS,
22 TETRAHYDROCANNABIHEXOLS, OR TETRAHYDROCANNABUTOLS; AND
- 23 (M) ANY COMBINATION OF THE COMPOUNDS, INCLUDING
24 HEXAHYDROCANNABIPHOROL-O-ESTER, LISTED IN THIS SUBSECTION
25 (3)(d)(I).
- 26 (II) (A) A PERSON LICENSED UNDER THIS ARTICLE 10 MAY USE AN
27 INTOXICATING CANNABINOID THAT IS DERIVED FROM MARIJUANA AS AN

1 INGREDIENT IN A REGULATED MARIJUANA PRODUCT OR AS A FINISHED
2 REGULATED MARIJUANA PRODUCT IN ACCORDANCE WITH THIS ARTICLE 10
3 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

4 (B) A RETAIL MARIJUANA PRODUCT CONTAINING A
5 MARIJUANA-DERIVED INTOXICATING CANNABINOID AS AN INGREDIENT IS
6 SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE WITH SECTION
7 39-28.8-202.

8 (e) (I) A PERSON SHALL NOT MANUFACTURE, PRODUCE, SELL, OR
9 OFFER TO SELL A SYNTHETIC CANNABINOID OR A PRODUCT CONTAINING A
10 SYNTHETIC CANNABINOID UNLESS AUTHORIZED BY RULE. IF SYNTHETIC
11 CANNABINOIDS ARE PERMITTED BY RULE, THE STATE LICENSING
12 AUTHORITY, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH
13 AND ENVIRONMENT, SHALL PROMULGATE RULES PROVIDING STANDARDS
14 AND REQUIREMENTS FOR THE MANUFACTURE AND PRODUCTION OF
15 SYNTHETIC CANNABINOIDS IN COLORADO. THE RULES MUST INCLUDE A
16 REQUIREMENT THAT MARIJUANA-DERIVED PRODUCTS MANUFACTURED OR
17 PRODUCED IN COLORADO THAT CONTAIN A SEMI-SYNTHETIC OR
18 SYNTHETIC CANNABINOID AS AN INGREDIENT ARE LABELED IN
19 ACCORDANCE WITH RULES PROMULGATED PURSUANT TO THIS ARTICLE 10.

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

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

27 (f) THE STATE LICENSING AUTHORITY, IN COORDINATION WITH THE

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY PROMULGATE
2 RULES TO:

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

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

7 (A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED
8 A PROCESS TO REVIEW AND APPROVE MARIJUANA-DERIVED COMPOUNDS
9 OR CANNABINOIDS;

10 (B) THE REVIEW AND APPROVAL PROCESS DESCRIBED IN
11 SUBSECTION (3)(f)(II)(A) OF THIS SECTION EVALUATES THE INTOXICATING
12 POTENTIAL OF THE MARIJUANA-DERIVED COMPOUND OR CANNABINOID;
13 AND

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

17 (g) TO RECLASSIFY A MARIJUANA-DERIVED COMPOUND OR
18 CANNABINOID, UNDER SUBSECTION (3)(f) OF THIS SECTION, THE
19 RECLASSIFICATION MUST:

20 (I) BE SUPPORTED BY PEER- REVIEWED RESEARCH OR CLINICAL
21 TRIALS ESTABLISHING TO A REASONABLE DEGREE OF SCIENTIFIC
22 CERTAINTY THAT THE MARIJUANA-DERIVED COMPOUND OR CANNABINOID
23 OR A PRODUCT CONTAINING A MARIJUANA-DERIVED COMPOUND OR
24 CANNABINOID SHOULD BE RECLASSIFIED; OR

25 (II) BE BASED ON A THREAT TO HUMAN HEALTH, INCLUDING
26 SUBSTANTIAL REPORTS OF INTOXICATION OR ADVERSE HEALTH EVENT
27 REPORTS.

1 (4) **Rules.** IN ADDITION TO ANY POWERS LISTED IN THIS SECTION,
2 THE STATE LICENSING AUTHORITY MAY PROMULGATE RULES:

3 (a) NECESSARY TO AUTHORIZE OR 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; OR

8 (b) AUTHORIZING, PROHIBITING, OR REGULATING
9 MARIJUANA-DERIVED INGREDIENTS IN MEDICAL OR RETAIL MARIJUANA
10 PRODUCTS THAT ARE COMPOUNDS OTHER THAN CANNABINOIDS.

11 [REDACTED]

12 **SECTION 5.** In Colorado Revised Statutes, 44-10-502, **amend**
13 (7) as follows:

14 **44-10-502. Medical marijuana cultivation facility license -**
15 **rules - definitions.** (7) (a) ~~A medical marijuana cultivation facility shall~~
16 ~~only obtain medical marijuana seeds or immature plants from its own~~
17 ~~medical marijuana, commonly owned from the retail marijuana of an~~
18 ~~identical direct beneficial owner, or marijuana that is properly transferred~~
19 ~~from another medical marijuana business pursuant to the inventory~~
20 ~~tracking requirements imposed by rule.~~ IN ACCORDANCE WITH THE RULES
21 PROMULGATED BY THE STATE LICENSING AUTHORITY, A MEDICAL
22 MARIJUANA CULTIVATION FACILITY MAY OBTAIN IMMATURE PLANTS,
23 MARIJUANA SEEDS, AND MARIJUANA GENETIC MATERIAL, AS GENETIC
24 MATERIAL IS DEFINED IN RULE OF THE STATE LICENSING AUTHORITY,
25 FROM:

26 (I) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION
27 FACILITY;

- 1 (II) A RETAIL MARIJUANA TESTING FACILITY;
- 2 (III) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE
- 3 IN ANOTHER JURISDICTION; OR
- 4 (IV) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE
- 5 LICENSING AUTHORITY.

6 (b) (I) THE STATE LICENSING AUTHORITY SHALL PROMULGATE

7 RULES ALLOWING A REGULATED MARIJUANA CULTIVATION FACILITY TO

8 TRANSFER IMMATURE PLANTS, MARIJUANA SEEDS, AND MARIJUANA

9 GENETIC MATERIAL, AS GENETIC MATERIAL IS DEFINED IN RULE OF THE

10 STATE LICENSING AUTHORITY, FROM:

- 11 (A) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION
- 12 FACILITY;
- 13 (B) A RETAIL MARIJUANA TESTING FACILITY;
- 14 (C) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE
- 15 IN ANOTHER JURISDICTION; OR
- 16 (D) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE
- 17 LICENSING AUTHORITY.

18 (II) THE RULES PROMULGATED UNDER THIS SUBSECTION (7)(b)

19 MUST INCLUDE INVENTORY TRACKING, REPORTING, AND

20 RECORDING-KEEPING REQUIREMENTS.

21 **SECTION 6.** In Colorado Revised Statutes, 44-10-503, **add**

22 (1)(c) as follows:

23 **44-10-503. Medical marijuana products manufacturer license**

24 **- rules - definition.** (1) (c) A PERSON MUST BE LICENSED AS A MEDICAL

25 MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE

26 AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING

27 CANNABINOIDS OR INTOXICATING CANNABINOIDS FROM MEDICAL

1 MARIJUANA TO BE USED AS AN INGREDIENT OR AS A FINISHED MEDICAL
2 MARIJUANA PRODUCT.

3 [REDACTED]

4 **SECTION 7.** In Colorado Revised Statutes, 44-10-602, **amend**
5 (12) as follows:

6 **44-10-602. Retail marijuana cultivation facility license - rules**
7 **- definitions.** (12) (a) ~~A retail marijuana cultivation facility shall only~~
8 ~~obtain retail marijuana seeds or immature plants from its own retail~~
9 ~~marijuana, commonly owned from the medical marijuana of an identical~~
10 ~~direct beneficial owner, or marijuana that is properly transferred from~~
11 ~~another retail marijuana business pursuant to the inventory tracking~~
12 ~~requirements imposed by rule.~~ IN ACCORDANCE WITH THE RULES
13 PROMULGATED BY THE STATE LICENSING AUTHORITY, A RETAIL
14 MARIJUANA CULTIVATION FACILITY MAY OBTAIN IMMATURE PLANTS,
15 MARIJUANA SEEDS, AND MARIJUANA GENETIC MATERIAL, AS GENETIC
16 MATERIAL IS DEFINED IN RULE OF THE STATE LICENSING AUTHORITY,
17 FROM:

18 (I) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION
19 FACILITY;

20 (II) A RETAIL MARIJUANA TESTING FACILITY;

21 (III) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE
22 IN ANOTHER JURISDICTION; OR

23 (IV) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE
24 LICENSING AUTHORITY.

25 (b) (I) THE STATE LICENSING AUTHORITY SHALL PROMULGATE
26 RULES ALLOWING A REGULATED MARIJUANA CULTIVATION FACILITY TO
27 TRANSFER IMMATURE PLANTS, MARIJUANA SEEDS, AND MARIJUANA

1 GENETIC MATERIAL, AS GENETIC MATERIAL IS DEFINED IN RULE OF THE
2 STATE LICENSING AUTHORITY, FROM:

3 (A) ANOTHER MEDICAL OR RETAIL MARIJUANA CULTIVATION
4 FACILITY;

5 (B) A RETAIL MARIJUANA TESTING FACILITY;

6 (C) AN ENTITY LICENSED OR OTHERWISE APPROVED TO OPERATE
7 IN ANOTHER JURISDICTION; OR

8 (D) ANY OTHER SOURCE PERMITTED BY RULE OF THE STATE
9 LICENSING AUTHORITY.

10 (II) THE RULES PROMULGATED UNDER THIS SUBSECTION (12)(b)
11 MUST INCLUDE INVENTORY TRACKING, REPORTING, AND
12 RECORDING-KEEPING REQUIREMENTS.

13 **SECTION 8.** In Colorado Revised Statutes, 44-10-603, **add** (1)(f)
14 as follows:

15 **44-10-603. Retail marijuana products manufacturer license -**
16 **rules - definition.** (1) (f) A PERSON MUST BE LICENSED AS A RETAIL
17 MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE
18 AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING
19 CANNABINOIDS OR INTOXICATING CANNABINOIDS FROM RETAIL
20 MARIJUANA TO BE USED AS AN INGREDIENT OR AS FINISHED RETAIL
21 MARIJUANA PRODUCTS IN ACCORDANCE WITH THIS ARTICLE 10.

22 **SECTION 9.** In Colorado Revised Statutes, 6-1-725, **amend** (1)
23 as follows:

24 **6-1-725. Synthetic cannabinoids - incense - deceptive trade**
25 **practice.** (1) EXCEPT IN ACCORDANCE WITH ARTICLE 10 OF TITLE 44 OR
26 ARTICLE 4 OF TITLE 25, it is unlawful for any person or entity to distribute,
27 dispense, manufacture, display for sale, offer for sale, attempt to sell, or

1 sell to a purchaser any product that contains any amount of any synthetic
2 cannabinoid, as defined in section 18-18-102 (34.5). ~~C.R.S.~~

3 **SECTION 10.** In Colorado Revised Statutes, 18-18-406.1,
4 **amend** (1) as follows:

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

10 **SECTION 11.** In Colorado Revised Statutes, 18-18-406.2,
11 **amend** (1) introductory portion as follows:

12 **18-18-406.2. Unlawful distribution, manufacturing,**
13 **dispensing, sale, or cultivation of synthetic cannabinoids or salvia**
14 **divinorum.** (1) EXCEPT AS PROVIDED IN SECTION 25-5-427 OR ARTICLE
15 10 OF TITLE 44, it is unlawful for any person knowingly to:

16 **SECTION 12.** In Colorado Revised Statutes, 30-15-401, **amend**
17 (1.7) as follows:

18 **30-15-401. General regulations - definitions.** (1.7) In addition
19 to any other powers, a board of county commissioners may charge a fee
20 for a local license and adopt resolutions or ordinances to establish
21 requirements on businesses engaged in the storage, extraction, processing,
22 or manufacturing of industrial hemp, as defined in section 35-61-101 (7),
23 or ~~industrial~~ hemp products, as defined in section ~~25-5-426 (2)(g.5)~~
24 25-5-427 (2)(d). A county shall not impose additional food production
25 regulations on ~~industrial~~ hemp processors or HEMP products if the
26 regulations conflict with state law.

27 **SECTION 13.** In Colorado Revised Statutes, 31-15-501, **amend**

1 (1)(r) as follows:

2 **31-15-501. Powers to regulate businesses.** (1) The governing
3 bodies of municipalities have the following powers to regulate
4 businesses:

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

12 **SECTION 14.** In Colorado Revised Statutes, 39-28.8-101,
13 **amend (4) and (7)** as follows:

14 **39-28.8-101. Definitions.** Unless the context otherwise requires,
15 any terms not defined in this article 28.8 have the meanings set forth in
16 article 26 of this title 39. As used in this article 28.8, unless the context
17 otherwise requires:

18 (4) "Industrial "Hemp" means the plant of the genus cannabis and
19 any part of such plant, whether growing or not, with a delta-9
20 tetrahydrocannabinol concentration that does not exceed three-tenths
21 percent on a dry weight basis HAS THE MEANING SET FORTH IN SECTION
22 35-61-101 (7).

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

1 (II) "RETAIL MARIJUANA" INCLUDES: ___

2 (A) A NONINTOXICATING CANNABINOID, AS DEFINED IN SECTION
3 44-10-103 (42.5), PRODUCED FROM RETAIL MARIJUANA;

4 (B) A POTENTIALLY INTOXICATING CANNABINOID, AS DEFINED IN
5 SECTION 44-10-103 (48.5), PRODUCED FROM RETAIL MARIJUANA; AND

6 (C) AN INTOXICATING CANNABINOID, AS DEFINED IN SECTION
7 44-10-103 (22.5), PRODUCED FROM RETAIL MARIJUANA.

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

13 SECTION 15. In Colorado Revised Statutes, 39-28.8-501,
14 amend (2)(b)(IV)(I) as follows:

15 39-28.8-501. Marijuana tax cash fund - creation - distribution
16 - legislative declaration - repeal. (2) (b) (IV) Subject to the limitation
17 in subsection (5) of this section, the general assembly may annually
18 appropriate any money in the fund for the following purposes:

19 (I) To research, regulate, study, and test industrial hemp or hemp
20 seeds;

21 SECTION 16. Appropriation. (1) For the 2023-24 state fiscal
22 year, \$1,574,061 is appropriated to the department of public health and
23 environment. This appropriation consists of \$1,168,485 from the general
24 fund and \$405,576 from the wholesale food manufacturing and storage
25 protection cash fund created in section 25-5-426 (5), C.R.S. To
26 implement this act, the department may use this appropriation as follows:

27 (a) \$787,821 from general fund for administration and support

1 related to disease control and public health response, which amount is
2 based on an assumption that the department will require an additional 1.9
3 FTE. Of this amount, \$212,532 is further appropriated to the department
4 for the 2024-25 state fiscal year for the same purpose;

5 (b) \$405,576 from the wholesale food manufacturing and storage
6 protection cash fund for environmental health programs, which amount
7 is based on an assumption that the department will require an additional
8 3.5 FTE; and

9 (c) \$380,664 from the general fund for the purchase of legal
10 services.

11 (2) Any money appropriated in subsection (1)(c) of this section
12 not expended prior to July 1, 2024, is further appropriated to the
13 department for the 2024-25 state fiscal year for the same purpose.

14 (3) For the 2023-24 state fiscal year, \$295,024 is appropriated to
15 the marijuana cash fund created in section 44-10-801 (1)(a), C.R.S. This
16 appropriation is from the general fund. The department of revenue is
17 responsible for the accounting related to this appropriation.

18 (4) For the 2023-24 state fiscal year, \$295,024 is appropriated to
19 the department of revenue. This appropriation is from reappropriated
20 funds in the marijuana cash fund under subsection (3) of this section. To
21 implement this act, the department may use the appropriation as follows:

22 (a) \$237,924 for activities related to hemp and marijuana derived
23 cannabinoids, which amount is based on an assumption that the
24 department will require an additional 1.5 FTE; and

25 (b) \$57,100 for the purchase of legal services.

26 (5) Any money appropriated in subsection (4)(a) of this section
27 not expended prior to July 1, 2024, is further appropriated to the

1 department for the 2024-25 state fiscal year for the same purpose.

2 (6) For the 2023-24 state fiscal year, \$437,764 is appropriated to
3 the department of law. This appropriation is from reappropriated funds
4 received from the departments of public health and environment and
5 revenue under subsection (1)(c) and (4)(b) of this section and is based on
6 an assumption that the department of law will require an additional 1.3
7 FTE. To implement this act, the department of law may use this
8 appropriation to provide legal services for the departments of public
9 health and environment and revenue.

10 (7) Of the amount appropriated in subsection (6) of this section,
11 \$380,664 is further appropriated to the department for the 2024-25 state
12 fiscal year to provide legal services to the department of public health and
13 environment.

14 **SECTION 17. Applicability.** This act applies to offenses
15 committed or conduct occurring on or after the effective date of this act.

16 **SECTION 18. 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.