

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 17-0650.01 Kip Kolkmeier x4510 & Duane Gall x4335

HOUSE BILL 17-1148

HOUSE SPONSORSHIP

Arndt, Buck, Becker J., Hansen, Hooton, Valdez, Willett

SENATE SPONSORSHIP

Cooke,

House Committees

Agriculture, Livestock, & Natural Resources

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A BILL FOR AN ACT

101 **CONCERNING APPLICATIONS FOR REGISTRATION TO CULTIVATE**
102 **INDUSTRIAL HEMP.**

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 persons who wish to cultivate industrial hemp to apply to the department of agriculture for a registration. The bill adds a requirement that applicants to cultivate industrial hemp for commercial purposes provide the names of each officer, director, member, partner, or owner of 10% or more in the entity applying for registration and any person managing or controlling the entity. Applicants for a registration

HOUSE
3rd Reading Unamended
February 21, 2017

HOUSE
2nd Reading Unamended
February 16, 2017

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

may be denied registration for up to 3 years if any individual or entity listed in the application was previously subject to discipline, or the individual or entity was previously listed by an entity that was subject to discipline. When a registration is suspended, revoked, or relinquished, a new application for registration may be denied for up to 3 years after the effective date of discipline.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-61-101, **amend**
3 the introductory portion; and **add** (8) as follows:

4 **35-61-101. Definitions.** As used in this ~~article~~ ARTICLE 61, unless
5 the context otherwise requires:

6 (8) "PERSON" MEANS ANY INDIVIDUAL, NATURAL PERSON,
7 CORPORATION, COMPANY, LIMITED LIABILITY COMPANY, PARTNERSHIP,
8 ASSOCIATION, OR OTHER LEGAL ENTITY.

9 **SECTION 2.** In Colorado Revised Statutes, 35-61-104, **amend**
10 (1)(a) as follows:

11 **35-61-104. Registration - cultivation of industrial hemp -**
12 **research and development growth - rules.** (1) (a) A person wishing to
13 engage in industrial hemp cultivation for commercial purposes or to grow
14 industrial hemp for research and development purposes shall apply to the
15 department for a registration in a form and manner determined by the
16 commissioner, in consultation with the committee, prior to planting the
17 industrial hemp for commercial or research and development purposes.
18 The application must include the name and address of the applicant and
19 the legal description, global positioning system location, and map of the
20 land area on which the applicant plans to engage in industrial hemp
21 cultivation or research and development growth operations. AN
22 APPLICATION TO ENGAGE IN INDUSTRIAL HEMP CULTIVATION FOR

1 COMMERCIAL PURPOSES MUST IDENTIFY BY NAME EACH OFFICER,
2 DIRECTOR, MEMBER, PARTNER, OR OWNER OF AT LEAST TEN PERCENT OF
3 THE ENTITY AND ANY OTHER PERSON WHO HAS MANAGING OR
4 CONTROLLING AUTHORITY OVER THE ENTITY. The applicant shall also
5 submit to the department the fee required by section 35-61-106 (2).
6 Application for registration pursuant to this section is a matter of
7 statewide concern.

8 **SECTION 3.** In Colorado Revised Statutes, 35-61-107, **add (6)**
9 and (7) as follows:

10 **35-61-107. Violations - penalties - denial of registration**
11 **application.** (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
12 ARTICLE 61, FOR UP TO THREE YEARS AFTER THE EFFECTIVE DATE OF THE
13 SUSPENSION, REVOCATION, OR RELINQUISHMENT OF A REGISTRATION, THE
14 COMMISSIONER MAY DENY AN APPLICATION FOR REGISTRATION IF:

15 (a) THE APPLICANT IS AN INDIVIDUAL WHO WAS PREVIOUSLY
16 LISTED AS PARTICIPATING IN AN ENTITY PURSUANT TO SECTION 35-61-104
17 AND THAT INDIVIDUAL OR ENTITY WAS SUBJECT TO DISCIPLINE UNDER
18 THIS ARTICLE 61; OR

19 (b) THE APPLICANT IS AN ENTITY THAT LISTS AN INDIVIDUAL AS
20 PARTICIPATING IN THE ENTITY PURSUANT TO SECTION 35-61-104 AND THE
21 INDIVIDUAL WAS PREVIOUSLY LISTED AS A PARTICIPATING PERSON IN AN
22 ENTITY THAT WAS SUBJECT TO DISCIPLINE UNDER THIS ARTICLE 61.

23 (7) IF A PERSON'S REGISTRATION IS SUSPENDED, REVOKED, OR
24 VOLUNTARILY RELINQUISHED FOR A VIOLATION OF THIS SECTION, THE
25 COMMISSIONER MAY DENY A NEW APPLICATION FOR REGISTRATION FOR
26 THAT PERSON FOR UP TO THREE YEARS AFTER THE EFFECTIVE DATE OF THE
27 SUSPENSION, REVOCATION, OR RELINQUISHMENT.

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