

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 26-0221.02 Sarah Lozano x3858

**HOUSE BILL 26-1031**

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Agriculture, Water & Natural Resources

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**A BILL FOR AN ACT**

101      **CONCERNING PROTECTIONS FOR CERTAIN AGRICULTURAL PRODUCTS**  
102      **GROWN IN COLORADO.**

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**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/>.)*

**Water Resources and Agriculture Review Committee.** The bill prohibits a person from:

- Identifying an agricultural product as being produced in the state when selling, marketing, advertising, or distributing the product unless the product is grown in the state; and
- Using the Colorado proud designation or logo unless

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.

authorized by the department of agriculture.

A violation of these prohibitions constitutes a deceptive trade practice.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and determines that:

4 (a) Colorado is one of the United States' premier agricultural  
5 growing states;

6 (b) Given the state's cool nights, warm days, high elevations, and  
7 pure Rocky Mountain snowmelt water, Colorado-grown produce is  
8 sweeter, more flavorful, and higher quality than produce from states or  
9 regions without Colorado's geographical and climate advantages;

10 (c) Coloradans will often spend a premium to buy from local  
11 farmers, particularly if the produce is being marketed as one of the state's  
12 famous agricultural products from a historic growing region, including  
13 Olathe sweet corn, Palisade peaches, Pueblo chilies, Rocky Ford  
14 cantaloupes, and San Luis Valley potatoes;

15 (d) Because Coloradans will often spend a premium for  
16 agricultural products grown in the state, there has been a trend of  
17 counterfeit produce coming into Colorado where retailers at stores,  
18 farmers' markets, or farm stands will market or advertise their produce as  
19 being grown in the state, when the produce is actually grown outside of  
20 the state; and

21 (e) This practice is deceptive to consumers and is unfair to  
22 Colorado farmers that grow their produce in the state.

23 (2) The general assembly therefore declares that, to ensure  
24 consumer protection and fairness to Colorado farmers that are selling

1     their produce within Colorado, it is critical to ensure that the state has the  
2     legal tools necessary to protect against persons making false claims that  
3     an agricultural product is grown in the state, when it is actually grown  
4     outside of the state.

5             **SECTION 2.** In Colorado Revised Statutes, **add** 35-1-122 as  
6     follows:

7             **35-1-122. Protections for certain agricultural products grown**  
8     **in the state - use of Colorado proud designation - deceptive trade**  
9     **practice - definition.**

10            (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
11     REQUIRES, "AGRICULTURAL PRODUCT" OR "PRODUCT" MEANS A PLANT,  
12     FRUIT, VEGETABLE, OR FUNGUS THAT IS:

13            (a) IN A RAW OR UNPROCESSED STATE;

14            (b) SOLD, MARKETED, ADVERTISED, OR DISTRIBUTED FOR HUMAN  
15     CONSUMPTION; AND

16            (c) GROWN USING THE ART AND SCIENCE OF FARMING OR  
17     HORTICULTURE OR IN A GREENHOUSE OR CONTROLLED ENVIRONMENT  
18     AGRICULTURAL FACILITY, AS DEFINED IN SECTION 39-1-102 (3.3).

19            (2) A PERSON SHALL NOT IDENTIFY AN AGRICULTURAL PRODUCT  
20     AS BEING GROWN IN THE STATE WHEN SELLING, MARKETING, ADVERTISING,  
21     OR DISTRIBUTING THE PRODUCT IN THE STATE UNLESS THE PRODUCT IS  
22     GROWN IN THE STATE.

23            (3) A PERSON SHALL NOT USE THE COLORADO PROUD DESIGNATION  
24     OR LOGO ESTABLISHED BY THE DEPARTMENT OR A TRADEMARKED VERSION  
25     OF THE DESIGNATION OR LOGO UNLESS THE USE IS AUTHORIZED BY THE  
26     DEPARTMENT.

27            (4) A VIOLATION OF THIS SECTION CONSTITUTES A DECEPTIVE

1 TRADE PRACTICE UNDER SECTION 6-1-105 (1)(qqqq). THIS SECTION DOES  
2 NOT PROVIDE THE BASIS FOR, AND IS NOT SUBJECT TO, A PRIVATE RIGHT OF  
3 ACTION FOR VIOLATIONS OF THIS SECTION.

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

6 **6-1-105. Unfair or deceptive trade practices - definitions.**

7 (1) A person engages in a deceptive trade practice when, in the  
8 course of the person's business, vocation, or occupation, the person:

9 (qqqq) VIOLATES SECTION 35-1-122.

10 **SECTION 4. Act subject to petition - effective date -**  
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
12 the expiration of the ninety-day period after final adjournment of the  
13 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
14 2026); except that, if a referendum petition is filed pursuant to section 1  
15 (3) of article V of the state constitution against this act or an item, section,  
16 or part of this act within such period, then the act, item, section, or part  
17 will not take effect unless approved by the people at the general election  
18 to be held in November 2026 and, in such case, will take effect on the  
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to conduct occurring on or after the applicable  
21 effective date of this act.