

West's Colorado Revised Statutes Annotated  
Title 35. Agriculture  
Agricultural Products--Standards and Regulations--Continued  
Article 61. Industrial Hemp Regulatory Program

C.R.S.A. T. 35, Art. 61, Refs & Annos  
Currentness

**Editors' Notes**

**REPEAL**

<For repeal of this article, see § 35-61-109.>

C. R. S. A. T. 35, Art. 61, Refs & Annos, CO ST T. 35, Art. 61, Refs & Annos  
Current through legislation effective September 7, 2021 of the First Regular Session of the 73rd General Assembly (2021).  
Some statute sections may be more current. See credits for details.

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West's Colorado Revised Statutes Annotated  
Title 35. Agriculture  
Agricultural Products--Standards and Regulations--Continued  
Article 61. Industrial Hemp Regulatory Program (Refs & Annos)

C.R.S.A. § 35-61-101  
Formerly cited as CO ST § 25-18.7-101

§ 35-61-101. Definitions

Effective: September 7, 2021

[Currentness](#)

As used in this article 61, unless the context otherwise requires:

(1) “Acceptable hemp THC level” means when the application of the measurement of uncertainty to the reported delta-9 THC content concentration level on a dry weight basis produces a distribution or range that includes three-tenths of one percent or less.

(1.3) “Authorized sampler” means an employee of the Colorado department of agriculture or a registrant who has been authorized by the commissioner to collect and handle industrial hemp samples.

(1.5) “Certified seed” means seed certified by a seed certifying agency pursuant to article 27 of this title 35 and includes foundation and registered seed.

(2) “Certifying agency” means the seed certification service of the authorized board of governors of the Colorado state university system or the authorized seed certifying agency of another state.

(3) “Commissioner” means the commissioner of agriculture or the commissioner's designee.

(4) “Committee” means the industrial hemp advisory committee established in [section 35-61-103](#).

(4.3) “Cross-pollination” means the transfer of pollen from one plant to the flower of another plant.

(5) “Delta-9 tetrahydrocannabinols” or “delta-9 THC” has the same meaning as “tetrahydrocannabinols” as set forth in [section 27-80-203\(24\)](#). Delta-9 THC is the primary psychoactive component of cannabis. For purposes of this article 61, the terms “delta-9 THC” and “THC” are interchangeable.

(6) “Department” means the department of agriculture.

(7) “Industrial hemp” or “hemp” means the plant *Cannabis sativa* L. and any part of the plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry-weight basis.

(7.3) “Key participant” means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, or chief financial officer. “Key participant” does not include nonexecutive managers such as farm, field, or shift managers.

(7.4) “Licensed outdoor marijuana cultivation” means the licensed premises, as defined in [section 44-10-103 \(24\)](#), used for outdoor cultivation of marijuana.

(7.6) “Marijuana” has the same meaning as “regulated marijuana” as defined in [section 44-10-103 \(54\)](#).

(7.7) “Measurement of uncertainty” means the parameter associated with the results of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

(7.8)(a) “Outdoor cultivation” means:

(I) A registered outdoor hemp cultivation;

(II) A licensed outdoor marijuana cultivation;

(III) The premises for which a person applies for registration to engage in outdoor cultivation of hemp or a license to engage in outdoor cultivation of marijuana; or

(IV) The premises on which a person previously had a registered outdoor hemp cultivation or a licensed outdoor marijuana cultivation.

(b) “Outdoor cultivation”, with respect to marijuana, means a licensed marijuana grow that operates seasonally within a temporary greenhouse or on an open plot of land.

(c) “Outdoor cultivation”, with respect to marijuana, does not include a licensed marijuana grow that operates year-round within a constructed facility or permanent greenhouse.

(8) “Person” means any individual, natural person, corporation, company, limited liability company, partnership, association, or other legal entity.

(8.4) “Registered outdoor hemp cultivation” means the premises that are subject to registration under [section 35-61-104](#) and are used for outdoor cultivation of hemp.

(8.7) “State licensing authority” means the state licensing authority created in [section 44-10-201](#) for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, and testing of marijuana in this state.

(9) “Total THC” means the molar sum of THC and tetrahydrocannabinolic acid (THCA).

(10) “Volunteer cannabis plant” means a cannabis plant growing spontaneously without direct human control or supervision.

#### **Credits**

Relocated and amended by [Laws 2013, Ch. 342, § 1, eff. May 28, 2013](#). Amended by [Laws 2014, Ch. 315, § 1, eff. May 31, 2014](#); [Laws 2017, Ch. 79, § 1, eff. March 23, 2017](#); [Laws 2019, Ch. 350 \(S.B. 19-220\), § 2, eff. May 29, 2019](#); [Laws 2020, Ch. 194 \(S.B. 20-197\), § 1, eff. Sept. 14, 2020](#); [Laws 2021, \(H.B. 21-1301\), § 1, eff. Sept. 7, 2021](#).

#### **Editors' Notes**

#### **REPEAL**

<For repeal of this section, see [§ 35-61-109](#).>

C. R. S. A. § 35-61-101, CO ST § 35-61-101

Current through legislation effective September 7, 2021 of the First Regular Session of the 73rd General Assembly (2021). Some statute sections may be more current. See credits for details.

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Article 61. Industrial Hemp Regulatory Program (Refs & Annos)

C.R.S.A. § 35-61-102  
Formerly cited as CO ST § 25-18.7-102

§ 35-61-102. Industrial hemp--permitted growth by registered persons

Effective: September 14, 2020

[Currentness](#)

(1) Notwithstanding any other provision of law to the contrary, a person who holds a registration issued pursuant to [section 35-61-104](#) may engage in industrial hemp cultivation for commercial purposes.

(2) Notwithstanding any other provision of law, a person registered pursuant to [section 35-61-104](#) is not subject to any civil or criminal actions for engaging in the activities described in subsection (1) of this section if the person is acting in compliance with this article.

**Credits**

Relocated and amended by [Laws 2013, Ch. 342, § 1, eff. May 28, 2013](#). Amended by [Laws 2014, Ch. 315, § 2, eff. May 31, 2014](#); [Laws 2020, Ch. 194 \(S.B. 20-197\), § 2, eff. Sept. 14, 2020](#).

**Editors' Notes**

**REPEAL**

<For repeal of this section, see [§35-61-109](#).>

C. R. S. A. § 35-61-102, CO ST § 35-61-102

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C.R.S.A. § 35-61-103  
Formerly cited as CO ST § 25-18.7-103

§ 35-61-103. Industrial hemp advisory committee--appointments--duties--coordination with commission

Effective: September 14, 2020

[Currentness](#)

(1)(a) The industrial hemp advisory committee is hereby established. The state agricultural commission created in [section 35-1-105](#) shall appoint an advisory committee to advise the commissioner on matters regarding the regulation of industrial hemp production and to assist the commissioner in promulgating rules to carry out this article 61. The commission shall appoint ten members to the industrial hemp advisory committee as follows:

- (I) One member with experience in industrial hemp regulation;
- (II) One member who is a farmer from a cooperative;
- (III) One member who is a commercial farmer;
- (IV) One member with experience in seed development and genetics;
- (V) One member representing the hemp manufacturing industry;
- (VI) One member representing small hemp businesses;
- (VII) Repealed by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 3, eff. Sept. 14, 2020.
- (VIII) One member who is a citizen advocate for industrial hemp;
- (IX) One member who is a representative from a research institution of higher education;
- (X) One member who is a representative from the cannabinoid industry; and
- (XI) One member who represents certified seed growers.

(b) The term of office of members of the committee is three years; except that the members appointed pursuant to subsections (1)(a)(I) and (1)(a)(V) of this section serve initial two-year terms to ensure staggered terms of office.

(c) Each committee member holds office until his or her term of office expires or until a successor is duly appointed. If a vacancy occurs on the board, the appointing authorities shall appoint a new member meeting the qualifications of the member vacating the position to serve the remainder of the unexpired term of the member.

(d) Members of the committee shall serve without compensation but are entitled to reimbursement for actual and necessary travel and subsistence expenses incurred in the performance of their official duties as members of the committee.

(2) The committee shall provide advice to the commissioner, review proposed rules, and recommend new rules or changes to existing rules.

(3) Repealed by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 3, eff. Sept. 14, 2020.

(4) The committee shall meet at least once a year.

#### **Credits**

Relocated and amended by [Laws 2013, Ch. 342, § 1](#), eff. May 28, 2013. Amended by [Laws 2014, Ch. 315, § 3](#), eff. May 31, 2014; [Laws 2015, Ch. 280, § 2](#), eff. Aug. 5, 2015; [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 3, eff. Sept. 14, 2020.

#### **Editors' Notes**

#### **REPEAL**

<For repeal of this section, see [§ 35-61-109](#).>

C. R. S. A. § 35-61-103, CO ST § 35-61-103

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C.R.S.A. § 35-61-104

§ 35-61-104. Registration--cultivation of industrial hemp--  
research and development growth--hemp management plan--rules

Effective: September 14, 2020

[Currentness](#)

(1)(a) A person wishing to engage in industrial hemp cultivation shall apply to the department for a registration in a form and manner determined by the commissioner prior to planting the industrial hemp. The application must include the name and address of the applicant and all key participants 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. 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.

(b) Repealed by [Laws 2019, Ch. 350 \(S.B. 19-220\)](#), § 3, eff. May 29, 2019.

(c) With the submission of an application for registration, each key participant shall submit a complete set of fingerprints to the Colorado bureau of investigation or the department for the purpose of conducting fingerprint-based criminal history record checks. If received by the department, the department shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting a fingerprint-based criminal history record check. Upon completion of the criminal history record check, the bureau shall forward the results to the commissioner. The department may acquire a name-based criminal history record check for a key participant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. The commissioner shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether a key participant is qualified to be registered. The key participant shall pay the costs associated with the fingerprint-based criminal history record check.

(2) If a person applies for registration in accordance with subsection (1) of this section and the commissioner determines that the person has satisfied the requirements for registration pursuant to this article 61, the commissioner may issue a registration to the person.

(3)(a) A registration issued pursuant to this section is valid for one year from the date of its issuance.

(b) To continue engaging in industrial hemp cultivation or research and development growth operations in this state after a registration's expiration, a registrant must apply for renewal of its registration in accordance with rules adopted by the commissioner setting forth application renewal and review processes and setting a registration renewal fee.



(4) If the registrant wishes to alter the land area on which the registrant will conduct industrial hemp cultivation or research and development growth operations, before altering the area, the registrant shall submit to the department an updated legal description, global positioning system location, and map specifying the proposed alterations.

(5) The commissioner shall adopt rules as necessary to implement and administer this article 61.

(6) The commissioner or the commissioner's designee shall submit a hemp management plan in accordance with the requirements and timelines prescribed by the secretary of the United States department of agriculture pursuant to the "Agriculture Improvement Act of 2018", Pub.L. 115-334, as amended, for approval by the secretary.

(7) Except as otherwise prohibited by law, the commissioner may establish separate registration and waiver requirements for research and development cultivation of industrial hemp.

#### **Credits**

Added by Laws 2013, Ch. 342, § 1, eff. May 28, 2013. Amended by Laws 2014, Ch. 315, § 4, eff. May 31, 2014; Laws 2017, Ch. 79, § 2, eff. March 23, 2017; Laws 2019, Ch. 350 (S.B. 19-220), § 3, eff. May 29, 2019; Laws 2020, Ch. 194 (S.B. 20-197), § 4, eff. Sept. 14, 2020.

#### **Editors' Notes**

#### **REPEAL**

<For repeal of this section, see § 35-61-109.>

C. R. S. A. § 35-61-104, CO ST § 35-61-104

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 35-61-104.5. Repealed by Laws 2020, Ch. 194 (S.B. 20-197), § 5, eff. Sept. 14, 2020

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C.R.S.A. § 35-61-104.5

§ 35-61-104.5. Repealed by Laws 2020, Ch. 194 (S.B. 20-197), § 5, eff. Sept. 14, 2020

Effective: September 14, 2020

[Currentness](#)

C. R. S. A. § 35-61-104.5, CO ST § 35-61-104.5

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C.R.S.A. § 35-61-105

§ 35-61-105. Report of growth and sales activities--verification  
of crop content--testing--waiver of concentration limits--rules

Effective: September 14, 2020

Currentness

(1) At least annually and more often as required by the commissioner, a person who obtains a registration under this article 61 to engage in industrial hemp cultivation shall file with the department a report that includes the following information:

(a) Prior to planting, a verification that the crop the registrant will plant is of a type and variety of hemp that will produce a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry-weight basis; and

(b) Repealed by [Laws 2019, Ch. 350 \(S.B. 19-220\)](#), § 5, eff. May 29, 2019.

(c) Any other information required by the commissioner by rule.

(2) The commissioner, in consultation with the committee, shall adopt rules to establish an inspection program to determine THC concentration. The rules must also establish a process by which a registrant may apply to the commissioner for a waiver from the THC concentration limits above the acceptable hemp THC limit.

**Credits**

Added by [Laws 2013, Ch. 342, § 1](#), eff. May 28, 2013. Amended by [Laws 2017, Ch. 37, § 1](#), eff. Aug. 9, 2017; [Laws 2019, Ch. 350 \(S.B. 19-220\)](#), § 5, eff. May 29, 2019; [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 6, eff. Sept. 14, 2020.

**Editors' Notes**

**REPEAL**

<For repeal of this section, see [§ 35-61-109](#).>

C. R. S. A. § 35-61-105, CO ST § 35-61-105

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C.R.S.A. § 35-61-105.5

§ 35-61-105.5. Authorized samplers--lot sampling--testing laboratories

Effective: September 14, 2020

[Currentness](#)

- (1) The commissioner shall establish a registration and certification program for authorized samplers.
  
- (2)(a) The commissioner shall develop hemp sampling and testing procedures to sample and test one hundred percent of the hemp lots planted each year. Each registered land area, including each lot within a registered land area, must be inspected and sampled to ensure compliance with all requirements of this article 61 and to determine the total THC content.
  
- (b) An authorized sampler, or employee of the department, shall collect samples of flower material from all lots grown on the registered land area.
  
- (c) A registrant shall not harvest the hemp crop prior to samples being collected.
  
- (d) An authorized sampler shall submit collected samples to a state certified industrial hemp testing laboratory.

**Credits**

Added by Laws 2015, Ch. 280, § 4, eff. Aug. 5, 2015. Amended by Laws 2018, Ch. 55, § 22, eff. Oct. 1, 2018; Laws 2019, Ch. 315 (S.B. 19-224), § 30, eff. Jan. 1, 2020; Laws 2020, Ch. 194 (S.B. 20-197), § 7, eff. Sept. 14, 2020.

C. R. S. A. § 35-61-105.5, CO ST § 35-61-105.5

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C.R.S.A. § 35-61-106  
Formerly cited as CO ST § 25-18.7-104

§ 35-61-106. Industrial hemp registration program cash fund--industrial hemp research grant fund--fees

Effective: September 14, 2020

[Currentness](#)

(1) There is hereby created in the state treasury the industrial hemp registration program cash fund, referred to in this article as the “fund”. The fund consists of fees collected by the commissioner pursuant to subsection (2) of this section and any general fund moneys appropriated to the fund by the general assembly. The moneys in the fund are subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with implementing this article.

(2) The commissioner shall collect a fee from persons applying for a registration pursuant to this article 61 based on a fee schedule determined by the commissioner. The commissioner shall set the fee schedule at a level sufficient to generate the amount of money necessary to cover the department's direct and indirect costs in implementing this article 61. The commissioner may also collect any fees necessary to cover the cost of inspection and compliance sampling and testing. The commissioner shall transmit the fees collected pursuant to this section to the state treasurer for deposit in the fund.

(3) There is hereby created in the state treasury the industrial hemp research grant fund. The fund consists of:

(a) Repealed by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 8, eff. Sept. 14, 2020.

(b) Any moneys from foundations, private individuals, or any other funding sources that can be used to expand the scope or time frame of any hemp research authorized pursuant to this article;

(c) On and after July 1, 2015, up to ten million dollars from the marijuana tax cash fund created in [section 39-28.8-501, C.R.S.](#), as enacted by Senate Bill 14-215. The moneys in the fund are subject to annual appropriations by the general assembly to the department to establish and administer an industrial hemp research grant program and to conduct hemp research.

#### Credits

Relocated and amended by [Laws 2013, Ch. 342, § 1, eff. May 28, 2013](#). Amended by [Laws 2014, Ch. 315, § 6, eff. May 31, 2014](#); [Laws 2015, Ch. 280, § 5, eff. Aug. 5, 2015](#); [Laws 2018, Ch. 263, § 4, eff. Aug. 8, 2018](#); [Laws 2020, Ch. 194 \(S.B. 20-197\), § 8, eff. Sept. 14, 2020](#).

**Editors' Notes**

**REPEAL**

<For repeal of this section, see [§ 35-61-109](#).>

C. R. S. A. § 35-61-106, CO ST § 35-61-106

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C.R.S.A. § 35-61-107

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

Effective: September 14, 2020

[Currentness](#)

- (1) The commissioner may deny, revoke, or suspend a registration if the applicant or registrant:
- (a) Violates any provision of this article or rules adopted pursuant to this article;
  - (b) Engages in fraud or deception in the procurement of or attempt to procure a registration under this article or provides false information on a registration application; or
  - (c) Fails to comply with any lawful order of the commissioner.
- (2) The commissioner may impose a civil penalty, not to exceed two thousand five hundred dollars per violation, on any person who violates this article or any rule adopted under this article.
- (3) The commissioner shall not impose a penalty against a person alleged to have violated this article or a rule adopted under this article until the commissioner has notified the person of the charge and has given the person an opportunity for a hearing pursuant to article 4 of title 24, C.R.S.
- (4) If the commissioner is unable to collect a civil penalty or if a person fails to pay all or a portion of a civil penalty imposed pursuant to this section, the commissioner may bring an action in a court of competent jurisdiction to recover the civil penalty plus attorney fees and costs.
- (5) Cannabis plants exceeding the acceptable hemp THC level must be disposed of in accordance with rules established by the commissioner.
- (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 or any key participant 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 or any key participant 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 or key participant in an entity that was subjected to discipline under this article 61.

(7) If a person's registration, including any key participant to the 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.

#### **Credits**

Added by Laws 2013, Ch. 342, § 1, eff. May 28, 2013. Amended by Laws 2014, Ch. 315, § 7, eff. May 31, 2014; Laws 2017, Ch. 79, § 3, eff. March 23, 2017; Laws 2020, Ch. 194 (S.B. 20-197), § 9, eff. Sept. 14, 2020.

#### **Editors' Notes**

### **REPEAL**

<For repeal of this section, see [§ 35-61-109](#).>

C. R. S. A. § 35-61-107, CO ST § 35-61-107

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C.R.S.A. § 35-61-108

§ 35-61-108. Exportation of industrial hemp--processing, sale, manufacturing, and distribution--rules

Effective: June 29, 2020

Currentness

(1) Nothing in this article 61 limits or precludes the exportation of industrial hemp in accordance with the federal “Controlled Substances Act”, as amended, [21 U.S.C. sec. 801 et seq.](#), federal regulations adopted under the act, and case law interpreting the act.

(2) The conduct authorized under this section is intended to be consistent with federal law.

(3) Notwithstanding any other provision of law, a person engaged in processing, manufacturing, selling, transporting, possessing, or otherwise distributing industrial hemp cultivated by a person registered under this article 61, or selling industrial hemp products produced from it, is not subject to any civil or criminal actions under Colorado law for engaging in such activities. The department may promulgate rules to require approved shipping documentation for the transportation of hemp.

(4)(a) Because the unprocessed seeds of industrial hemp are included in the definition of “commodity” pursuant to section 35-36-102(7) of the “Commodity Handler and Farm Products Act”, part 1 of article 36 of this title 35, a person acting as a commodity handler, as that term is defined in [section 35-36-102\(8\)](#), with respect to the unprocessed seeds of industrial hemp, shall comply with the licensing requirements set forth in part 2 of article 36 of this title 35 and any rules promulgated pursuant to article 36 of this title 35.

(b) Because industrial hemp is included in the definition of “farm products” pursuant to section 35-36-102(14) of the “Commodity Handler and Farm Products Act”, article 36 of this title 35, a person acting as a dealer, small-volume dealer, or agent, as those terms are defined in [section 35-36-102](#), with respect to industrial hemp, shall comply with the licensing requirements set forth in part 3 of article 36 of this title 35 and any rules promulgated pursuant to article 36 of this title 35.

**Credits**

Added by [Laws 2013, Ch. 342, § 1, eff. May 28, 2013](#). Amended by [Laws 2014, Ch. 315, § 8, eff. May 31, 2014](#); [Laws 2015, Ch. 280, § 6, eff. Aug. 5, 2015](#); [Laws 2018, Ch. 263, § 3, eff. Aug. 8, 2018](#); [Laws 2020, Ch. 160 \(H.B. 20-1213\), § 11, eff. June 29, 2020](#).

**Editors' Notes**

**REPEAL**

<For repeal of this section, see § 35-61-109.>

C. R. S. A. § 35-61-108, CO ST § 35-61-108

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 35-61-108.5. Repealed by Laws 2018, Ch. 302, § 1, eff. July 1, 2019

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C.R.S.A. § 35-61-108.5

§ 35-61-108.5. Repealed by Laws 2018, Ch. 302, § 1, eff. July 1, 2019

Effective: July 1, 2019

[Currentness](#)

C. R. S. A. § 35-61-108.5, CO ST § 35-61-108.5

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 35-61-109. Repealed by Laws 2019, Ch. 350 (S.B. 19-220), § 6, eff. May 29, 2019

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C.R.S.A. § 35-61-109

§ 35-61-109. Repealed by Laws 2019, Ch. 350 (S.B. 19-220), § 6, eff. May 29, 2019

Effective: May 29, 2019

[Currentness](#)

C. R. S. A. § 35-61-109, CO ST § 35-61-109

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C.R.S.A. § 35-61-110

§ 35-61-110. Record-keeping requirements

Effective: September 14, 2020

[Currentness](#)

(1) Each registrant shall maintain records of all hemp plant lots acquired, produced, handled, or disposed of in the form and manner designated by the commissioner. The producer shall retain the records for three years.

(2) The commissioner may request all reports and records required as part of registration, including confidential data or business information including but not limited to information constituting trade secrets or disclosing a trade position, financial condition, or business operations. The commissioner after receipt shall keep the reports and records in the commissioner's custody or control. Confidential business information may be shared with applicable federal, state, or local law enforcement in compliance with this article 61.

(3)(a) The commissioner may deny access to personal information about persons involved with the cultivation of industrial hemp if the commissioner reasonably believes dissemination of such information will cause harm to such persons.

(b) On the grounds that disclosure would be contrary to the public interest, the commissioner may deny access to the following:

(I) Specific operational details of industrial hemp operations that constitute confidential commercial data pursuant to [section 24-72-204](#). Such operational details include:

(A) Ownership, numbers, field locations, and movements of crops;

(B) Financial information;

(C) The purchase and sale of crops;

(D) Account numbers or unique identifiers issued by government or private entities; and

(E) Operational protocols.

(II) Information related to confidential business information that:

(A) Would identify a person or field location; or

(B) Contains confidential data, including records of ongoing investigations that pertain to industrial hemp cultivation; except that records of investigations must not be withheld if the investigation has concluded and the person being investigated is found by the commissioner to have violated any provision of this article 61 that pertains to industrial hemp.

(4) If the commissioner denies access to information pursuant to subsection (3)(a) or (3)(b) of this section, the commissioner shall redact the confidential information and make the remaining portions of the record available for disclosure. If the commissioner is unable to redact the record within the time limits established in [section 24-72-203\(3\)](#), the time limits are waived and the commissioner shall redact the information and provide the redacted record as soon as is practicable.

(5) Nothing in this article 61 authorizes the commissioner to obtain information not otherwise permitted by law.

(6) Nothing in this article 61:

(a) Precludes a person in interest from accessing his or her own information;

(b) Prevents the commissioner from releasing biological industrial hemp samples to an authorized external entity for scientific testing, so long as the testing entity agrees to maintain the confidentiality of the information it receives;

(c) Prevents the commissioner from disclosing information that is otherwise permitted or required to be disclosed; or

(d) Applies when the commissioner determines that disclosure of industrial hemp cultivation information is necessary to prevent or address an immediate threat to the health and safety of a person or animal.

(7) When disclosing information pursuant to subsection (6)(d) of this section, the commissioner shall release only as much information as is necessary to address the situation.

#### **Credits**

Added by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 10, eff. Sept. 14, 2020.

C. R. S. A. § 35-61-110, CO ST § 35-61-110

Current through legislation effective September 7, 2021 of the First Regular Session of the 73rd General Assembly (2021). Some statute sections may be more current. See credits for details.

West's Colorado Revised Statutes Annotated  
Title 35. Agriculture  
Agricultural Products--Standards and Regulations--Continued  
Article 61. Industrial Hemp Regulatory Program (Refs & Annos)

C.R.S.A. § 35-61-110.3

§ 35-61-110.3. Cross-pollination--working group--reporting--repeal

Effective: September 7, 2021

[Currentness](#)

(1) On or before November 1, 2021, the commissioner, in collaboration with the state licensing authority, the governor's deputy legal counsel, and the governor's special advisor on cannabis, shall work with a working group convened to study and recommend options for minimizing cross-pollination between cannabis plants, including:

(a) How to minimize volunteer cannabis plants growing on areas of land that are not registered outdoor hemp cultivations or licensed outdoor marijuana cultivations, regardless of whether the property was previously registered or licensed;

(b) How best to share data and the proximity between the locations of registered outdoor hemp cultivations, licensed outdoor marijuana cultivations, and the properties of applicants for registered outdoor hemp cultivations or licensed outdoor marijuana cultivations, including information for each outdoor cultivation regarding:

(I) The potential for cross-pollination between the outdoor cultivation and other outdoor cultivations or areas of land with volunteer cannabis plants; and

(II) Property size;

(c) The best practices for preventing cross-pollination including:

(I) An examination of the standards developed by agricultural organizations with expertise in industry-wide standards and practices;

(II) Recommendations from subject-matter experts; and

(III) If available, a review of practices developed by the hemp center of excellence; and

(d) The feasibility of conducting and financing field studies to examine cross-pollination between outdoor cultivations and areas of land with volunteer cannabis plants.

(2) In convening the working group, the appointing authorities should strive to include representation of a diverse cross-section of members. Members of the working group shall be appointed on or before October 15, 2021, as follows:

(a) The chairs of the house agriculture, livestock, and water committee and the senate agriculture and natural resources committee or their successor committees shall jointly appoint:

(I) Two members from affected licensed marijuana cultivation businesses in the state;

(II) One geneticist with expertise in cannabis breeding;

(III) One scientist or agronomist with expertise in cross-pollination;

(IV) Two members from software companies that service the agricultural industry;

(V) Two members from businesses in the state with experience growing hemp from feminized seeds or clones primarily for cannabinoid production;

(VI) Two members representing companies with expertise in agricultural surveying;

(VII) Two members from businesses in the state with experience in the development of seed that is certified by the Association of Official Seed Certifying Agencies; and

(VIII) Two members from businesses in the state with experience in growing hemp grain and fiber varieties; and

(b) The state licensing authority shall appoint four members as follows:

(I) Two each with expertise in licensed marijuana cultivation regulations; and

(II) Two each representing a licensed marijuana outdoor cultivation business with expertise in cannabis genetics.

(3) The working group's recommendations must not include mandates on the type, location, or timing of any crop planting; however, this will not limit the ability of property owners to enter into voluntary agreements.

(4) On or before November 1, 2022, the working group shall submit a report of its findings and recommendations to the house of representatives agriculture, livestock, and water committee and the senate agriculture and natural resources committee, or their successor committees. The department and the state licensing authority shall post the report on their public websites.

(5) This section is repealed, effective January 1, 2023.



**Credits**

Added by Laws 2021, (H.B. 21-1301), § 2, eff. Sept. 7, 2021.

C. R. S. A. § 35-61-110.3, CO ST § 35-61-110.3

Current through legislation effective September 7, 2021 of the First Regular Session of the 73rd General Assembly (2021).  
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Article 61. Industrial Hemp Regulatory Program (Refs & Annos)

C.R.S.A. § 35-61-111

§ 35-61-111. Unlawful acts

Effective: September 14, 2020

[Currentness](#)

- (1) Unless otherwise authorized by law, it is unlawful and a violation of this article 61 for any person to:
- (a) Cultivate hemp without having a valid registration from the department;
  - (b) Harvest the industrial hemp crop in excess of the time allowed by the commissioner after sampling by an authorized sampler;
  - (c) Refuse to comply with a cease-and-desist order issued pursuant to [section 35-61-107](#);
  - (d) Refuse or fail to comply with the provisions of this article 61;
  - (e) Make false, misleading, deceptive, or fraudulent representations;
  - (f) Impersonate any state, county, city and county, or municipal official or inspector; or
  - (g) Refuse or fail to comply with any rules adopted by the commissioner pursuant to this article 61 or to any lawful order issued by the commissioner.
- (2) Notwithstanding any provision of law to the contrary, no person is subject to criminal prosecution for:
- (a) Failure to provide a legal description of the land on which the producer produces hemp;
  - (b) Failure to obtain a registration pursuant to this article 61 for the production of industrial hemp; or
  - (c) Producing cannabis with a THC level above three-tenths of one percent but below one percent as determined by the commissioner through rule.

**Credits**

Added by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 10, eff. Sept. 14, 2020.

C. R. S. A. § 35-61-111, CO ST § 35-61-111

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Article 61. Industrial Hemp Regulatory Program (Refs & Annos)

C.R.S.A. § 35-61-112

§ 35-61-112. Civil penalties

Effective: September 14, 2020

[Currentness](#)

(1)(a) Any person who violates any provision of this article 61 or any rule adopted pursuant to this article 61 is subject to a civil penalty, as determined by the commissioner.

(b) Before imposing any civil penalty, the commissioner shall consider the severity of the violation, the amount of harm caused by such a violation, the presence or absence of a pattern of similar violations by the registrant, the effect of the proposed penalty on the ability of the registrant to continue to conduct business, and any other factors deemed to be relevant.

(c) The maximum penalty imposed by the commissioner must not exceed two thousand dollars per violation per day.

(2) The commissioner shall not impose any penalty unless the person charged is given notice and an opportunity for a hearing pursuant to article 4 of title 24.

(3) The department shall transmit any civil penalties or fines collected pursuant to this article 61 to the state treasurer, who shall credit them to the industrial hemp registration program cash fund created pursuant to [section 35-61-106](#).

**Credits**

Added by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 10, eff. Sept. 14, 2020.

C. R. S. A. § 35-61-112, CO ST § 35-61-112

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C.R.S.A. § 35-61-113

§ 35-61-113. Powers and duties of commissioner--rules

Effective: September 14, 2020

[Currentness](#)

- (1) The commissioner may administer and enforce the provisions of this article 61 and any rules adopted pursuant thereto.
- (2) The commissioner may adopt all reasonable rules for the administration and enforcement of this article 61, including but not limited to:
  - (a) Minimum standards of the acceptable hemp THC level;
  - (b) Maintenance of records concerning all hemp plant lots acquired, produced, handled, or disposed of; and
  - (c) Establishment of qualifications for authorized samplers.
- (3) The commissioner may establish the annual date or dates on which registrations issued pursuant to this article 61 expire.
- (4) The commissioner may enter into cooperative agreements with any agency or political subdivision of this state or with any agency of the United States government for the purpose of carrying out the provisions of this article 61, receiving grants-in-aid, and securing uniformity of rules.
- (5) The powers and duties vested in the commissioner by this article 61 may be delegated to qualified employees of the department.

**Credits**

Added by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 10, eff. Sept. 14, 2020.

C. R. S. A. § 35-61-113, CO ST § 35-61-113

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C.R.S.A. § 35-61-114

§ 35-61-114. Inspections--investigations--access--subpoenas

Effective: September 14, 2020

[Currentness](#)

(1) The commissioner, upon his or her own motion or upon the complaint of any person, may make any investigations necessary to ensure compliance with this article 61.

(2) Complaints of record and the results of the investigations may, in the discretion of the commissioner, be closed to public inspection, except to the person in interest, as defined in [section 24-72-202\(4\)](#).

(3) At any reasonable time during regular business hours, the commissioner must be provided free and unimpeded access upon consent or upon obtaining an administrative search warrant to:

(a) Those portions of all buildings, fields, and other areas in which any industrial hemp lots are handled for the purpose of carrying out any provision of this article 61 or any rule promulgated pursuant to this article 61; and

(b) All records required to be kept, and the commissioner may make copies of such records for the purpose of carrying out any provision of this article 61 or any rule promulgated pursuant to this article 61.

(4)(a) Whenever the commissioner has reasonable cause to believe a violation of any provision of this article 61 or any rule made pursuant to this article 61 has occurred and immediate enforcement is deemed necessary, the commissioner may issue a cease-and-desist order, which may require any person to cease violating any provision of this article 61 or any rule made pursuant to this article 61. The cease-and-desist order must set forth the provision alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that the actions be ceased forthwith.

(b) If any person fails to comply with a cease-and-desist order within twenty-four hours after receipt of the order, the commissioner may bring a suit for a temporary restraining order or injunctive relief to prevent any further or continued violation of such order.

(5) The commissioner has full authority to administer oaths and take statements; to issue administrative subpoenas requiring the attendance of witnesses before the commissioner and for the production of all books, memoranda, papers and other documents, articles, or instruments; and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. Upon the failure or refusal of any witness to obey an administrative subpoena, the commissioner may petition the

district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court is punishable as contempt of court.

**Credits**

Added by [Laws 2020, Ch. 194 \(S.B. 20-197\)](#), § 10, eff. Sept. 14, 2020.

C. R. S. A. § 35-61-114, CO ST § 35-61-114

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