

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

May 20, 2021

Committee on Agriculture, Livestock, & Water.

After consideration on the merits, the Committee recommends the following:

HB21-1301 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 1, after "(7.6)," insert "(7.8),".
- 2 Page 3, line 11, strike "FARM;" and substitute "CULTIVATION;".
- 3 Page 3, strike line 17 and substitute "CULTIVATION.".
- 4 Page 3, line 18, strike "FARM"" and substitute "CULTIVATION"".
- 5 Page 3, after line 22 insert:
  - 6 "(7.8) (a) "OUTDOOR CULTIVATION", WITH RESPECT TO
  - 7 MARIJUANA, MEANS A LICENSED MARIJUANA GROW THAT OPERATES
  - 8 SEASONALLY WITHIN A TEMPORARY GREENHOUSE OR ON AN OPEN PLOT OF
  - 9 LAND.
  - 10 (b) "OUTDOOR CULTIVATION", WITH RESPECT TO MARIJUANA, DOES
  - 11 NOT INCLUDE A LICENSED MARIJUANA GROW THAT OPERATES
  - 12 YEAR-ROUND WITHIN A CONSTRUCTED FACILITY OR PERMANENT
  - 13 GREENHOUSE.".
- 14 Page 4, line 17, strike "FARMS," and substitute "CULTIVATIONS,".
- 15 Page 4, line 21, strike "FARMS," and substitute "CULTIVATIONS,".
- 16 Page 4, line 23, strike "FARMS," and substitute "CULTIVATIONS,".

1 Page 5, strike lines 7 and 8 and substitute:

2 "(III) IF AVAILABLE, A REVIEW OF PRACTICES DEVELOPED BY THE  
3 HEMP CENTER OF EXCELLENCE; AND".

4 Page 5, strike line 17 and substitute "CROSS-POLLINATION;  
5 (c) SOFTWARE COMPANIES THAT SERVICE THE AGRICULTURAL  
6 INDUSTRY;  
7 (d) COMPANIES WITH EXPERTISE IN AGRICULTURAL SURVEYING;  
8 AND".

9 Reletter succeeding paragraph accordingly.

10 Page 5, after line 19 insert:

11 "(3) THE WORKING GROUP'S RECOMMENDATIONS MUST NOT  
12 INCLUDE MANDATES ON THE TYPE, LOCATION, OR TIMING OF ANY CROP  
13 PLANTING; HOWEVER, THIS WILL NOT LIMIT THE ABILITY OF PROPERTY  
14 OWNERS TO ENTER INTO VOLUNTARY AGREEMENTS.".

15 Renumber succeeding subsections accordingly.

16 Page 5, line 20, strike "JUNE 1," and substitute "NOVEMBER 1,".

17 Page 5, line 27, strike "SEPTEMBER 1, 2022." and substitute "JANUARY 1,  
18 2023.".

19 Page 7, line 3, strike "IN INTERSTATE COMMERCE".

20 Page 7, strike lines 10 and 11 and substitute:

21 "**SECTION 5.** In Colorado Revised Statutes, 44-10-203, **amend**  
22 (1)(j); and **add** (1)(j.5) and (9) as follows:".

23 Page 7, strike lines 13 through 26 and substitute:

24 "(1) **Permissive rule-making.** Rules promulgated pursuant to  
25 section 44-10-202 (1)(c) may include but need not be limited to the  
26 following subjects:

27 (j) A definition for "disproportionate impacted area" to the extent  
28 relevant state of Colorado data exists, is available, and is used for the



1 purpose of determining eligibility for a social equity licensee; ~~and~~  
2 (j.5) THE IMPLEMENTATION OF CONTINGENCY PLANS PURSUANT TO  
3 SECTIONS 44-10-502 (9) AND 44-10-602 (13), INCLUDING THE PROCESS,  
4 PROCEDURES, REQUIREMENTS, AND RESTRICTIONS FOR CONTINGENCY  
5 PLANS; AND".

6 Page 8, strike lines 23 through 27.

7 Strike page 9.

8 Page 10, strike lines 1 through 5 and substitute:

9 "44-10-502. **Medical marijuana cultivation facility license -**  
10 **rules - definitions.** (9) BEGINNING JANUARY 1, 2022, A MEDICAL  
11 MARIJUANA".

12 Page 10, line 11 after "LOCAL" insert "LICENSING AUTHORITY IN THE  
13 LOCAL".

14 Page 10, after line 14 insert:

15 "(c) AFTER THE STATE LICENSING AUTHORITY APPROVES A  
16 CONTINGENCY PLAN, IT SHALL NOTIFY THE LOCAL LICENSING AUTHORITY  
17 OF THE APPROVAL. THE LOCAL LICENSING AUTHORITY MAY ENFORCE  
18 LOCAL LAND USE AND ZONING LAWS AND REGULATIONS REGARDING THE  
19 CONTINGENCY PLAN AND MAY DEVELOP INTERNAL REGULATORY  
20 PROCESSES TO EVALUATE CONTINGENCY PLANS.

21 (d) ON AND AFTER JANUARY 1, 2023, A LOCAL LICENSING  
22 AUTHORITY MAY REQUIRE THAT AN APPLICANT FOR A MEDICAL  
23 MARIJUANA CULTIVATION FACILITY LICENSE INCLUDE A CONTINGENCY  
24 PLAN WITH THE APPLICATION FOR THE LOCAL LICENSING AUTHORITY'S  
25 REVIEW AND APPROVAL."

26 Page 10, strike lines 15 through 24.

27 Strike page 11.

28 Page 12, strike lines 1 through 6 and substitute "- **definitions.**  
29 (13) (a) BEGINNING JANUARY 1, 2022, A RETAIL MARIJUANA".

30 Page 12, line 12, after "LOCAL" insert "LICENSING AUTHORITY IN THE



1 LOCAL".

2 Page 12, after line 15 insert:

3 "(c) AFTER THE STATE LICENSING AUTHORITY APPROVES A  
4 CONTINGENCY PLAN, IT SHALL NOTIFY THE LOCAL LICENSING AUTHORITY  
5 OF THE APPROVAL. THE LOCAL LICENSING AUTHORITY MAY ENFORCE  
6 LOCAL LAND USE AND ZONING LAWS AND REGULATIONS REGARDING THE  
7 CONTINGENCY PLAN AND MAY DEVELOP INTERNAL REGULATORY  
8 PROCESSES TO EVALUATE CONTINGENCY PLANS.

9 (d) ON AND AFTER JANUARY 1, 2023, A LOCAL LICENSING  
10 AUTHORITY MAY REQUIRE THAT AN APPLICANT FOR A RETAIL MARIJUANA  
11 CULTIVATION FACILITY LICENSE INCLUDE A CONTINGENCY PLAN WITH THE  
12 APPLICATION FOR THE LOCAL LICENSING AUTHORITY'S REVIEW AND  
13 APPROVAL."

14 Page 12, strike lines 16 through 25.

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