

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2016-009

EXECUTIVE ORDER

Amending Executive Order D 2013-007 Regarding the Implementation of Senate Bill 13-283

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to powers vested in the Governor in Article IV, Section 2 of the Colorado Constitution and Section 24-20-112 of the Colorado Revised Statutes, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 2013-007 regarding the implementation of Senate Bill 13-283 ("SB 283" or the "Bill").

I. Background

On May 28, 2013, SB 283 was signed into law. The Bill established regulations for the retail marijuana industry, and required the Governor to designate state agencies to perform some of the regulatory duties enacted in the Bill. Section 7 of SB 283 required the Governor to "designate a state agency to create a list of substances that may not be used in the cultivation or processing of marijuana." The Bill charges the designated agency with "promulgat[ing] rules for the list of substances that may not be used in the cultivation of marijuana."

On June 11, 2013, I issued Executive Order D 2013-007 (the "Order"), directing various state agencies to perform regulatory duties established in SB 283. Among the directives included in the Order, I assigned the Colorado Department of Agriculture ("CDA") to "create a list of substances that may not be used in the cultivation or processing of marijuana," and "promulgate rules for such banned substances."

On March 9, 2016, Senate Bill 16-015 ("SB 15") was signed into law. SB 15 amends the Governor's obligations established in SB 283. Specifically, SB 15 requires that instead of designating a state agency to "create a list of substances that may not be used in the cultivation or processing of marijuana," the Governor shall "designate a state agency to promulgate rules to designate criteria that identify pesticides that may be used in the cultivation of marijuana."

Furthermore, SB 15 requires that instead of "promulgat[ing] rules for the list of substances that may not be used in the cultivation of marijuana," the designated agency "shall publish a list of pesticides that meet the criteria on its website."

II. Declaration and Directives

- A. Section II(A) of Executive Order D 2013-007 is amended to read: "The Colorado Department of Agriculture ("CDA") shall promulgate rules to designate criteria that identify pesticides that may be used in the cultivation of marijuana as authorized pursuant to article 43.4 of title 12, C.R.S. CDA may consult with other state agencies in promulgating the rules. CDA shall publish a list of pesticides that meet the criteria on its website."



GIVEN under my hand and the
Executive Seal of the State of
Colorado this nineteenth day of
October, 2016.

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper", written over a horizontal line.

John W. Hickenlooper
Governor