

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0485.01 Kristen Forrestal x4217

HOUSE BILL 12-1099

HOUSE SPONSORSHIP

McKinley, Sonnenberg

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF AN INDUSTRIAL HEMP
102 REMEDIATION PILOT PROGRAM TO STUDY PHYTOREMEDIATION
103 THROUGH THE GROWTH OF HEMP ON CONTAMINATED SOIL.

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://www.leg.state.co.us/billsummaries>.)

The chair of the agriculture, livestock, and natural resources committee in the house of representatives and the chair of the agriculture, natural resources, and energy committee in the senate will appoint 7 members to the industrial hemp remediation pilot program committee

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.

1 SOILS AND WATER MAKING SOILS MORE CONDUCTIVE TO CROP PRODUCTION
2 THROUGH THE GROWTH OF INDUSTRIAL HEMP.

3 (5) "TETRAHYDROCANNABINOLS" HAS THE SAME MEANING SET
4 FORTH IN SECTION 12-22-303, C.R.S.

5 **35-73-102. Industrial hemp - permitted growth.** (1) GROWING
6 AND POSSESSING INDUSTRIAL HEMP FOR THE PURPOSES OF THIS ARTICLE IS
7 PERMITTED IN THIS STATE.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
9 INDIVIDUAL IS NOT SUBJECT TO ANY CIVIL OR CRIMINAL ACTIONS FOR
10 GROWING INDUSTRIAL HEMP OR OTHERWISE PARTICIPATING IN THE
11 INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM IF THE INDIVIDUAL'S
12 ACTIONS ARE IN COMPLIANCE WITH THE PILOT PROGRAM ESTABLISHED IN
13 THIS ARTICLE.

14 **35-73-103. Industrial hemp remediation pilot program**
15 **committee - appointments - duties.** (1) THE CHAIR OF THE
16 AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE IN THE
17 HOUSE OF REPRESENTATIVES AND THE CHAIR OF THE AGRICULTURE,
18 NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE SENATE SHALL
19 JOINTLY APPOINT SEVEN MEMBERS TO THE INDUSTRIAL HEMP REMEDIATION
20 PILOT PROGRAM COMMITTEE, WHICH IS HEREBY ESTABLISHED. THE CHAIR
21 SHALL APPOINT THE FOLLOWING PERSONS TO THE COMMITTEE:

22 (a) ONE SOIL EXPERT EMPLOYED BY A COLORADO UNIVERSITY OR
23 COLLEGE;

24 (b) ONE PERSON SPECIALIZING IN LEACHING AND DETECTION OF
25 RADIOACTIVE MATERIAL;

26 (c) ONE EXPERT IN PHYTOCHEMISTRY;

27 (d) ONE HORTICULTURIST; AND

1 (e) THREE COLORADO RESIDENTS EDUCATED AND INTERESTED IN
2 THE SPECIALIZED USE OF INDUSTRIAL HEMP.

3 (2) (a) THE COMMITTEE SHALL ESTABLISH AN INDUSTRIAL HEMP
4 REMEDIATION PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE
5 "PILOT PROGRAM", IN ORDER TO DETERMINE HOW SOILS AND WATER MAY
6 BE MADE MORE PRISTINE AND HEALTHY BY PHYTOREMEDIATION, REMOVAL
7 OF CONTAMINANTS, AND REJUVENATION THROUGH THE GROWTH OF
8 INDUSTRIAL HEMP. THE COMMITTEE SHALL CHOOSE ONE TO THREE
9 CONTAMINATED SITES OF NOT MORE THAN FIVE HUNDRED ACRES FOR THE
10 PILOT PROGRAM.

11 (b) THE PLANTING OF INDUSTRIAL HEMP IS PROHIBITED UNTIL THE
12 COMMISSIONER APPROVES THE FOLLOWING:

13 (I) THE LOCATION OR LOCATIONS OF THE SITE CHOSEN BY THE
14 COMMITTEE FOR THE PILOT PROGRAM;

15 (II) THE SECURITY SYSTEM IN PLACE AT THE LOCATION OF THE
16 PILOT PROGRAM; AND

17 (III) A PLAN TO CLEAN UP THE LOCATION OF THE PILOT PROGRAM
18 AT THE CONCLUSION OF THE PILOT PROGRAM SO THAT THE SOIL AND WATER
19 DO NOT POSE A THREAT TO THE PUBLIC HEALTH AND WELFARE.

20 (c) THE COMMITTEE SHALL STUDY AND INCLUDE IN A FINAL REPORT
21 TO THE COMMISSIONER THE FOLLOWING COMPONENTS AS PART OF THE
22 PILOT PROGRAM:

23 (I) THE RATE OF CONTAMINATION UPTAKE FROM SOIL AND WATER;

24 (II) THE MODE OF EFFICIENT UPTAKE FROM SOIL AND WATER;

25 (III) THE RATE OF CARBON FIXATION IN THE CALVIN CYCLE;

26 (IV) THE LOCATION OF CARBON FIX CONTAMINATE FIXATION IN THE
27 ROOTS, STEMS, LEAVES, AND FLOWERS OF THE PLANTS;

- 1 (V) WHAT CONTAMINANTS ARE STABILIZED IN THE PLANTS;
2 (VI) WHAT CONTAMINANTS ON THE SITE NEED ADDITIONAL
3 TREATMENT IN ORDER TO MAKE THE SOIL OR WATER HEALTHY AND
4 PRISTINE;
5 (VII) WHAT DISPOSAL METHOD IS BEST FOR THE DIFFERENT
6 CONTAMINANTS, INCLUDING PETRIFICATION, ENCASEMENT, INCINERATION,
7 BURIAL, AND COMPOSTING;
8 (VIII) HOW THE PLANT PERFORMS THROUGH A GAUSSIAN
9 DISTRIBUTION OF WATER AT SPECIFIC LATITUDES;
10 (IX) SET A BASELINE FOR THE PLANTS CULTIVATED IN A CLEAN SOIL
11 TO SET A STANDARD; AND
12 (X) OTHER DATA DEEMED IMPORTANT TO THE PILOT PROGRAM.

13 (d) THE COMMITTEE SHALL SUBMIT A REPORT TO THE
14 COMMISSIONER NO LATER THAN SIX MONTHS AFTER THE CONCLUSION OF
15 THE PILOT PROGRAM THAT OUTLINES THE FINDINGS OF THE COMMITTEE.

16 **35-73-104. Gifts, grants, and donations - authority to accept -**
17 **notice of funding through gifts, grants, and donations - repeal.**

18 (1) THE COMMITTEE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS,
19 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
20 THIS ARTICLE; EXCEPT THAT THE COMMITTEE MAY NOT ACCEPT A GIFT,
21 GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE
22 INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE
23 COMMITTEE SHALL DEPOSIT ALL MONEYS RECEIVED IN A BANKING
24 INSTITUTION WITHIN OR OUTSIDE THE STATE. MONEYS FROM THE GENERAL
25 FUND SHALL NOT BE USED FOR THE IMPLEMENTATION OF THIS ARTICLE. THE
26 BANKING INSTITUTION MUST BE INSURED BY THE FEDERAL DEPOSIT
27 INSURANCE CORPORATION AND ADHERE TO THE REQUIREMENTS OF THE

1 "PUBLIC DEPOSIT PROTECTION ACT", ARTICLE 10.5 OF TITLE 11, C.R.S., OR
2 THE "SAVINGS AND LOAN ASSOCIATION PUBLIC DEPOSIT PROTECTION
3 ACT", ARTICLE 47 OF TITLE 11, C.R.S.

4 (2) (a) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
5 THE COMMITTEE SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT
6 HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR
7 DONATIONS FOR THE INDUSTRIAL HEMP REMEDIATION PILOT PROGRAM AND
8 SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN
9 SECTION 24-75-1303 (3), C.R.S.

10 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2015.

11 **35-73-105. Repeal of article.** THIS ARTICLE IS REPEALED,
12 EFFECTIVE JULY 1, 2022.

13 **SECTION 2. Effective date.** This act takes effect July 1, 2012.

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