

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 26-0221.02 Sarah Lozano x3858

HOUSE BILL

HOUSE SPONSORSHIP

Soper and Martinez, McCluskie, McCormick

SENATE SPONSORSHIP

Roberts and Catlin, Bridges

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR CERTAIN AGRICULTURAL PRODUCTS**
102 **GROWN IN COLORADO.**

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/>.)

Water Resources and Agriculture Review Committee. The bill prohibits a person from:

- Identifying an agricultural product as being produced in the state when selling, marketing, advertising, or distributing the product unless the product is grown in the state; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

- Using the Colorado proud designation or logo unless authorized by the department of agriculture.

A violation of these prohibitions constitutes a deceptive trade practice.

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

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

4 (a) Colorado is one of the United States' premier agricultural
5 growing states;

6 (b) Given the state's cool nights, warm days, high elevations, and
7 pure Rocky Mountain snowmelt water, Colorado-grown produce is
8 sweeter, more flavorful, and higher quality than produce from states or
9 regions without Colorado's geographical and climate advantages;

10 (c) Coloradans will often spend a premium to buy from local
11 farmers, particularly if the produce is being marketed as one of the state's
12 famous agricultural products from a historic growing region, including
13 Olathe sweet corn, Palisade peaches, Pueblo chilies, Rocky Ford
14 cantaloupes, and San Luis Valley potatoes;

15 (d) Because Coloradans will often spend a premium for agricultural
16 products grown in the state, there has been a trend of counterfeit produce
17 coming into Colorado where retailers at stores, farmers' markets, or farm
18 stands will market or advertise their produce as being grown in the state,
19 when the produce is actually grown outside of the state; and

20 (e) This practice is deceptive to consumers and is unfair to
21 Colorado farmers that grow their produce in the state.

22 (2) The general assembly therefore declares that, to ensure
23 consumer protection and fairness to Colorado farmers that are selling their

1 produce within Colorado, it is critical to ensure that the state has the legal
2 tools necessary to protect against persons making false claims that an
3 agricultural product is grown in the state, when it is actually grown outside
4 of the state.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 35-1-122 as
6 follows:

7 **35-1-122. Protections for certain agricultural products grown**
8 **in the state - use of Colorado proud designation - deceptive trade**
9 **practice - definition.** (1) AS USED IN THIS SECTION, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES, "AGRICULTURAL PRODUCT" OR "PRODUCT"
11 MEANS A PLANT, FRUIT, VEGETABLE, OR FUNGUS THAT IS:

12 (a) IN A RAW OR UNPROCESSED STATE;

13 (b) SOLD, MARKETING, ADVERTISED, OR DISTRIBUTED FOR HUMAN
14 CONSUMPTION; AND

15 (c) GROWN USING THE ART AND SCIENCE OF FARMING OR
16 HORTICULTURE OR IN A GREENHOUSE OR CONTROLLED ENVIRONMENT
17 AGRICULTURAL FACILITY, AS DEFINED IN SECTION 39-1-102 (3.3).

18 (2) A PERSON SHALL NOT IDENTIFY AN AGRICULTURAL PRODUCT
19 AS BEING GROWN IN THE STATE WHEN SELLING, MARKETING, ADVERTISING,
20 OR DISTRIBUTING THE PRODUCT IN THE STATE UNLESS THE PRODUCT IS
21 GROWN IN THE STATE.

22 (3) A PERSON SHALL NOT USE THE COLORADO PROUD DESIGNATION
23 OR LOGO ESTABLISHED BY THE DEPARTMENT OR A TRADEMARKED VERSION
24 OF THE DESIGNATION OR LOGO UNLESS THE USE IS AUTHORIZED BY THE
25 DEPARTMENT.

26 (4) A VIOLATION OF THIS SECTION CONSTITUTES A DECEPTIVE
27 TRADE PRACTICE UNDER SECTION 6-1-105 (1)(qqqq). THIS SECTION DOES

1 NOT PROVIDE THE BASIS FOR, AND IS NOT SUBJECT TO, A PRIVATE RIGHT
2 OF ACTION FOR VIOLATIONS OF THIS SECTION.

3 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add** (1)(qqqq)
4 as follows:

5 **6-1-105. Unfair or deceptive trade practices - definitions.**

6 (1) A person engages in a deceptive trade practice when, in the course of
7 the person's business, vocation, or occupation, the person:

8 (qqqq) VIOLATES SECTION 35-1-122.

9 **SECTION 4. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 12, 2026, if adjournment sine die is on May 13,
13 2026); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part will
16 not take effect unless approved by the people at the general election to be
17 held in November 2026 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.

19 (2) This act applies to conduct occurring on or after the applicable
20 effective date of this act.