

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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House Committees
Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT
101 **CONCERNING PROTECTIONS FOR CERTAIN AGRICULTURAL PRODUCTS**
102 **GROWN IN COLORADO.**

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.

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.