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## Amendment X Industrial Hemp Definition

*(This measure requires at least 55 percent of the vote to pass.)*

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### ANALYSIS

#### Amendment X proposes amending the Colorado Constitution to:

- ◆ remove the definition of "industrial hemp" from the Colorado constitution and, instead, use the definition in federal law or state statute.

#### Summary and Analysis

**Background.** Amendment 64, which legalized the recreational use of marijuana in Colorado in 2012, added a definition of "industrial hemp" to the Colorado Constitution. The definition states that industrial hemp is "the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol [THC] concentration that does not exceed three-tenths [0.3] percent on a dry weight basis." The definition of industrial hemp in federal law sets the same limit for THC concentration.

**Impact of the measure.** Amendment X removes the definition of industrial hemp from the state constitution and gives the term the same meaning as in federal law or state statute. In the event that federal law changes, Colorado would maintain compliance with federal regulation.

**What is industrial hemp?** Industrial hemp (commonly referred to as "hemp") is an agricultural commodity that belongs to the cannabis family. Industrial hemp is not marijuana. Cultivated hemp has trace amounts of delta-9 tetrahydrocannabinol (THC), typically around 0.3 percent. Industrial hemp's applications include building material, food, fuel, medicine, paper, plastic substitute, rope, and textiles.

**Industrial hemp and federal law.** Under current federal law, all cannabis varieties including industrial hemp, are classified as controlled substances regulated by the federal Drug Enforcement Agency in the U.S. Department of Justice. The U.S. Congress currently has legislation pending regarding industrial hemp.

**Industrial hemp industry in Colorado.** As of June 1, 2018, there are 688 registered hemp growers in Colorado cultivating 23,500 outdoor acres and 3.9 million indoor square feet of industrial hemp.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2018**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: <http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>*

#### Argument For

- 1) Colorado is the leading producer of industrial hemp in the country and the only state with a definition of industrial hemp in its constitution. Striking this definition will allow Colorado's hemp industry to remain competitive with other states as the regulatory landscape evolves for this crop.

#### Argument Against

- 1) Colorado voters added the definition of industrial hemp to the Colorado Constitution through the initiative process. The measure may deviate from the voters' original intent.

#### Estimate of Fiscal Impact

Removing the definition of industrial hemp from the Colorado constitution has no impact on the revenue or expenditures of any state or local government agencies.