

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0814.01 Jennifer Berman x3286

HOUSE BILL 21-1301

HOUSE SPONSORSHIP

Esgar and Holtorf,

SENATE SPONSORSHIP

Coram and Moreno,

House Committees

Agriculture, Livestock, & Water

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REMOVAL OF IMPEDIMENTS TO CANNABIS FARMING,
102 AND, IN CONNECTION THEREWITH, PERMITTING CONTINGENCY
103 PLANS TO REDUCE CROP LOSS BASED ON ADVERSE WEATHER AND
104 CONVENING A WORKING GROUP TO EXAMINE MEASURES TO
105 REDUCE CROSS-POLLINATION.

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>.)

Section 1 defines "cross-pollination", "farm", "licensed outdoor marijuana farm", "volunteer plant", and "registered outdoor hemp farm"

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.

in connection with the convening of a working group in **section 2** to examine measures to minimize cross-pollination between cannabis plants.

Section 4 requires the state licensing authority to convene a working group on or before November 1, 2021, to examine existing rules and tax laws that apply to the wholesale marijuana cultivation market to explore how the rules and laws could be amended to better position Colorado businesses to be competitive in interstate commerce if marijuana is legalized federally. The working group is required to report its findings and recommendations to the executive director of the department of revenue and the general assembly on or before June 1, 2022.

Section 5 requires the state licensing authority to engage in rule-making on:

- The process, procedures, and requirements for contingency plans for outdoor marijuana cultivation facilities to ameliorate crop loss due to adverse weather;
- Procedures for outdoor marijuana cultivation facilities to follow to temporarily cover crops to protect them from extreme weather; and
- Procedures for the conditional issuance of an employee license identification card.

Sections 6 and 7 authorize medical marijuana cultivation and retail marijuana cultivation facility licensees with outdoor cultivation facilities, starting January 1, 2022, to file with the state licensing authority a contingency plan for when there is a threat to operations due to an adverse weather event and, if approved, to follow the plan if there is an adverse weather event.

Before January 1, 2022, sections 6 and 7 authorize a medical marijuana cultivation facility licensee or a retail marijuana cultivation facility licensee with outdoor cultivation facilities to take reasonable and necessary steps to ameliorate crop loss due to an adverse weather event. The action is not a violation of state law or rules or local law or regulations unless the state licensing authority or a local authority can show that the action was not reasonable and necessary to prevent or ameliorate crop loss due to an adverse weather event.

Section 3 defines "adverse weather event" to mean damaging weather, such as drought, freeze, hail, excessive moisture, excessive wind, or tornado or an adverse natural occurrence, such as an earthquake or a flood.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-61-101, **amend**

1 (3); and **add** (4.3), (6.5), (7.4), (7.6), (8.4), (8.7), and (10) as follows:

2 **35-61-101. Definitions.** As used in this article 61, unless the
3 context otherwise requires:

4 (3) "Commissioner" means the commissioner of agriculture OR
5 THE COMMISSIONER'S DESIGNEE.

6 (4.3) "CROSS-POLLINATION" MEANS THE TRANSFER OF POLLEN
7 FROM ONE PLANT TO THE FLOWER OF ANOTHER PLANT THAT HAS A
8 DIFFERENT GENETIC CONSTITUTION.

9 (6.5) "FARM" MEANS:

10 (a) A REGISTERED OUTDOOR HEMP FARM;

11 (b) A LICENSED OUTDOOR MARIJUANA FARM;

12 (c) THE PREMISES FOR WHICH A PERSON APPLIES FOR
13 REGISTRATION TO ENGAGE IN OUTDOOR CULTIVATION OF HEMP OR FOR A
14 LICENSE TO ENGAGE IN OUTDOOR CULTIVATION OF MARIJUANA; OR

15 (d) THE PREMISES ON WHICH A PERSON PREVIOUSLY HAD A
16 REGISTERED OUTDOOR HEMP FARM OR A LICENSED OUTDOOR MARIJUANA
17 FARM.

18 (7.4) "LICENSED OUTDOOR MARIJUANA FARM" MEANS THE
19 LICENSED PREMISES, AS DEFINED IN SECTION 44-10-103 (24), USED FOR
20 OUTDOOR CULTIVATION OF MARIJUANA.

21 (7.6) "MARIJUANA" HAS THE SAME MEANING AS "REGULATED
22 MARIJUANA" AS DEFINED IN SECTION 44-10-103 (54).

23 (8.4) "REGISTERED OUTDOOR HEMP FARM" MEANS THE PREMISES
24 THAT ARE SUBJECT TO REGISTRATION UNDER SECTION 35-61-104 AND ARE
25 USED FOR OUTDOOR CULTIVATION OF HEMP.

26 (8.7) "STATE LICENSING AUTHORITY" MEANS THE STATE LICENSING
27 AUTHORITY CREATED IN SECTION 44-10-201 FOR THE PURPOSE OF

1 REGULATING AND CONTROLLING THE LICENSING OF THE CULTIVATION,
2 MANUFACTURE, DISTRIBUTION, SALE, AND TESTING OF MARIJUANA IN THIS
3 STATE.

4 (10) "VOLUNTEER PLANT" MEANS A CANNABIS PLANT GROWING
5 SPONTANEOUSLY WITHOUT DIRECT HUMAN CONTROL OR SUPERVISION.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 35-61-110.3 as
7 follows:

8 **35-61-110.3. Cross-pollination - working group - reporting -**
9 **repeal.** (1) ON OR BEFORE NOVEMBER 1, 2021, THE COMMISSIONER, IN
10 COLLABORATION WITH THE STATE LICENSING AUTHORITY, THE
11 GOVERNOR'S DEPUTY LEGAL COUNSEL, AND THE GOVERNOR'S SPECIAL
12 ADVISOR ON CANNABIS, SHALL CONVENE A WORKING GROUP TO STUDY
13 AND RECOMMEND OPTIONS FOR MINIMIZING CROSS-POLLINATION BETWEEN
14 CANNABIS PLANTS, INCLUDING:

15 (a) HOW TO MINIMIZE VOLUNTEER PLANTS GROWING ON AREAS OF
16 LAND THAT ARE NOT REGISTERED OUTDOOR HEMP FARMS OR LICENSED
17 OUTDOOR MARIJUANA FARMS, REGARDLESS OF WHETHER THE PROPERTY
18 WAS PREVIOUSLY REGISTERED OR LICENSED;

19 (b) HOW BEST TO SHARE FARM DATA AND THE PROXIMITY
20 BETWEEN THE LOCATIONS OF REGISTERED OUTDOOR HEMP FARMS,
21 LICENSED OUTDOOR MARIJUANA FARMS, AND THE PROPERTIES OF
22 APPLICANTS FOR REGISTERED OUTDOOR HEMP FARMS OR LICENSED
23 OUTDOOR MARIJUANA FARMS, INCLUDING INFORMATION FOR EACH FARM
24 REGARDING:

25 (I) THE POTENTIAL FOR CROSS-POLLINATION BETWEEN THE FARM
26 AND OTHER FARMS OR AREAS OF LAND WITH VOLUNTEER PLANTS; AND

27 (II) PROPERTY SIZE;

1 (c) THE BEST PRACTICES FOR PREVENTING CROSS-POLLINATION
2 INCLUDING:

3 (I) AN EXAMINATION OF THE STANDARDS DEVELOPED BY
4 AGRICULTURAL ORGANIZATIONS WITH EXPERTISE IN INDUSTRY-WIDE
5 STANDARDS AND PRACTICES;

6 (II) RECOMMENDATIONS FROM SUBJECT-MATTER EXPERTS; AND

7 (III) A REVIEW OF PRACTICES DEVELOPED BY THE DEPARTMENT'S
8 HEMP CENTER OF EXCELLENCE; AND

9 (d) THE FEASIBILITY OF CONDUCTING AND FINANCING FIELD
10 STUDIES TO EXAMINE CROSS-POLLINATION BETWEEN FARMS AND BETWEEN
11 FARMS AND AREAS OF LAND WITH VOLUNTEER PLANTS.

12 (2) IN CONVENING THE WORKING GROUP, THE COMMISSIONER
13 SHOULD STRIVE TO INCLUDE REPRESENTATION OF A DIVERSE
14 CROSS-SECTION OF:

15 (a) AFFECTED BUSINESSES;

16 (b) SCIENTISTS AND AGRONOMISTS WITH EXPERTISE IN
17 CROSS-POLLINATION; AND

18 (c) ORGANIZATIONS WITH EXPERIENCE IN CERTIFIED HEMP SEED
19 DEVELOPMENT.

20 (3) ON OR BEFORE JUNE 1, 2022, THE WORKING GROUP SHALL
21 SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE HOUSE
22 OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE
23 AND THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE,
24 OR THEIR SUCCESSOR COMMITTEES. THE DEPARTMENT AND THE STATE
25 LICENSING AUTHORITY SHALL POST THE REPORT ON THEIR PUBLIC
26 WEBSITES.

27 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

1 **SECTION 3.** In Colorado Revised Statutes, 44-10-103, **add** (6.5)
2 as follows:

3 **44-10-103. Definitions.** As used in this article 10, unless the
4 context otherwise requires:

5 (6.5) "ADVERSE WEATHER EVENT" MEANS:

6 (a) DAMAGING WEATHER, SUCH AS DROUGHT, FREEZE, HAIL,
7 EXCESSIVE MOISTURE, EXCESSIVE WIND, OR TORNADO; OR

8 (b) AN ADVERSE NATURAL OCCURRENCE, SUCH AS AN
9 EARTHQUAKE OR A FLOOD.

10 **SECTION 4.** In Colorado Revised Statutes, 44-10-202, **amend**
11 (1)(f) and (1)(g); and **add** (1)(h) as follows:

12 **44-10-202. Powers and duties of state licensing authority -**
13 **rules - report - legislative declaration - repeal. (1) Powers and duties.**

14 The state licensing authority shall:

15 (f) Prepare and transmit annually, in the form and manner
16 prescribed by the heads of the principal departments pursuant to section
17 24-1-136, a report accounting to the governor for the efficient discharge
18 of all responsibilities assigned by law or directive to the state licensing
19 authority; **and**

20 (g) Collect and maintain data related to licensing disqualifications
21 and all sanctions based on past criminal history pursuant to the
22 requirements in section 24-34-104 (6)(b)(IX); AND

23 (h) (I) ON OR BEFORE NOVEMBER 1, 2021, IN COLLABORATION
24 WITH THE GOVERNOR'S DEPUTY LEGAL COUNSEL AND THE GOVERNOR'S
25 SPECIAL ADVISOR ON CANNABIS, CONVENE A WORKING GROUP TO EXAMINE
26 THE EXISTING RULES AND TAX LAWS THAT APPLY TO THE STATE'S
27 WHOLESALE MARIJUANA CULTIVATION MARKET. THE WORKING GROUP

1 SHALL EXPLORE OPTIONS ON HOW THE EXISTING RULES AND TAX LAWS
2 COULD BE AMENDED TO BETTER POSITION BUSINESSES IN THE STATE TO BE
3 COMPETITIVE IN INTERSTATE COMMERCE IF MARIJUANA IS LEGALIZED
4 UNDER FEDERAL LAW. ON OR BEFORE JUNE 1, 2022, THE WORKING GROUP
5 SHALL SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE
6 EXECUTIVE DIRECTOR AND THE GENERAL ASSEMBLY, WHICH REPORT MAY
7 INCLUDE RECOMMENDATIONS FOR LEGISLATION.

8 (II) THIS SUBSECTION (1)(h) IS REPEALED, EFFECTIVE SEPTEMBER
9 1, 2022.

10 **SECTION 5.** In Colorado Revised Statutes, 44-10-203, **amend**
11 (2)(ff)(VII); and **add** (2)(hh), (2)(ii), and (9) as follows:

12 **44-10-203. State licensing authority - rules - definition.**

13 (2) **Mandatory rule-making.** Rules promulgated pursuant to section
14 44-10-202 (1)(c) must include but need not be limited to the following
15 subjects:

16 (ff) The implementation of marijuana hospitality and retail
17 marijuana hospitality and sales business licenses, including but not
18 limited to:

19 (VII) Rules to ensure compliance with section 42-4-1305.5; ~~and~~

20 (hh) BY JANUARY 1, 2022, THE PROCESS, PROCEDURES, AND
21 REQUIREMENTS FOR CONTINGENCY PLANS FOR OUTDOOR CULTIVATION
22 FACILITIES TO PREVENT OR AMELIORATE CROP LOSS DUE TO AN ADVERSE
23 WEATHER EVENT; AND

24 (ii) BY MARCH 1, 2022, PROCEDURES FOR OUTDOOR CULTIVATION
25 FACILITIES TO FOLLOW IN ORDER TO TEMPORARILY COVER CROPS TO
26 PROTECT THE CROPS FROM EXTREME WEATHER SUCH AS FROST.

27 (9) (a) THE STATE LICENSING AUTHORITY MAY, BY RULE,

1 ESTABLISH PROCEDURES FOR THE CONDITIONAL ISSUANCE OF AN
2 EMPLOYEE LICENSE IDENTIFICATION CARD AT THE TIME OF APPLICATION.

3 (b) (I) THE STATE LICENSING AUTHORITY SHALL BASE ITS
4 ISSUANCE OF AN EMPLOYEE LICENSE IDENTIFICATION CARD PURSUANT TO
5 THIS SUBSECTION (9) ON THE RESULTS OF AN INITIAL INVESTIGATION THAT
6 DEMONSTRATE THE APPLICANT IS QUALIFIED TO HOLD SUCH LICENSE. THE
7 EMPLOYEE LICENSE APPLICATION FOR WHICH AN EMPLOYEE LICENSE
8 IDENTIFICATION CARD WAS ISSUED PURSUANT TO THIS SUBSECTION (9)
9 REMAINS SUBJECT TO DENIAL PENDING THE COMPLETE RESULTS OF THE
10 APPLICANT'S INITIAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD
11 CHECK.

12 (II) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
13 CHECK THAT DEMONSTRATE THAT AN APPLICANT POSSESSING AN
14 EMPLOYEE LICENSE IDENTIFICATION CARD PURSUANT TO THIS SUBSECTION
15 (9) IS NOT QUALIFIED TO HOLD A LICENSE ISSUED UNDER THIS ARTICLE 10
16 ARE GROUNDS FOR DENIAL OF THE EMPLOYEE LICENSE APPLICATION. IF
17 THE EMPLOYEE LICENSE APPLICATION IS DENIED, THE APPLICANT SHALL
18 RETURN THE EMPLOYEE LICENSE IDENTIFICATION CARD TO THE STATE
19 LICENSING AUTHORITY WITHIN A TIME PERIOD THAT THE STATE LICENSING
20 AUTHORITY ESTABLISHES BY RULE.

21 **SECTION 6.** In Colorado Revised Statutes, 44-10-502, **add** (9)
22 as follows:

23 **44-10-502. Medical marijuana cultivation facility license -**
24 **rules - definitions - repeal.** (9) (a) (I) A MEDICAL MARIJUANA
25 CULTIVATION FACILITY LICENSEE THAT CULTIVATES MEDICAL MARIJUANA
26 OUTDOORS MAY TAKE REASONABLE AND NECESSARY ACTION PURSUANT
27 TO A WRITTEN CONTINGENCY PLAN MAINTAINED ON THE LICENSED

1 PREMISES AND SENT TO THE STATE AND LOCAL LICENSING AUTHORITIES TO
2 PREVENT OR AMELIORATE CROP LOSS DUE TO AN ADVERSE WEATHER
3 EVENT. THE ACTION IS NOT A VIOLATION OF STATE LAW OR RULES OR
4 LOCAL LAW OR REGULATIONS UNLESS THE STATE LICENSING AUTHORITY
5 OR LOCAL AUTHORITIES CAN SHOW THAT THE ACTION WAS NOT
6 REASONABLE AND NECESSARY TO PREVENT OR AMELIORATE CROP LOSS
7 DUE TO AN ADVERSE WEATHER EVENT OR SHOW THAT THE LICENSEE
8 FAILED TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (9)(a)(II) OF
9 THIS SECTION.

10 (II) IT IS NOT A VIOLATION OF THIS ARTICLE 10, RULES
11 PROMULGATED UNDER THIS ARTICLE 10, OR LOCAL ORDINANCES OR RULES
12 FOR A LICENSEE TO TAKE ACTION CONSISTENT WITH A WRITTEN
13 CONTINGENCY PLAN IF:

14 (A) THE LICENSEE PROVIDES THE STATE AND LOCAL LICENSING
15 AUTHORITIES THE WRITTEN CONTINGENCY PLAN AND NOTICE OF ACTION
16 PURSUANT TO THAT CONTINGENCY PLAN WITHIN FORTY-EIGHT HOURS
17 AFTER THE ACTION;

18 (B) THE LICENSEE IDENTIFIES THE ADVERSE WEATHER EVENT,
19 INCLUDING DOCUMENTS REASONABLY REQUIRED OR REQUESTED BY THE
20 STATE AND LOCAL LICENSING AUTHORITIES TO VERIFY THE ADVERSE
21 WEATHER EVENT;

22 (C) THE LICENSEE'S ACTIONS ARE DIRECTLY RELATED TO THE
23 ADVERSE WEATHER EVENT;

24 (D) ALL REGULATED MARIJUANA IS ACCURATELY IDENTIFIED IN
25 THE SEED-TO-SALE TRACKING SYSTEM WITHIN SEVEN DAYS AFTER THE
26 ADVERSE WEATHER EVENT; AND

27 (E) THE ACTION DOES NOT EXCEED THIRTY DAYS OR,

1 ALTERNATIVELY, THE LICENSEE COMPLIES WITH ALL STATUTES AND RULES
2 WITHIN THIRTY DAYS AFTER THE ADVERSE WEATHER EVENT.

3 (III) THIS SUBSECTION (9)(a) IS REPEALED, EFFECTIVE JANUARY 1,
4 2022.

5 (b) BEGINNING JANUARY 1, 2022, A MEDICAL MARIJUANA
6 CULTIVATION FACILITY LICENSEE THAT CULTIVATES MEDICAL MARIJUANA
7 OUTDOORS MAY FILE A CONTINGENCY PLAN FOR ITS OUTDOOR
8 CULTIVATION OPERATION TO ADDRESS HOW THE LICENSEE WILL RESPOND
9 WHEN THERE IS AN ADVERSE WEATHER EVENT. IF THE LICENSEE FILES A
10 CONTINGENCY PLAN, THE LICENSEE SHALL ALSO SUBMIT A COPY OF THE
11 PLAN TO THE LOCAL JURISDICTION WHERE THE LICENSEE OPERATES. IF THE
12 CONTINGENCY PLAN IS APPROVED BY THE STATE LICENSING AUTHORITY,
13 THE MEDICAL MARIJUANA CULTIVATION FACILITY LICENSEE MAY FOLLOW
14 THE CONTINGENCY PLAN IN THE CASE OF AN ADVERSE WEATHER EVENT.

15 (c) PURSUANT TO RULES PROMULGATED BY THE STATE LICENSING
16 AUTHORITY IN ACCORDANCE WITH SECTION 44-10-203 (2)(ii) AND
17 NOTWITHSTANDING THE SURVEILLANCE REQUIREMENTS IMPOSED BY THIS
18 ARTICLE 10 AND ANY RULES RELATED TO SURVEILLANCE PROMULGATED
19 BY THE STATE LICENSING AUTHORITY, A MEDICAL MARIJUANA
20 CULTIVATION FACILITY LICENSEE THAT CULTIVATES MEDICAL MARIJUANA
21 OUTDOORS MAY TEMPORARILY COVER CROPS TO PROTECT THE CROPS
22 FROM EXTREME WEATHER SUCH AS FROST.

23 (d) NOTHING IN THIS SECTION AFFECTS THE EXISTING LAND-USE
24 AUTHORITY AND ZONING AUTHORITY OF ANY LOCAL GOVERNMENT.

25 **SECTION 7.** In Colorado Revised Statutes, 44-10-602, **add** (13)
26 as follows:

27 **44-10-602. Retail marijuana cultivation facility license - rules**

1 **- definitions - repeal.** (13) (a) (I) A RETAIL MARIJUANA CULTIVATION
2 FACILITY LICENSEE THAT CULTIVATES RETAIL MARIJUANA OUTDOORS MAY
3 TAKE REASONABLE AND NECESSARY ACTION TO PREVENT OR AMELIORATE
4 CROP LOSS DUE TO AN ADVERSE WEATHER EVENT. THE ACTION IS NOT A
5 VIOLATION OF STATE LAW OR RULES OR LOCAL LAW OR REGULATIONS
6 UNLESS THE STATE LICENSING AUTHORITY OR LOCAL AUTHORITIES CAN
7 SHOW THAT THE ACTION WAS NOT REASONABLE AND NECESSARY TO
8 PREVENT OR AMELIORATE CROP LOSS DUE TO AN ADVERSE WEATHER
9 EVENT OR SHOW THAT THE LICENSEE FAILED TO COMPLY WITH THE
10 REQUIREMENTS OF SUBSECTION (13)(a)(II) OF THIS SECTION.

11 (II) IT IS NOT A VIOLATION OF THIS ARTICLE 10, RULES
12 PROMULGATED UNDER THIS ARTICLE 10, OR LOCAL ORDINANCES OR RULES
13 FOR A LICENSEE TO TAKE ACTION CONSISTENT WITH A WRITTEN
14 CONTINGENCY PLAN IF:

15 (A) THE LICENSEE PROVIDES THE STATE AND LOCAL LICENSING
16 AUTHORITIES THE WRITTEN CONTINGENCY PLAN AND NOTICE OF ACTION
17 PURSUANT TO THAT CONTINGENCY PLAN WITHIN FORTY-EIGHT HOURS
18 AFTER THE ACTION;

19 (B) THE LICENSEE IDENTIFIES THE ADVERSE WEATHER EVENT,
20 INCLUDING DOCUMENTS REASONABLY REQUIRED OR REQUESTED BY THE
21 STATE AND LOCAL LICENSING AUTHORITIES TO VERIFY THE ADVERSE
22 WEATHER EVENT;

23 (C) THE LICENSEE'S ACTIONS ARE DIRECTLY RELATED TO THE
24 ADVERSE WEATHER EVENT;

25 (D) ALL REGULATED MARIJUANA IS ACCURATELY IDENTIFIED IN
26 THE SEED-TO-SALE TRACKING SYSTEM WITHIN SEVEN DAYS AFTER THE
27 ADVERSE WEATHER EVENT; AND

1 (E) THE ACTION DOES NOT EXCEED THIRTY DAYS OR,
2 ALTERNATIVELY, THE LICENSEE COMPLIES WITH ALL STATUTES AND RULES
3 WITHIN THIRTY DAYS AFTER THE ADVERSE WEATHER EVENT.

4 (III) THIS SUBSECTION (13)(a) IS REPEALED, EFFECTIVE JANUARY
5 1, 2022.

6 (b) BEGINNING JANUARY 1, 2022, A RETAIL MARIJUANA
7 CULTIVATION FACILITY LICENSEE THAT CULTIVATES RETAIL MARIJUANA
8 OUTDOORS MAY FILE A CONTINGENCY PLAN FOR ITS OUTDOOR
9 CULTIVATION OPERATION TO ADDRESS HOW THE LICENSEE WILL RESPOND
10 WHEN THERE IS AN ADVERSE WEATHER EVENT. IF THE LICENSEE FILES A
11 CONTINGENCY PLAN, THE LICENSEE SHALL ALSO SUBMIT A COPY OF THE
12 PLAN TO THE LOCAL JURISDICTION WHERE THE LICENSEE OPERATES. IF THE
13 CONTINGENCY PLAN IS APPROVED BY THE STATE LICENSING AUTHORITY,
14 THE RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE MAY FOLLOW
15 THE CONTINGENCY PLAN IN THE CASE OF AN ADVERSE WEATHER EVENT.

16 (c) PURSUANT TO RULES PROMULGATED BY THE STATE LICENSING
17 AUTHORITY IN ACCORDANCE WITH SECTION 44-10-203 (2)(ii) AND
18 NOTWITHSTANDING THE SURVEILLANCE REQUIREMENTS IMPOSED BY THIS
19 ARTICLE 10 AND ANY RULES RELATED TO SURVEILLANCE PROMULGATED
20 BY THE STATE LICENSING AUTHORITY, A RETAIL MARIJUANA CULTIVATION
21 FACILITY LICENSEE THAT CULTIVATES RETAIL MARIJUANA OUTDOORS MAY
22 TEMPORARILY COVER CROPS TO PROTECT THE CROPS FROM EXTREME
23 WEATHER SUCH AS FROST.

24 (d) NOTHING IN THIS SECTION AFFECTS THE EXISTING LAND-USE
25 AUTHORITY AND ZONING AUTHORITY OF ANY LOCAL GOVERNMENT.

26 **SECTION 8. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2022 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.