

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0932.01 Jery Payne x2157

**SENATE BILL 23-271**

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**SENATE SPONSORSHIP**

**Roberts and Van Winkle**, Fenberg

**HOUSE SPONSORSHIP**

**deGruy Kennedy and Snyder**,

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**Senate Committees**

Finance  
Appropriations

**House Committees**

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**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.**

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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>.)*

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.*

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.

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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, INCLUDING  
27 CONSUMPTION BY INHALATION;

1                   (III) CONTAINS ANY PART OF THE HEMP PLANT, INCLUDING  
2 NATURALLY OCCURRING CANNABINOIDs, COMPOUNDs, CONCENTRATEs,  
3 EXTRACTs, ISOLATEs, OR RESINs;

4                   (IV) IS PRODUCED FROM HEMP;

5                   (V) CONTAINS NO MORE THAN ONE AND THREE-FOURTHS  
6 MILLIGRAMS OF THC PER SERVING; AND

7                   (VI) CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER  
8 THAN OR EQUAL TO FIFTEEN TO ONE.

9                   (e) "INTOXICATING CANNABINOID" MEANS A CANNABINOID THAT  
10 IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN THIS SECTION OR BY  
11 RULE OF THE DEPARTMENT ACTING IN COORDINATION WITH THE STATE  
12 LICENSING AUTHORITY.

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.

21                   (h) "POTENTIALLY INTOXICATING COMPOUND" HAS THE MEANING  
22 SET FORTH IN SECTION 44-10-103 (48.5).

23                   (i) "REGISTRANT" MEANS A PERSON REGISTERED UNDER  
24 SUBSECTION (5) OF THIS SECTION.

25                   (j) "REGULATED HEMP FACILITY" MEANS:

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

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

17 (m) "SEMI-SYNTHETIC CANNABINOID" HAS THE MEANING SET  
18 FORTH IN SECTION 44-10-208 (2)(b).

19 (n) "SERVING" MEANS THE SIZE OR PORTION CUSTOMARILY  
20 CONSUMED PER EATING OCCASION, EXPRESSED IN A COMMON HOUSEHOLD  
21 MEASURE AS ESTABLISHED IN TABLE 2 OF 21 CFR 101.12.

22 (o) "STATE LICENSING AUTHORITY" HAS THE MEANING SET FORTH  
23 IN SECTION 44-10-103 (69).

24 (p) "SYNTHETIC CANNABINOID" HAS THE MEANING SET FORTH IN  
25 SECTION 44-10-208 (2)(c).

26 (q) "TETRAHYDROCANNABINOL" OR "THC" HAS THE MEANING SET  
27 FORTH IN SECTION 44-10-208 (2)(d).

**(II) CONTAINING HEMP, HEMP CONCENTRATE, OR HEMP EXTRACT:**

8 AND

12 (a) GRANT OR DENY A REGISTRATION ISSUED UNDER SUBSECTION  
13 (5) OF THIS SECTION AND TO GRANT OR DENY THE ANNUAL RENEWAL OF A  
14 REGISTRATION:

15 (b) SUSPEND, DENY, OR REVOKE A REGISTRATION UNDER  
16 CIRCUMSTANCES PRESCRIBED IN THIS SECTION OR IN RULES PROMULGATED  
17 UNDER THIS SECTION:

18 (c) REVIEW ANY RECORDS OF A REGISTRANT THAT MANUFACTURES  
19 FOR DISTRIBUTION, PRODUCES FOR DISTRIBUTION, PACKAGES FOR  
20 DISTRIBUTION, PROCESSES FOR DISTRIBUTION, PREPARES FOR  
21 DISTRIBUTION, TREATS FOR DISTRIBUTION, TRANSPORTS FOR  
22 DISTRIBUTION, OR HOLDS FOR DISTRIBUTION PRODUCTS SUBJECT TO THIS  
23 SECTION AS NECESSARY TO VERIFY COMPLIANCE WITH THIS SECTION;

24 (d) PROMULGATE RULES NECESSARY TO AUTHORIZE OR PROHIBIT  
25 CHEMICAL MODIFICATION, CONVERSION, OR SYNTHETIC DERIVATION OF  
26 CANNABINOIDS OR OTHER HEMP-DERIVED COMPOUNDS, UNLESS  
27 OTHERWISE PERMITTED BY THIS PART 4 OR BY ANY RULES PROMULGATED

1 UNDER THIS PART 4;

2 (e) (I) PROMULGATE RULES, IN COORDINATION WITH THE STATE  
3 LICENSING AUTHORITY, ESTABLISHING THE AMOUNT OF ANY CANNABINOID  
4 THAT MAKES THE CANNABINOID INTOXICATING;

5 (II) PROMULGATE RULES IMPLEMENTING SUBSECTION (8) OF THIS  
6 SECTION:

7 (III) PROMULGATE RULES PROHIBITING THE EXPORT OF A SAFE  
8 HARBOR HEMP PRODUCT TO A STATE WHERE THE SAFE HARBOR HEMP  
9 PRODUCT IS ILLEGAL; AND

10 (IV) PROMULGATE RULES PROHIBITING THE MANUFACTURE,  
11 PRODUCTION, OR DISTRIBUTION OF A SAFE HARBOR PRODUCT THAT IS ALSO  
12 A SYNTHETIC CANNABINOID.

13 (f) PROMULGATE RULES GOVERNING TESTING AND LABELING, AS  
14 PROVIDED IN SUBSECTIONS (4)(c)(II) AND (4)(d)(III) OF THIS SECTION,  
15 INCLUDING:

16 (I) THE PRESENCE OF AND INFORMATION ABOUT:

17 (A) HEAVY METALS;

18 (B) RESIDUAL SOLVENTS;

19 (C) PESTICIDES;

20 (D) THC; AND

21 (E) YEAST AND MOLD.

22 (II) WARNING LABELS FOR HEMP THAT ARE AT LEAST AS  
23 STRINGENT AS THOSE IMPOSED BY SECTION 44-10-203 (2)(f) AND (3)(h)  
24 FOR MARIJUANA, AS APPLICABLE, AND THAT INCLUDE:

25 (A) ADVISING ABOUT THE RISK OF IMPAIRMENT WHEN OPERATING  
26 HEAVY MACHINERY, TESTING POSITIVE ON A DRUG TEST, AND HARM FROM  
27 CONSUMING THC WHILE PREGNANT OR BREAST FEEDING;

1                   (B) THE AMOUNT OF THC PER SERVING AND THE NUMBER OF  
2                   SERVINGS PER PACKAGE; AND

3                   (C) A UNIVERSAL SYMBOL THAT THE PACKAGE CONTAINS THC;  
4                   (g) PROMULGATE RULES GOVERNING PACKAGING OF HEMP  
5                   PRODUCTS THAT ARE AT LEAST AS STRINGENT AS THE PACKAGING  
6                   REQUIREMENTS OF SECTION 44-10-203 (3)(b) FOR MARIJUANA, AS  
7                   APPLICABLE;

8                   (h) PROMULGATE RULES GOVERNING DECEPTIVE, FALSE, OR  
9                   MISLEADING STATEMENTS OR LABELING FOR HEMP PRODUCTS;

10                  (i) PROMULGATE ANY OTHER RULES THAT ARE NECESSARY FOR  
11                  THE FAIR, IMPARTIAL, AND COMPREHENSIVE ADMINISTRATION OF THIS  
12                  PART 4 WITH RESPECT TO HEMP, HEMP PRODUCTS, OR SAFE HARBOR HEMP  
13                  PRODUCTS; AND

14                  (j) ISSUE A CEASE-AND-DESIST ORDER OR CLEAN-UP ORDER TO  
15                  ADDRESS VIOLATIONS OF THIS SECTION.

16                  **(4) Classifications of hemp-derived compounds and**  
17                  **cannabinoids - rules.** (a) HEMP-DERIVED COMPOUNDS AND  
18                  CANNABINOIDs ARE DIVIDED INTO THREE CLASSIFICATIONS:

19                  (I) NONINTOXICATING CANNABINOIDs;  
20                  (II) POTENTIALLY INTOXICATING COMPOUNDS; AND  
21                  (III) INTOXICATING CANNABINOIDs.

22                  (b) (I) NONINTOXICATING CANNABINOIDs INCLUDE:

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

27                  (B) BROAD SPECTRUM HEMP EXTRACT;

- (C) CANNABIDIOL, ALSO KNOWN AS "CBD";
- (D) TETRAHYDROCANNABIVARIN, ALSO KNOWN AS "THCV";
- (E) CANNABICHROMENE, ALSO KNOWN AS "CBC";
- (F) CANNABICITRAN, ALSO KNOWN AS "CBT";
- (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";
- (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";
- (I) CANNABIGEROL, ALSO KNOWN AS "CBG";
- (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND
- (K) CANNABINOL, ALSO KNOWN AS "CBN".

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

22 (B) MARKET OR PROMOTE A HEMP PRODUCT AS CONTAINING THC  
23 OR ANY OTHER POTENTIALLY INTOXICATING COMPOUND.

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

- (A) DELTA-10 THC AND ITS ISOMERS;
- (B) DELTA-9 THC AND ITS ISOMERS;
- (C) DELTA-8 THC AND ITS ISOMERS;
- (D) DELTA-7 THC AND ITS ISOMERS;
- (E) DELTA-6a, 10a THC AND ITS ISOMERS;
- (F) EXO-TETRAHYDROCANNABINOL;
- (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC, 3-HYDROXY-THC, OR 7-HYDROXY-THC;
- (H) HYDROGENATED FORMS OF THC, INCLUDING HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND HEXAHYDROCANNABIHEXOL;
- (I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;
- (J) ESTER FORMS OF THC, INCLUDING DELTA-8 THC-O-ACETATE, DELTA-9 THC-O-ACETATE, AND HEXAHYDROCANNABINOL-O-ACETATE;
- (K) TETRAHYDROCANNABIVARINS, INCLUDING DELTA-8 TETRAHYDROCANNABIVARIN BUT EXCLUDING DELTA-9 TETRAHYDROCANNABIVARIN;
- (L) ANALOGUES OF TETRAHYDROCANNABINOLS WITH AN ALKYL CHAIN OF FOUR OR MORE CARBON ATOMS, INCLUDING TETRAHYDROCANNABIPHOROLS, TETRAHYDROCANNABIOCTYLS, TETRAHYDROCANNABIHEXOLS, OR TETRAHYDROCANNABUTOLS; AND
- (M) ANY COMBINATION OF THE COMPOUNDS, INCLUDING HEXAHYDROCANNABIPHOROL-O-ESTER, LISTED IN THIS SUBSECTION

(4)(d)(I).

1                   (II) A PERSON SHALL NOT:

2                   (A) MANUFACTURE, PRODUCE, OR DISTRIBUTE AN INTOXICATING  
3 CANNABINOID WITHIN COLORADO, AS AN INGREDIENT IN A HEMP PRODUCT  
4 OR AS A FINISHED HEMP PRODUCT, UNLESS THE INTOXICATING  
5 CANNABINOID IS A SAFE HARBOR HEMP PRODUCT THAT IS EXPORTED FROM  
6 COLORADO; OR

7                   (B) MARKET OR PROMOTE A SAFE HARBOR HEMP PRODUCT OR  
8 HEMP PRODUCT AS CONTAINING THC OR ANY OTHER INTOXICATING  
9 CANNABINOID.

10                  (III) A PERSON THAT MANUFACTURES, PRODUCES, OR DISTRIBUTES  
11 A PRODUCT CONTAINING AN INTOXICATING CANNABINOID SHALL LABEL  
12 THE PRODUCT IN ACCORDANCE WITH THE RULES PROMULGATED UNDER  
13 THIS SECTION.

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

25                  (II) TO BE SOLD, OFFERED FOR SALE, OR DISTRIBUTED,  
26 SEMI-SYNTHETIC CANNABINOID MUST MEET PRODUCTION, TESTING, AND  
27 LABELING REQUIREMENTS ESTABLISHED IN RULES PROMULGATED BY THE

1 DEPARTMENT UNDER SECTION 25-5-420 AND SUBSECTION (4)(e)(I) OF THIS  
2 SECTION.

3 (f) THE DEPARTMENT SHALL PROMULGATE RULES REQUIRING A  
4 CONSUMER NOTICE STATEMENT IF ANY HEMP-DERIVED PRODUCTS THAT  
5 ARE MANUFACTURED FOR DISTRIBUTION, PRODUCED FOR DISTRIBUTION,  
6 PACKAGED FOR DISTRIBUTION, PROCESSED FOR DISTRIBUTION, PREPARED  
7 FOR DISTRIBUTION, TREATED FOR DISTRIBUTION, TRANSPORTED FOR  
8 DISTRIBUTION, OR HELD FOR DISTRIBUTION IN THIS STATE CONTAIN  
9 INTOXICATING CANNABINOID(S) OR POTENTIALLY INTOXICATING  
10 COMPOUND(S).

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

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

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

17 (A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED  
18 A PROCESS TO REVIEW AND APPROVE HEMP-DERIVED COMPOUNDS OR  
19 CANNABINOID(S);

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

23 (C) THE RECLASSIFICATION IS BASED ON THE FINDINGS OF THE  
24 PROCESS AND EVALUATION DESCRIBED IN SUBSECTIONS (4)(g)(II)(A) AND  
25 (4)(g)(II)(B) OF THIS SECTION; OR

26 (III) RECLASSIFY A HEMP-DERIVED COMPOUND OR CANNABINOID  
27 CLASSIFIED IN THIS SUBSECTION (4) IF PEER-REVIEWED RESEARCH OR

1       CLINICAL TRIALS ESTABLISH TO A REASONABLE DEGREE OF SCIENTIFIC  
2       CERTAINTY THAT A HEMP-DERIVED COMPOUND OR CANNABINOID, OR A  
3       PRODUCT CONTAINING A HEMP-DERIVED COMPOUND OR CANNABINOID, IS  
4       POTENTIALLY INTOXICATING OR OTHERWISE POSES A THREAT TO HUMAN  
5       HEALTH.

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

20                   (b) IN ADDITION TO THE APPLICATION FEE IMPOSED IN SUBSECTION  
21      (5)(a) OF THIS SECTION, THE ANNUAL REGISTRATION FEE FOR A  
22      REGULATED HEMP FACILITY IS ONE THOUSAND FIVE HUNDRED DOLLARS.

23                   (c) (I) TO BE REGISTERED UNDER SUBSECTION (5)(a) OF THIS  
24      SECTION, A SAFE HARBOR MANUFACTURER OR STORAGE FACILITY MUST  
25      DEMONSTRATE COMPLIANCE WITH THE FEDERAL CURRENT GOOD  
26      MANUFACTURING PRACTICES FOR FOOD OR DIETARY SUPPLEMENTS BEFORE  
27      REGISTERING OR WITHIN TWELVE MONTHS AFTER THE PREVIOUS

1       REGISTRATION BY SUBMITTING TO THE DEPARTMENT:

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

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

8           (II) THE DEPARTMENT SHALL NOT REGISTER A PERSON AS A SAFE  
9       HARBOR MANUFACTURER OR STORAGE FACILITY UNDER THIS SUBSECTION

10       (5) IF THE PERSON IS REGISTERED AS A HEMP MANUFACTURER OR STORAGE  
11       FACILITY OR AS A WHOLESALE FOOD MANUFACTURING AND STORAGE  
12       FACILITY, UNLESS EACH SAFE HARBOR HEMP PRODUCT IS PREPARED IN A  
13       PREMISES THAT IS USED EXCLUSIVELY FOR THE MANUFACTURE AND  
14       PREPARATION OF SAFE HARBOR HEMP PRODUCTS.

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

19           (d) A REGISTRATION ISSUED UNDER THIS SUBSECTION (5) IS  
20       SUBJECT TO SUSPENSION OR REVOCATION, IN ACCORDANCE WITH ARTICLE  
21       4 OF TITLE 24, IF THE REGISTRANT VIOLATES THIS PART 4 OR RULES  
22       PROMULGATED UNDER THIS PART 4.

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

25           (6) **Hemp products not adulterated.** A PRODUCT CONTAINING  
26       HEMP PRODUCED BY A REGISTRANT IS NOT DEEMED ADULTERATED, AS  
27       DEFINED IN SECTIONS 25-5-410 AND 25-5-416, UNLESS THE PRODUCT

1 MEETS ONE OR MORE OF THE CRITERIA FOR ADULTERATION SET FORTH IN  
2 SECTION 25-5-410 OR 25-5-416.

3 **(7) Fees deposited in fund.** THE DEPARTMENT SHALL TRANSMIT  
4 FEES COLLECTED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION  
5 TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE  
6 WHOLESALE FOOD MANUFACTURING AND STORAGE PROTECTION CASH  
7 FUND ESTABLISHED IN SECTION 25-5-426 (5).

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

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

15 (b) MANUFACTURING A PRODUCT CONTAINING HEMP THAT IS NOT  
16 A COSMETIC, A DIETARY SUPPLEMENT, A FOOD, A FOOD ADDITIVE, OR AN  
17 HERB;

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

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

24 (e) SELLING A HEMP PRODUCT WITH A RATIO OF CANNABIDIOL TO  
25 THC OF LESS THAN TWENTY TO ONE IN A CONTAINER WITH MORE THAN  
26 FIVE SERVINGS;

27 (f) SELLING A HEMP PRODUCT TO AN INDIVIDUAL WHO IS UNDER

1       TWENTY-ONE YEARS OF AGE IF THE HEMP PRODUCT HAS A RATIO OF  
2       CANNABIDIOL TO THC OF LESS THAN TWENTY TO ONE; OR  
3       (g) SELLING A HEMP PRODUCT OTHER THAN A COSMETIC TO AN  
4       INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE; EXCEPT THAT IT  
5       IS NOT A VIOLATION OF THIS SUBSECTION (8)(e) TO SELL A HEMP-DERIVED  
6       TINCTURE THAT IS A HEMP PRODUCT TO AN INDIVIDUAL WHO IS UNDER  
7       TWENTY-ONE YEARS OF AGE.

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

20           (a) THE ACTUAL OR POTENTIAL DAMAGE FROM THE VIOLATION;  
21           (b) THE VIOLATOR'S COMPLIANCE HISTORY;  
22           (c) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR  
23      NEGLIGENT;  
24           (d) THE EFFECT UPON OR THREAT POSED TO THE PUBLIC HEALTH OR  
25      ENVIRONMENT AS A RESULT OF THE VIOLATION;  
26           (e) THE DURATION OF THE VIOLATION; AND  
27           (f) ANY ECONOMIC BENEFIT REALIZED BY THE VIOLATOR AS A

1       RESULT OF THE VIOLATION.

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

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

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

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

22           **44-10-103. Definitions - rules.** As used in this article 10, unless  
23      the context otherwise requires:

24           (17.5) "HEMP PRODUCT" HAS THE MEANING SET FORTH IN SECTION  
25      25-5-427 (2)(d).

26           (21) "Industrial hemp" means a plant of the genus cannabis and  
27      any part of the plant, whether growing or not, containing a delta-9

1       tetrahydrocannabinol concentration of no more than three-tenths of one  
2       percent on a dry weight basis.

3               (22) "Industrial hemp product" means a finished product  
4       containing industrial hemp that:

5               (a) Is a cosmetic, food, food additive, or herb;

6               (b) Is for human use or consumption;

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

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

12               (22.5) "INTOXICATING CANNABINOID" MEANS A CANNABINOID  
13       THAT IS CLASSIFIED AS AN INTOXICATING CANNABINOID IN SECTION  
14       44-10-208 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN  
15       COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND  
16       ENVIRONMENT.

17               (42.5) "NONINTOXICATING CANNABINOID" MEANS A CANNABINOID  
18       THAT IS CLASSIFIED AS A NONINTOXICATING CANNABINOID IN SECTION  
19       44-10-208 OR BY THE STATE LICENSING AUTHORITY BY RULE, IN  
20       COORDINATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND  
21       ENVIRONMENT.

22               (42.6) "NOVEL CANNABINOID" MEANS ANY CANNABINOID THAT  
23       HAS NOT BEEN ASSESSED BY THE STATE OR A FEDERAL AGENCY FOR A  
24       SAFETY PROFILE AND INTOXICATION PROFILE.

25               (48.5) (a) "POTENTIALLY INTOXICATING COMPOUND" MEANS:

26               (I) A NOVEL CANNABINOID; AND

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

6                   **SECTION 4.** In Colorado Revised Statutes, **add** 44-10-207 and  
7    44-10-208 as follows:

8                   **44-10-207. Feasibility study - standing committee - report -**  
9                   **definition - repeal.** (1) (a) ON OR BEFORE JULY 1, 2024, THE EXECUTIVE  
10                   DIRECTOR SHALL SUBMIT TO THE GENERAL ASSEMBLY A REPORT  
11                   ANALYZING THE FEASIBILITY OF ESTABLISHING A STANDING COMMITTEE  
12                   TO EVALUATE CANNABINOIDs AND CANNABIS-DERIVED PRODUCTS FOR THE  
13                   PURPOSE OF DETERMINING AND MAKING RECOMMENDATIONS REGARDING  
14                   THEIR SAFETY PROFILES AND POTENTIAL FOR INTOXICATION. THE REPORT  
15                   MUST CONSIDER AND RECOMMEND LEGISLATIVE ACTION ADDRESSING THE  
16                   FOLLOWING SUBJECTS:

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

23 (III) THE ABILITY OF A STANDING COMMITTEE TO DETERMINE THE  
24 POTENTIAL FOR INTOXICATION OF CANNABINOIDs AND CANNABIS-DERIVED  
25 PRODUCTS, INCLUDING THE PROCESS BY WHICH A STANDING COMMITTEE  
26 WOULD MAKE SUCH A DETERMINATION;

27 (IV) RECOMMENDATIONS AS TO MEMBERS OF A STANDING

1 COMMITTEE AND A PROCESS TO MAKE APPOINTMENTS OF MEMBERS TO A  
2 STANDING COMMITTEE;

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

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

7 (b) TO INFORM THE FEASIBILITY REPORT DESCRIBED IN SUBSECTION  
8 (1)(a) OF THIS SECTION, THE DEPARTMENT MAY ENGAGE EXPERTS,  
9 INCLUDING:

10 (I) THE CHIEF MEDICAL OFFICER APPOINTED PURSUANT TO SECTION  
11 25-1-105 OR THE DESIGNEE OF THE CHIEF MEDICAL OFFICER;

12 (II) THE STATE TOXICOLOGIST OR THE DESIGNEE OF THE STATE  
13 TOXICOLOGIST;

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

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

18 (V) A MEDICAL TOXICOLOGIST; AND

19 (VI) A PHARMACOLOGIST WITH EXPERTISE IN DRUG  
20 DEVELOPMENT.

21 (2) AS USED IN THIS SECTION, "STATE TOXICOLOGIST" MEANS THE  
22 DIRECTOR OF THE TOXICOLOGY AND ENVIRONMENTAL EPIDEMIOLOGY  
23 OFFICE, OR A SUCCESSOR OFFICE, IN THE DEPARTMENT OF PUBLIC HEALTH  
24 AND ENVIRONMENT.

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

26 **44-10-208. Classes of marijuana-derived cannabinoids and**  
27 **compounds - definitions - privileges - prohibitions - rule-making -**

1       **rules.** (1) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND  
2       DECLARES THAT:

3               (a) THE REGULATION OF MARIJUANA-DERIVED POTENTIALLY  
4       INTOXICATING COMPOUNDS AND INTOXICATING CANNABINOIDs, AND THE  
5       REGULATION OF PREMISES WHERE POTENTIALLY INTOXICATING  
6       COMPOUNDS AND INTOXICATING CANNABINOIDs ARE MANUFACTURED,  
7       PACKAGED, AND SOLD IN ACCORDANCE WITH THIS ARTICLE 10 AND RULES  
8       PROMULGATED UNDER THIS ARTICLE 10:

9               (I) IS NECESSARY TO PROTECT THE PUBLIC HEALTH; AND  
10               (II) WILL BENEFIT CONSUMERS BY ENSURING THAT THE  
11       MANUFACTURE, SALE, AND DISTRIBUTION OF MARIJUANA-DERIVED  
12       POTENTIALLY INTOXICATING COMPOUNDS AND INTOXICATING  
13       CANNABINOID PRODUCTS ARE REGULATED IN A WAY TO PROMOTE PUBLIC  
14       HEALTH; AND

15               (b) THE TAXATION OF MARIJUANA-DERIVED POTENTIALLY  
16       INTOXICATING COMPOUNDS AND INTOXICATING CANNABINOIDs MUST BE  
17       ADDRESSED TO ENSURE BOTH COMPLIANCE WITH COLORADO VOTERS'  
18       INTENT AND EQUITABLE ECONOMIC TREATMENT.

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

21               (a) "HEMP" HAS THE MEANING SET FORTH IN SECTION 35-61-101  
22       (7).

23               (b) (I) "SEMI-SYNTETIC CANNABINOID" MEANS A SUBSTANCE  
24       THAT IS CREATED BY A CHEMICAL REACTION THAT CONVERTS ONE  
25       CANNABINOID EXTRACTED FROM A CANNABIS PLANT DIRECTLY INTO A  
26       DIFFERENT CANNABINOID.

27               (II) "SEMI-SYNTETIC CANNABINOID" INCLUDES CANNABINOIDs,

1       SUCH AS CANNABINOL THAT WAS PRODUCED BY THE CONVERSION OF  
2       CANNABIDIOL.

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

10           (c) (I) "SYNTHETIC CANNABINOID" MEANS A CANNABINOID-LIKE  
11       COMPOUND THAT WAS PRODUCED BY USING CHEMICAL SYNTHESIS,  
12       CHEMICAL MODIFICATION, OR CHEMICAL CONVERSION, INCLUDING BY  
13       USING IN-VITRO BIOSYNTHESIS OR OTHER BIOCONVERSION OF SUCH A  
14       METHOD.

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

16           (A) A COMPOUND PRODUCED THROUGH THE DECARBOXYLATION  
17       OF NATURALLY OCCURRING CANNABINOIDs FROM THEIR ACIDIC FORMS; OR  
18           (B) A SEMI-SYNTHETIC CANNABINOID.

19           (d) (I) "TETRAHYDROCANNABINOL" OR "THC" MEANS THE  
20       SUBSTANCE CONTAINED IN THE PLANT CANNABIS SPECIES, IN THE  
21       RESINOUS EXTRACTS OF THE CANNABIS SPECIES, OR A CARBOXYLIC ACID  
22       OF, DERIVATIVE OF, SALT OF, ISOMER OF, OR SALT OR ACID OF AN ISOMER  
23       OF THESE SUBSTANCES.

24           (II) "TETRAHYDROCANNABINOL" OR "THC" INCLUDES:

25           (A) DELTA-10 THC AND ITS ISOMERS;  
26           (B) DELTA-9 THC AND ITS ISOMERS;  
27           (C) DELTA-8 THC AND ITS ISOMERS;

11 CANNABINOIDs ARE DIVIDED INTO THREE CLASSIFICATIONS:

12 (I) NONINTOXICATING CANNABINOIDs;

13 (II) POTENTIALLY INTOXICATING COMPOUNDs; AND

14 (III) INTOXICATING CANNABINOIDs

15 (b) (I) NONINTOXICATING CANNABINOIDs INCLUDE:

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

17 THAN ONE AND THREE-FOURTHS MILLIGRAMS OF THC PER SERVING AND

18 CONTAINS A RATIO OF CANNABIDIOL TO THC OF GREATER THAN OR EQUAL

19 TO FIFTEEN TO ONE:

20 (B) BROAD SPECTRUM HEMP EXTRACT;  
21 (C) CANNABIDIOL, ALSO KNOWN AS "CBD";  
22 (D) TETRAHYDROCANNABIVARIN, ALSO KNOWN AS "THCV";  
23 (E) CANNABICHROMENE, ALSO KNOWN AS "CBC";  
24 (F) CANNABICITRAN, ALSO KNOWN AS "CBT";  
25 (G) CANNABICYCLOL, ALSO KNOWN AS "CBL";  
26 (H) CANNABIELSOIN, ALSO KNOWN AS "CBE";  
27 (I) CANNABIGEROL, ALSO KNOWN AS "CBG";

1 (J) CANNABIDIVARIN, ALSO KNOWN AS "CBDV"; AND  
2 (K) CANNABINOL, ALSO KNOWN AS "CBN".

13 (c) (I) A LICENSEE UNDER THIS ARTICLE 10 MAY MANUFACTURE,  
14 PROCESS, TRANSFER, OR SELL POTENTIALLY INTOXICATING COMPOUNDS  
15 THAT ARE DERIVED FROM MARIJUANA IN ACCORDANCE WITH THIS ARTICLE  
16 10 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

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

- 24 (A) DELTA-10 THC AND ITS ISOMERS;
- 25 (B) DELTA-9 THC AND ITS ISOMERS;
- 26 (C) DELTA-8 THC AND ITS ISOMERS;
- 27 (D) DELTA-7 THC AND ITS ISOMERS;

1 (E) DELTA-6a, 10a THC AND ITS ISOMERS;  
2 (F) EXO-TETRAHYDROCANNABINOL;  
3 (G) METABOLITES OF THC, INCLUDING 11-HYDROXY-THC,  
4 3-HYDROXY-THC, OR 7-HYDROXY-THC;  
5 (H) HYDROGENATED FORMS OF THC, INCLUDING  
6 HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND  
7 HEXAHYDROCANNABIHEXOL;  
8 (I) SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;  
9 (J) ESTER FORMS OF THC, INCLUDING DELTA-8 THC-O-ACETATE,  
10 DELTA-9 THC-O-ACETATE, AND HEXAHYDROCANNABINOL-O-ACETATE;  
11 (K) VARIN FORMS OF THC, INCLUDING DELTA-8  
12 TETRAHYDROCANNABIVARIN BUT EXCLUDING DELTA-9  
13 TETRAHYDROCANNABIVARIN;  
14 (L) ANALOGUES OF TETRAHYDROCANNABINOLS WITH AN ALKYL  
15 CHAIN OF FOUR OR MORE CARBON ATOMS, INCLUDING  
16 TETRAHYDROCANNABIPHOROLS, TETRAHYDROCANNABIOCTYLS,  
17 TETRAHYDROCANNABIHEXOLS, OR TETRAHYDROCANNABUTOLS; AND  
18 (M) ANY COMBINATION OF THE COMPOUNDS, INCLUDING  
19 HEXAHYDROCANNABIPHOROL-O-ESTER, LISTED IN THIS SUBSECTION  
20 (3)(d)(I).

21 (II) (A) A PERSON LICENSED UNDER THIS ARTICLE 10 MAY USE AN  
22 INTOXICATING CANNABINOID THAT IS DERIVED FROM MARIJUANA AS AN  
23 INGREDIENT IN A REGULATED MARIJUANA PRODUCT OR AS A FINISHED  
24 REGULATED MARIJUANA PRODUCT IN ACCORDANCE WITH THIS ARTICLE 10  
25 AND THE RULES PROMULGATED UNDER THIS ARTICLE 10.

26 (B) A RETAIL MARIJUANA PRODUCT CONTAINING A  
27 MARIJUANA-DERIVED INTOXICATING CANNABINOID AS AN INGREDIENT IS

1        SUBJECT TO RETAIL MARIJUANA SALES TAX IN ACCORDANCE WITH SECTION  
2        39-28.8-202.

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

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

18                (III) A PERSON LICENSED UNDER THIS ARTICLE 10 THAT PRODUCES  
19      SEMI-SYNTHETIC CANNABINOID SHALL COMPLY WITH THE PRODUCTION,  
20      TESTING, AND LABELING REQUIREMENTS ESTABLISHED BY RULE OF THE  
21      STATE LICENSING AUTHORITY.

22                (f) THE STATE LICENSING AUTHORITY, IN COORDINATION WITH THE  
23      DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY PROMULGATE  
24      RULES TO:

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

27                (II) RECLASSIFY A MARIJUANA-DERIVED COMPOUND OR

1 CANNABINOID CLASSIFIED IN THIS SUBSECTION (3) IF:

2 (A) THE STATE HAS ADOPTED OR FEDERAL LAW HAS ESTABLISHED  
3 A PROCESS TO REVIEW AND APPROVE MARIJUANA-DERIVED COMPOUNDS  
4 OR CANNABINOIDS;

5 (B) THE REVIEW AND APPROVAL PROCESS DESCRIBED IN  
6 SUBSECTION (3)(f)(II)(A) OF THIS SECTION EVALUATES THE INTOXICATING  
7 POTENTIAL OF THE MARIJUANA-DERIVED COMPOUND OR CANNABINOID;  
8 AND

9 (C) THE RECLASSIFICATION IS BASED ON THE FINDINGS OF THE  
10 PROCESS AND EVALUATION DESCRIBED IN SUBSECTIONS (3)(f)(II)(A) AND  
11 (3)(f)(II)(B) OF THIS SECTION; OR

12 (III) RECLASSIFY A MARIJUANA-DERIVED COMPOUND OR  
13 CANNABINOID CLASSIFIED IN THIS SUBSECTION (3) IF PEER-REVIEWED  
14 RESEARCH OR CLINICAL TRIALS ESTABLISH TO A REASONABLE DEGREE OF  
15 SCIENTIFIC CERTAINTY THAT A MARIJUANA-DERIVED COMPOUND OR  
16 CANNABINOID, OR A PRODUCT CONTAINING A MARIJUANA-DERIVED  
17 COMPOUND OR CANNABINOID, IS POTENTIALLY INTOXICATING OR  
18 OTHERWISE POSES A THREAT TO HUMAN HEALTH.

19 (4) **Rules to prohibit synthetic cannabinoids.** IN ADDITION TO  
20 ANY POWERS LISTED IN THIS SECTION, THE STATE LICENSING AUTHORITY  
21 MAY PROMULGATE RULES NECESSARY TO PROHIBIT CHEMICAL  
22 MODIFICATION, CONVERSION, OR SYNTHETIC DERIVATION OF  
23 CANNABINOIDS OR MARIJUANA-DERIVED COMPOUNDS, UNLESS OTHERWISE  
24 PERMITTED BY THIS ARTICLE 10 AND THE RULES PROMULGATED UNDER  
25 THIS ARTICLE 10.

26 SECTION 5. In Colorado Revised Statutes, 44-10-501, add (13)  
27 as follows:

1                   **44-10-501. Medical marijuana store license.**

2                   (13) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A MEDICAL  
3                   MARIJUANA STORE MAY BUY AND SELL AN IMMATURE MARIJUANA PLANT  
4                   OR THE SEED OF A MARIJUANA PLANT, NOTWITHSTANDING THAT THE  
5                   PLANT OR SEED IS UNADULTERATED.

6                   **SECTION 6. In Colorado Revised Statutes, 44-10-502, add (11)**  
7                   as follows:

8                   **44-10-502. Medical marijuana cultivation facility license -**  
9                   **rules - definitions.** (11) NOTWITHSTANDING ANY PROVISION OF THIS  
10                   SECTION, A MEDICAL MARIJUANA STORE MAY BUY, GROW, AND SELL AN  
11                   IMMATURE MARIJUANA PLANT OR THE SEED OF A MARIJUANA PLANT,  
12                   NOTWITHSTANDING THAT THE PLANT OR SEED IS UNADULTERATED.

13                   **SECTION 7.** In Colorado Revised Statutes, 44-10-503, add  
14 (1)(c) as follows:

15                   **44-10-503. Medical marijuana products manufacturer license**  
16                   **- rules - definition.** (1) (c) A PERSON MUST BE LICENSED AS A MEDICAL  
17                   MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE  
18                   AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING  
19                   COMPOUNDS OR INTOXICATING CANNABINOIDS FROM MEDICAL MARIJUANA  
20                   TO BE USED AS AN INGREDIENT OR AS A FINISHED MEDICAL MARIJUANA  
21                   PRODUCT.

22                   **SECTION 8. In Colorado Revised Statutes, 44-10-601, add (18)**  
23                   as follows:

24                   **44-10-601. Retail marijuana store license - rules - definitions.**  
25                   (18) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A RETAIL  
26                   MARIJUANA STORE MAY BUY AND SELL AN IMMATURE MARIJUANA PLANT  
27                   OR THE SEED OF A MARIJUANA PLANT, NOTWITHSTANDING THAT THE

1       PLANT OR SEED IS UNADULTERATED.

2           **SECTION 9.** In Colorado Revised Statutes, 44-10-602, **add (15)**  
3       as follows:

4           **44-10-602. Retail marijuana cultivation facility license - rules**  
5       **- definitions.** (15) NOTWITHSTANDING ANY PROVISION OF THIS SECTION,  
6       A RETAIL MARIJUANA CULTIVATION FACILITY MAY BUY, GROW, AND SELL  
7       AN IMMATURE MARIJUANA PLANT OR THE SEED OF A MARIJUANA PLANT,  
8       NOTWITHSTANDING THAT THE PLANT OR SEED IS UNADULTERATED.

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

11           **44-10-603. Retail marijuana products manufacturer license -**  
12       **rules - definition.** (1) (f) A PERSON MUST BE LICENSED AS A RETAIL  
13       MARIJUANA PRODUCTS MANUFACTURER, INCLUDING PAYING THE LICENSE  
14       AND APPLICATION FEES, TO MANUFACTURE POTENTIALLY INTOXICATING  
15       COMPOUNDS OR INTOXICATING CANNABINOIDs FROM RETAIL MARIJUANA  
16       TO BE USED AS AN INGREDIENT OR AS FINISHED RETAIL MARIJUANA  
17       PRODUCTS IN ACCORDANCE WITH THIS ARTICLE 10.

18           **SECTION 11.** In Colorado Revised Statutes, 6-1-725, **amend** (1)  
19       as follows:

20           **6-1-725. Synthetic cannabinoids - incense - deceptive trade**  
21       **practice.** (1) EXCEPT IN ACCORDANCE WITH ARTICLE 10 OF TITLE 44 OR  
22       ARTICLE 4 OF TITLE 25, it is unlawful for any person or entity to distribute,  
23       dispense, manufacture, display for sale, offer for sale, attempt to sell, or  
24       sell to a purchaser any product that contains any amount of any synthetic  
25       cannabinoid, as defined in section 18-18-102 (34.5). ~~C.R.S.~~

26           **SECTION 12.** In Colorado Revised Statutes, 18-18-406.1,  
27       **amend** (1) as follows:

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

6                   **SECTION 13.** In Colorado Revised Statutes, 18-18-406.2,  
7                   **amend** (1) introductory portion as follows:

8                   **18-18-406.2. Unlawful distribution, manufacturing,**  
9                   **dispensing, sale, or cultivation of synthetic cannabinoids or salvia**  
10                   **divinorum.** (1) EXCEPT AS PROVIDED IN SECTION 25-5-427 OR ARTICLE  
11                   10 OF TITLE 44, it is unlawful for any person knowingly to:

12                   **SECTION 14.** In Colorado Revised Statutes, 30-15-401, **amend**  
13                   (1.7) as follows:

14                   **30-15-401. General regulations - definitions.** (1.7) In addition  
15                   to any other powers, a board of county commissioners may charge a fee  
16                   for a local license and adopt resolutions or ordinances to establish  
17                   requirements on businesses engaged in the storage, extraction, processing,  
18                   or manufacturing of industrial hemp, as defined in section 35-61-101 (7),  
19                   or ~~industrial~~ hemp products, as defined in section ~~25-5-426 (2)(g.5)~~  
20                   25-5-427 (2)(d). A county shall not impose additional food production  
21                   regulations on ~~industrial~~ hemp processors or HEMP products if the  
22                   regulations conflict with state law.

23                   **SECTION 15.** In Colorado Revised Statutes, 31-15-501, **amend**  
24                   (1)(r) as follows:

25                   **31-15-501. Powers to regulate businesses.** (1) The governing  
26                   bodies of municipalities have the following powers to regulate  
27                   businesses:

8                   **SECTION 16.** In Colorado Revised Statutes, 39-28.8-101,  
9   **amend (4) and (7) as follows:**

10                   **39-28.8-101. Definitions.** Unless the context otherwise requires,  
11                   any terms not defined in this article 28.8 have the meanings set forth in  
12                   article 26 of this title 39. As used in this article 28.8, unless the context  
13                   otherwise requires:

24 (II) "RETAIL MARIJUANA" INCLUDES:

25 (A) A NONINTOXICATING CANNABINOID, AS DEFINED IN SECTION  
26 44-10-103 (42.5), PRODUCED FROM RETAIL MARIJUANA;

27 (B) A POTENTIALLY INTOXICATING COMPOUND, AS DEFINED IN

1 SECTION 44-10-103 (48.5), PRODUCED FROM RETAIL MARIJUANA; AND  
2 (C) AN INTOXICATING CANNABINOID, AS DEFINED IN SECTION  
3 44-10-103 (22.5), PRODUCED FROM RETAIL MARIJUANA.

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

9 **SECTION 17.** In Colorado Revised Statutes, 39-28.8-501,  
10 amend (2)(b)(IV)(I) as follows:

11 **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
12 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation  
13 in subsection (5) of this section, the general assembly may annually  
14 appropriate any money in the fund for the following purposes:

15 (I) To research, regulate, study, and test industrial hemp or hemp  
16 seeds;

17 **SECTION 18. Appropriation.** (1) For the 2023-24 state fiscal  
18 year, \$1,277,463 is appropriated to the department of public health and  
19 environment. This appropriation consists of \$575,289 from the general  
20 fund, \$405,576 from the wholesale food manufacturing and storage  
21 protection cash fund created in section 25-5-426 (5), C.R.S., and  
22 \$296,598 from the marijuana tax cash fund created in section  
23 39-28.8-501, C.R.S. To implement this act, the department may use this  
24 appropriation as follows:

25 (a) \$681,555, which consists of \$575,289 from general fund and  
26 \$106,266 from the marijuana tax cash fund, for administration and  
27 support related to disease control and public health response, which

1     amount is based on an assumption that the department will require an  
2     additional 1.9 FTE;

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

7         (c) \$190,332 from the marijuana tax cash fund for the  
8         purchase of legal services.

9         (2) For the 2023-24 state fiscal year, \$198,900 is appropriated to  
10         the department of revenue. This appropriation is from the marijuana cash  
11         fund created in section 44-10-801 (1)(a), C.R.S. To implement this act,  
12         the department may use this appropriation as follows:

13             (a) \$141,800 for marijuana enforcement, which amount is based  
14             on an assumption that the department will require an additional 1.5 FTE;  
15             and

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

17             (3) For the 2023-24 state fiscal year, \$247,432 is appropriated to  
18         the department of law. This appropriation is from reappropriated funds  
19         received from the departments of public health and environment and  
20         revenue under subsection (1)(c) and (2)(b) of this section and is based on  
21         an assumption that the department of law will require an additional 1.3  
22         FTE. To implement this act, the department of law may use this  
23         appropriation to provide legal services for the departments of public  
24         health and environment and revenue.

25         **SECTION 19. Applicability.** This act applies to offenses  
26         committed or conduct occurring on or after the effective date of this act.

27         **SECTION 20. Safety clause.** The general assembly hereby finds,

1      determines, and declares that this act is necessary for the immediate  
2      preservation of the public peace, health, or safety.