

Amendment X Industrial Hemp Definition

1 **Amendment X proposes amending the Colorado Constitution to:**

- 2 ♦ remove the definition of “industrial hemp” from the Colorado Constitution and,
3 instead, use the definition in federal law or state statute.

6 **Summary and Analysis**

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8 ***What is industrial hemp?*** Industrial hemp (commonly referred to as “hemp”) is an
9 agricultural commodity that belongs to the cannabis family. Industrial hemp has only
10 trace amounts of the psychoactive component of marijuana (delta-9 tetrahydrocannabinol
11 or THC), typically around 0.3 percent. By contrast, most marijuana strains sold in
12 Colorado range between 8 and 30 percent THC. Industrial hemp’s applications include
13 building material, clothing, food, oil, rope, and, potentially, medicine.

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15 ***Existing definitions of industrial hemp.*** Federal law defines the term “industrial
16 hemp” to mean “the plant *Cannabis sativa* L. and any part of such plant, whether
17 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than
18 0.3 percent on a dry weight basis.”

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20 The Colorado Constitution and state statutes define the term “industrial hemp” to
21 mean “the plant of the genus *cannabis* and any part of such plant, whether growing or
22 not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths
23 [0.3] percent on a dry weight basis.”

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25 ***Colorado’s regulation of industrial hemp.*** Amendment 64, which legalized the
26 recreational use of marijuana in 2012, added a definition of “industrial hemp” to the
27 Colorado Constitution and required the state legislature to enact legislation concerning
28 its cultivation, processing, and sale. In 2013, the state legislature modified the statutory
29 definition of “industrial hemp” to mirror the state’s constitutional definition and created
30 the Industrial Hemp Regulatory Program in the Colorado Department of Agriculture. In
31 subsequent years, the state legislature has addressed several policy issues related to
32 industrial hemp, including acceptable uses, seed certification, testing, and water rights.

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34 Under current state law, in the event that the federal government authorizes the
35 U.S. Department of Agriculture to regulate the cultivation and research and development
36 of industrial hemp, the state’s program automatically repeals.

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38 ***Industrial hemp industry in Colorado.*** Since 2014, Colorado has been the leading
39 producer of industrial hemp in the country. As of June 1, 2018, there are 688 registered
40 hemp growers in Colorado cultivating 23,500 outdoor acres and 3.9 million indoor
41 square feet of industrial hemp.

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43 ***Industrial hemp and federal law.*** Under current federal law, all cannabis varieties,
44 including industrial hemp, are classified as controlled substances regulated by the

1 federal Drug Enforcement Agency in the U.S. Department of Justice. However, the
2 U.S. Congress authorized the limited cultivation of industrial hemp for research purposes
3 in 2014, and currently has legislation pending regarding industrial hemp.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2018**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

4 **Argument For**

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6 Striking the definition of industrial hemp from the Colorado Constitution allows the
7 state legislature to react to changes to the definition at the federal level. As a result,
8 Colorado's industrial hemp growers will maintain compliance with federal policy and
9 remain competitive with other states.

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12 **Argument Against**

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14 Voters approved Amendment 64 to the Colorado Constitution in 2012, which
15 included the current definition of industrial hemp. Amendment X allows the state
16 legislature to make changes to the term's definition, which may deviate from voters'
17 original intent.

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20 **Estimate of Fiscal Impact**

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22 (Please note: A summary of the fiscal impact will be included in this space in the
23 second draft of the analysis. A final fiscal impact statement will be prepared and placed
24 on the General Assembly's website when the final blue book is sent to voters.)