

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 17-0845.01 Jennifer Berman x3286

**SENATE BILL 17-117**

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**Catlin and Valdez,**

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**Senate Committees**

Agriculture, Natural Resources, & Energy

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CONFIRMATION THAT INDUSTRIAL HEMP IS A**  
102            **RECOGNIZED AGRICULTURAL PRODUCT FOR WHICH A PERSON**  
103            **WITH A WATER RIGHT DECREED FOR AGRICULTURAL USE MAY**  
104            **USE THE WATER SUBJECT TO THE WATER RIGHT FOR INDUSTRIAL**  
105            **HEMP CULTIVATION.**

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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>.)*

In Colorado, water subject to a water right may be used for the purpose for which the water is decreed. The bill confirms that a person

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.*

SENATE  
3rd Reading Unamended  
March 22, 2017

SENATE  
Amended 2nd Reading  
March 21, 2017

with an absolute or conditional water right decreed for agricultural use may use the water subject to the water right for the growth or cultivation of industrial hemp if the person is registered by the department of agriculture to grow industrial hemp for commercial or research and development purposes.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) In Colorado, industrial hemp is a recognized agricultural  
5 product pursuant to article 61 of title 35, Colorado Revised Statutes;

6 (b) Even federal law recognizes the importance of industrial hemp  
7 for agricultural purposes by authorizing the use of industrial hemp for  
8 agricultural research purposes in section 7606 of the "Agricultural Act of  
9 2014", Pub.L. 113-79, also referred to as the "2014 U.S. Farm Bill";

10 (c) Section 763 of the Omnibus Appropriations Act of 2016, Pub.  
11 L. 114-113, provides: "None of the funds made available by this act or  
12 any other act may be used ... to prohibit the transportation, processing,  
13 sale, or use of industrial hemp";

14 (d) As stated in Colorado's Water Plan, protecting the beneficial  
15 use of water for agricultural production is one of Colorado's core water  
16 values;

17 (e) Given the importance of protecting water use for agricultural  
18 production in Colorado and the inclusion of industrial hemp as a valued  
19 agricultural product, it should be recognized that an owner of an  
20 agricultural water right shall not be denied use of his or her water right if  
21 the water subject to the agricultural water right is used for industrial hemp  
22 growth or cultivation.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 37-92-311 as

1 follows:

2 **37-92-311. Industrial hemp cultivation allowed under an**  
3 **agricultural water right - definition.** (1) AS USED IN THIS SECTION,  
4 UNLESS THE CONTEXT OTHERWISE REQUIRES, "INDUSTRIAL HEMP" HAS THE  
5 MEANING SET FORTH IN SECTION 35-61-101 (7).

6 (2) A PERSON WITH AN ABSOLUTE OR CONDITIONAL WATER RIGHT  
7 DECREED FOR AGRICULTURAL USE MAY USE THE WATER SUBJECT TO THE  
8 AGRICULTURAL WATER RIGHT FOR ANY PRODUCT AUTHORIZED FOR  
9 GROWTH AND CULTIVATION BY TITLE 35.

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