

CHAPTER 253

HEALTH AND ENVIRONMENT

HOUSE BILL 12-1099

BY REPRESENTATIVE(S) McKinley, Sonnenberg, Fischer, Hullinghorst, Kerr J., Labuda, Soper, Wilson;
also SENATOR(S) Tochtrop and Williams S., Steadman.

AN ACT

CONCERNING THE ESTABLISHMENT OF AN INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM TO STUDY PHYTOREMEDIATION THROUGH THE GROWTH OF HEMP ON CONTAMINATED SOIL, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 18.7 to title 25 as follows:

ARTICLE 18.7**Industrial Hemp Remediation Pilot Program**

25-18.7-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMITTEE" MEANS THE INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM COMMITTEE ESTABLISHED IN SECTION 25-18.7-103.

(2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(3) "INDUSTRIAL HEMP" MEANS ANY VARIETY OF THE PLANT CANNABIS SATIVA L. CONTAINING NO MORE THAN THREE-TENTHS OF ONE PERCENT OF TETRAHYDROCANNABINOLS, WHETHER GROWING OR NOT.

(4) "PHYTOREMEDIATION" MEANS THE MITIGATION OF POLLUTANT CONCENTRATIONS, INCLUDING METALS, PESTICIDES, SOLVENTS, EXPLOSIVES, AND CRUDE OIL AND ITS DERIVATIVES, IN CONTAMINATED SOILS, WATER, AND AIR MAKING SOILS MORE CONDUCTIVE TO CROP PRODUCTION THROUGH THE GROWTH OF

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

INDUSTRIAL HEMP.

(5) "TETRAHYDROCANNABINOLS" HAS THE SAME MEANING SET FORTH IN SECTION 12-22-303 (32), C.R.S.

25-18.7-102. Industrial hemp - permitted growth. (1) GROWING AND POSSESSING INDUSTRIAL HEMP FOR THE PURPOSES OF THIS ARTICLE IS PERMITTED IN THIS STATE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL IS NOT SUBJECT TO ANY CIVIL OR CRIMINAL ACTIONS FOR GROWING INDUSTRIAL HEMP OR OTHERWISE PARTICIPATING IN THE INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM IF THE INDIVIDUAL'S ACTIONS ARE IN COMPLIANCE WITH THE PILOT PROGRAM ESTABLISHED IN THIS ARTICLE.

25-18.7-103. Industrial hemp remediation pilot program committee - appointments - duties. (1) THE CHAIR OF THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE IN THE HOUSE OF REPRESENTATIVES AND THE CHAIR OF THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE SENATE SHALL JOINTLY APPOINT SEVEN MEMBERS TO THE INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM COMMITTEE, WHICH IS HEREBY ESTABLISHED.

(2) (a) THE COMMITTEE SHALL ESTABLISH AN INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM", IN ORDER TO DETERMINE HOW SOILS AND WATER MAY BE MADE MORE PRISTINE AND HEALTHY BY PHYTOREMEDIATION, REMOVAL OF CONTAMINANTS, AND REJUVENATION THROUGH THE GROWTH OF INDUSTRIAL HEMP. THE COMMITTEE SHALL CHOOSE A SECURE, INDOOR GROWING SITE FOR THE PILOT PROGRAM.

(b) THE COMMITTEE SHALL STUDY AND INCLUDE IN A FINAL REPORT TO THE EXECUTIVE DIRECTOR THE FOLLOWING COMPONENTS AS PART OF THE PILOT PROGRAM:

(I) THE RATE OF CONTAMINATION UPTAKE FROM SOIL AND WATER;

(II) THE MODE OF EFFICIENT UPTAKE FROM SOIL AND WATER;

(III) THE RATE OF CARBON FIXATION IN THE CALVIN CYCLE;

(IV) THE LOCATIONS IN THE ROOTS, STEMS, LEAVES, AND FLOWERS OF THE PLANTS AT WHICH CONTAMINANT ARE FIXATED;

(V) WHAT CONTAMINANTS ARE STABILIZED IN THE PLANTS;

(VI) WHAT CONTAMINANTS ON THE SITE NEED ADDITIONAL TREATMENT IN ORDER TO MAKE THE SOIL OR WATER HEALTHY AND PRISTINE;

(VII) WHAT DISPOSAL METHOD IS BEST FOR THE DIFFERENT CONTAMINANTS, INCLUDING PETRIFICATION, ENCASEMENT, INCINERATION, BURIAL, AND COMPOSTING;

(VIII) SET A BASELINE FOR THE PLANTS CULTIVATED IN A CLEAN SOIL TO SET A

STANDARD; AND

(IX) OTHER DATA DEEMED IMPORTANT TO THE PILOT PROGRAM.

(c) THE COMMITTEE SHALL SUBMIT A REPORT TO THE EXECUTIVE DIRECTOR NO LATER THAN SIX MONTHS AFTER THE CONCLUSION OF THE PILOT PROGRAM THAT OUTLINES THE FINDINGS OF THE COMMITTEE.

25-18.7-104. Gifts, grants, and donations - authority to accept - cash fund - notice of funding through gifts, grants, and donations - repeal. (1) THE COMMITTEE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE COMMITTEE SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE COMMITTEE SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HEMP REMEDIATION PILOT PROGRAM CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS ARTICLE AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR APPROPRIATION TO THE COMMITTEE FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE.

(2) (a) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE COMMITTEE SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2015.

25-18.7-105. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the hemp remediation pilot program cash fund created in section 25-18.7-104, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of \$25,000, or so much thereof as may be necessary, for allocation to the hazardous materials and solid waste management division, for expenses of the industrial hemp remediation pilot program committee related to the implementation of this act.

SECTION 3. Effective date. This act takes effect July 1, 2012.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 2012