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John T. Salazar, Commissioner
Ron P. Carleton, Deputy Commissioner

John Hickenlooper
Governor

Industrial Hemp Advisory Committee Meeting

1:00 p.m. August 14, 2013

Colorado Department of Agriculture
700 Kipling St. Suite 4000
Lakewood, CO 80215

Commissioner's Conference Room

MINUTES

Facilitator: Ron Carleton- Deputy Commissioner

Present:
Colorado Department of Agriculture: Ron Carleton, Mitchell Yergert, Laura Pottorff, Gail Gnirk David Joeris;
Industrial Hemp Advisory committee members: Alfonzo Abeyta, Michael Bowman, Ben Holmes, Chad Pfitzer, Troy Bauder; David Blake; Stan Garnett

Public: Lynda Parker, Erik Hunter, Bill Althouse, Janelle Willis, Craig Lee, Ryan Loflin, Samantha Walsh

Ron Carleton opened the meeting at 1:10 p.m. by welcoming all committee members and guests. He reminded the attendees that the CDA has been tasked by the legislature to develop the rules and regulations for Industrial Hemp for the state of Colorado, and that the group is under a tight timeline. All in attendance then introduced themselves.

Laura Pottorff reviewed the first four sections of the rules in which changes were made based on input from the July meeting, after which discussion on section 5 and 6 occurred.

Part 1, definitions suggested at the previous meeting, were added to for clarification.

Part 2.
Troy Bauder commented that 2.1.6 and 2.3.6 needed to mirror each other by removing the word "exact" in regards to boundaries and dimensions of the growing areas. The sections refer to commercial and research growers respectively.

Part 3. Planned harvest dates under 3.2.2 and 3.4.2 were struck due to differences in varieties. Laura Pottorff said Communication with growers selected for sampling will take place on an individual basis to determine harvest and sampling dates.

Part 4.
4.3.1 was clarified regarding composite samples and the need for sampling to be conducted at the department's discretion. Much discussion ensued around what might happen to the grower if the composite sample tests higher than the 0.3% THC limit. Committee members requested wording be added to allow for the grower to dispose of the product in a way that is less costly to the operation and for there to be some other disposition rather than turning the grower over to law enforcement, and revoking the grower's permit. David Joeris reminded the committee that the state statute focuses on planting through harvest.

David Blake suggested that 4.3.1 be changed to include the growing and storage areas, so that if a producer is drying illegal product for someone else, the CDA could catch it. Laura Pottorff stated that CDA is only testing plants before harvest and does not have jurisdiction after harvest.

Discussion also arose regarding 4.3.2 about how long the CDA is to hold the re-test sample.

Section 4.4 Discussion centered on how to keep costs down. Laura Pottorff said that CDA normally charges $32 - $34/hour for sampling and field inspection. Troy Bauder commented that if a research facility were to test all their different lines of hemp, testing and sampling through CDA could become very costly. A suggestion was made to make certain that growers were not subject to inspections every year. Also mentioned was the possibility of research and development organizations reporting the results of tests they conduct in lieu of sampling and testing by CDA.

Part 5.
There was discussion about what the farmers can or should do if the crop does exceed the legal limit. Mitch Yergert asked what tests are currently being done now on seed sources. Would growers have an idea of THC content prior to purchase of seed. The suggestion was made that perhaps there should be an opportunity for the farmer to salvage the crop for silage or bedding or something that would not result in a total waste of the crop, if it did not leave the property.

There was agreement among committee members; language needs to be crafted that allows for disposal choices if the crop tests between 0.3 and 1%. David Joeris suggested an extension of the waiver that if the crop exceeds 0.3%, that the producer has some number of weeks to destroy it without penalty or revocation of their license. CDA would have to verify destruction of the crop. Ron Carleton invited committee members to submit other options for consideration.

Part 6.0 Violations/Disciplinary Sanctions/Civil Penalties.
David Blake suggested that CDA build in attorney's fees. He also suggested barring certain violators from reregistering for some period.

Discussion of rules concluded after which public comment was heard.

Bill Althouse: Stated that this committee is first to be looking at industrial hemp and it is an honor to be present. He felt that 0.3% THC is an arbitrary number. If followed so strictly it might dampen Colorado's place as a leader.

Lynda Parker: Thanked the committee for allowing input. She stated that language creates perception, and encouraged the committee to communicate anything above 0.3% as 'not in compliance', not as 'marijuana'. There is a big difference between the two.

Craig Lee: Stated that he was yet to witness discussion of 0.3% THC content in Kentucky, but that they will need to address similar issues in his home State. He has been working with Canada and informed the group that the husk around the seed is where the THC is contained. As each state is setting its own rules, perhaps there could be some leeway regarding THC (1%). He suggested testing wild plants growing in the area.

Committee discussion continued. CDA was asked if they knew of wild Cannabis plants within the State. Ron Carleton said CDA does not have that information.

Troy Bauder mentioned that definitions of commercial and R & D need to be flexible and more attention spent with wording of those two entries. The normal progression would be breeder seed to foundation, foundation to development and development to commercial product.

Mitch Yergert stated that the goal is to be done with the rules in September.
Laura Pottorff asked for guidance on testing and labs. Sampling and testing will be dealt with via policy, separate from Rule development.

The meeting ended at 3:03 p.m.