

## CHAPTER 79

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**AGRICULTURE**


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**HOUSE BILL 17-1148**

BY REPRESENTATIVE(S) Arndt, Buck, Becker J., Hansen, Hooton, Valdez, Willett, Becker K., Esgar, Ginal, Gray, Herod, Kraft-Tharp, Lontine, McKean, McLachlan, Melton, Mitsch Bush, Pabon, Rosenthal, Saine, Duran; also SENATOR(S) Cooke, Baumgardner, Coram, Court, Crowder, Jones, Kerr, Martinez Humenik, Merrifield, Priola, Scott, Smallwood, Sonnenberg, Tate, Todd, Grantham.

**AN ACT****CONCERNING APPLICATIONS FOR REGISTRATION TO CULTIVATE INDUSTRIAL HEMP.**

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

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

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

**35-61-107. Violations - penalties - denial of registration application.**

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 61, FOR UP TO THREE YEARS AFTER THE EFFECTIVE DATE OF THE SUSPENSION, REVOCATION, OR RELINQUISHMENT OF A REGISTRATION, THE COMMISSIONER MAY DENY AN APPLICATION FOR REGISTRATION IF:

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

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

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

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

Approved: March 23, 2017