

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0218.01 Richard Sweetman x4333

**HOUSE BILL 14-1037**

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**HOUSE SPONSORSHIP**

**Landgraf**, Gardner, Murray, Stephens

**SENATE SPONSORSHIP**

**Baumgardner**, Aguilar

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ENFORCEMENT OF LAWS AGAINST DESIGNER DRUGS, AND,**  
102 **IN CONNECTION THEREWITH, MAKING AND REDUCING**  
103 **APPROPRIATIONS.**

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

It is unlawful to distribute, dispense, manufacture, or sell any product that is labeled as incense or any other trademark if the product contains any amount of any synthetic cannabinoid. A violation is a deceptive trade practice, and the violator shall be subject to a civil penalty

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.*

of not less than \$10,000 and not more than \$500,000 for each violation. A person shall forfeit and pay to the general fund of the state a civil penalty of not less than \$25,000 and not more than \$500,000 for each violation if the person distributes, dispenses, or sells the product to a minor under the age of 18 and the person is at least 18 years of age and at least 2 years older than the minor.

The statute of limitations shall be tolled while a law enforcement agency awaits the results of a requested laboratory analysis of material, including but not limited to product samples or blood, urine, or saliva samples, to determine whether the material contains any amount of any synthetic cannabinoid.

On or before September 1, 2014, the director of the Colorado bureau of investigation (bureau) shall establish a division within the bureau to address the enforcement of laws prohibiting the possession and distribution of synthetic cannabinoids, cathinones, and other designer drugs. The duties of the division shall include the purchase and maintenance of at least 10 field testing units, which shall be made available by the bureau to law enforcement agencies of the state for the purpose of analyzing and identifying illegal substances in a timely manner.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 6-1-725 as  
3 follows:

4           **6-1-725. Synthetic cannabinoids - incense - deceptive trade**  
5 **practice.** (1) IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO DISTRIBUTE,  
6 DISPENSE, MANUFACTURE, DISPLAY FOR SALE, OFFER FOR SALE, ATTEMPT  
7 TO SELL, OR SELL TO A PURCHASER ANY PRODUCT THAT CONTAINS ANY  
8 AMOUNT OF ANY SYNTHETIC CANNABINOID, AS DEFINED IN SECTION  
9 18-18-102 (34.5), C.R.S.

10           (2) (a) A VIOLATION OF THIS SECTION IS A DECEPTIVE TRADE  
11 PRACTICE AS PROVIDED IN SECTION 6-1-105 (1) (fff), AND THE VIOLATOR  
12 SHALL BE SUBJECT TO A CIVIL PENALTY AS DESCRIBED IN SECTION 6-1-112  
13 (1) (e) IN ADDITION TO ANY APPLICABLE CRIMINAL PENALTY.

14           (b) FOR THE PURPOSES OF THIS SECTION, A PERSON SHALL BE

1 DEEMED TO HAVE COMMITTED A VIOLATION FOR EACH INDIVIDUALLY  
2 PACKAGED PRODUCT THAT HE OR SHE DISTRIBUTED, DISPENSED,  
3 MANUFACTURED, DISPLAYED FOR SALE, ATTEMPTED TO SELL, OR SOLD IN  
4 VIOLATION OF SUBSECTION (1) OF THIS SECTION.

5 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add** (1) (fff)  
6 as follows:

7 **6-1-105. Deceptive trade practices.** (1) A person engages in a  
8 deceptive trade practice when, in the course of the person's business,  
9 vocation, or occupation, the person:

10 (fff) VIOLATES SECTION 6-1-725.

11 **SECTION 3.** In Colorado Revised Statutes, 6-1-112, **add** (1) (e)  
12 as follows:

13 **6-1-112. Civil penalties.** (1) The attorney general or a district  
14 attorney may bring a civil action on behalf of the state to seek the  
15 imposition of civil penalties as follows:

16 (e) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE  
17 THE PROVISIONS OF SECTION 6-1-105 (1) (fff) BY DISTRIBUTING,  
18 DISPENSING, DISPLAYING FOR SALE, OFFERING FOR SALE, ATTEMPTING TO  
19 SELL, OR SELLING ANY PRODUCT THAT ■ ■ CONTAINS ANY AMOUNT OF  
20 ANY SYNTHETIC CANNABINOID, AS DEFINED IN SECTION 18-18-102 (34.5),  
21 C.R.S., SHALL FORFEIT AND PAY TO THE GENERAL FUND OF THE STATE A  
22 CIVIL PENALTY OF NOT LESS THAN TEN THOUSAND DOLLARS AND NOT  
23 MORE THAN FIVE HUNDRED THOUSAND DOLLARS FOR EACH VIOLATION;  
24 EXCEPT THAT THE PERSON SHALL FORFEIT AND PAY TO THE GENERAL FUND  
25 OF THE STATE A CIVIL PENALTY OF NOT LESS THAN TWENTY-FIVE  
26 THOUSAND DOLLARS AND NOT MORE THAN FIVE HUNDRED THOUSAND  
27 DOLLARS FOR EACH VIOLATION IF THE PERSON DISTRIBUTES, DISPENSES, OR

1 SELLS THE PRODUCT TO A MINOR UNDER THE AGE OF EIGHTEEN AND THE  
2 PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND AT LEAST TWO YEARS  
3 OLDER THAN THE MINOR.

4

5 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-412, **add** (8)  
6 as follows:

7 **24-33.5-412. Functions of bureau - legislative review -**  
8 **interagency cooperation with reporting functions - processing time**  
9 **for criminal history record checks - synthetic cannabinoids**  
10 **enforcement.** (8) ON AND AFTER SEPTEMBER 1, 2014, THE BUREAU  
11 SHALL PURCHASE AND MAINTAIN MATERIALS AND EQUIPMENT TO BE MADE  
12 AVAILABLE BY THE BUREAU TO LAW ENFORCEMENT AGENCIES AND TO THE  
13 LIQUOR ENFORCEMENT DIVISION CREATED IN SECTION 24-35-401, FOR THE  
14 PRESUMPTIVE IDENTIFICATION OF SYNTHETIC CANNABINOIDS OR ANY  
15 OTHER DESIGNER DRUGS.

16 **SECTION 5. Appropriation - adjustments to 2014 long bill.**

17 (1) For the implementation of this act, the general fund appropriation  
18 made in the annual general appropriation act to the controlled  
19 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado  
20 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased  
21 by \$339,602.

22 (2) In addition to any other appropriation, there is hereby  
23 appropriated, out of any moneys in the general fund, not otherwise  
24 appropriated, to the department of public safety, for the fiscal year  
25 beginning July 1, 2014, the sum of \$339,602 and 0.6 FTE, or so much  
26 thereof as may be necessary, to be allocated to laboratory and  
27 investigative services for the implementation of this act as follows:

- 1 (a) \$36,844 and 0.6 FTE for personal services;
- 2 (b) \$5,258 for operating expenses and capital outlay; and
- 3 (c) \$297,500 for equipment, training, and supplies.

4 **SECTION 6.** In Colorado Revised Statutes, **add** 17-18-111 as  
5 follows:

6 **17-18-111. Appropriation to comply with section 2-2-703 - HB**  
7 **14-1037 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
8 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY  
9 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 14-1037,  
10 ENACTED IN 2014:

11 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION  
12 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
13 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
14 OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR  
15 HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).

16 (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, IN ADDITION  
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
18 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
19 OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR  
20 HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).

21 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, IN ADDITION  
22 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
23 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
24 OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR  
25 HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).

26 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, IN ADDITION  
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
2 OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR  
3 HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).

4 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

5 **SECTION 7. Act subject to petition - effective date -**  
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
7 the expiration of the ninety-day period after final adjournment of the  
8 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
9 2014); except that, if a referendum petition is filed pursuant to section 1  
10 (3) of article V of the state constitution against this act or an item, section,  
11 or part of this act within such period, then the act, item, section, or part  
12 will not take effect unless approved by the people at the general election  
13 to be held in November 2014 and, in such case, will take effect on the  
14 date of the official declaration of the vote thereon by the governor.

15 (2) This act applies to offenses committed on or after the  
16 applicable effective date of this act.