

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-1115.01 Gregg Fraser x4325

HOUSE BILL 19-1329

HOUSE SPONSORSHIP

Arndt and McKean,

SENATE SPONSORSHIP

Sonnenberg,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SALES AND USE TAX TREATMENT OF CERTAIN**
102 **WHOLESALE SALES RELATED TO THE PRODUCTION OF**
103 **AGRICULTURAL PRODUCTS.**

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>.)

Wholesale sales are not subject to sales and use taxes. The bill includes sales of fertilizer used in the production of agricultural and livestock products in the definition of "wholesale sales" for sales and use tax purposes.

The bill further specifies that, for purposes of defining a wholesale

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
April 30, 2019

sale, spray adjuvants may be sold for use in the production of agricultural and livestock products.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-12-103, **amend**
3 **the introductory portion and (30) as follows:**

4 **35-12-103. Definitions.** As used in this ~~article~~ **ARTICLE 12**, unless
5 **the context otherwise requires:**

6 (30) "Specialty fertilizer" means a commercial fertilizer
7 distributed primarily for nonfarm use, such as home gardens, lawns,
8 shrubbery, flowers, golf courses, parks, ~~AND cemeteries. greenhouses,~~
9 ~~hydroponic facilities, and nurseries.~~

10 **SECTION 2.** In Colorado Revised Statutes, 39-26-102, **add**
11 **(19)(e), (19)(f), and (19)(g) as follows:**

12 **39-26-102. Definitions.** As used in this article 26, unless the
13 **context otherwise requires:**

14 (19) (e) "WHOLESALE SALE" INCLUDES SALES OF FERTILIZER FOR
15 USE IN THE PRODUCTION OF AGRICULTURAL ~~COMMODITIES~~. FOR PURPOSES
16 OF THIS SUBSECTION (19)(e), "FERTILIZER" MEANS FERTILIZER AS DEFINED
17 IN SECTION 35-12-103 (12), BUT NOT INCLUDING SPECIALTY FERTILIZER AS
18 DEFINED IN SECTION 35-12-103 (30).

19 (f) "WHOLESALE SALE" INCLUDES SALES OF SPRAY ADJUVANTS FOR
20 USE IN THE PRODUCTION OF AGRICULTURAL ~~COMMODITIES~~. FOR PURPOSES
21 OF THIS SUBSECTION (19)(f), "SPRAY ADJUVANTS" MEANS PRODUCTS THAT
22 ARE USED TO INCREASE THE EFFECTIVENESS OF A PESTICIDE.

23 (g) FOR PURPOSES OF THIS SUBSECTION (19), "AGRICULTURAL
24 ~~COMMODITIES~~" DOES NOT INCLUDE PRODUCTS REGULATED UNDER
25 ~~ARTICLES 11 AND 12 OF TITLE 44.~~

1 **SECTION 3. Applicability.** This act applies to sales occurring
2 prior to, on, or after the effective date of this act.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.