

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

SB21-087 be amended as follows:

1 Amend reengrossed bill, page 15, strike line 23, and substitute:

2        "(c) BEGINNING JANUARY 1, 2022, THIS SUBSECTION (2) DOES NOT  
3 PROHIBIT:".

4 Page 16, line 12, strike "OR".

5 Page 16, line 14, strike "TOOL." and substitute "TOOL; OR".

6 Page 16, after line 14 insert:

7        "(VII) HAND WEEDING, THINNING, OR TENDING THE SOIL-EXPOSED  
8 AREA IMMEDIATELY SURROUNDING AGRICULTURAL OR HORTICULTURAL  
9 COMMODITIES GROWN USING POLYETHYLENE FILM OR PLASTIC MULCH.  
10 THIS EXEMPTION DOES NOT PERMIT THE HAND WEEDING OF THE SPACES  
11 BETWEEN ROWS OF PLANTS GROWN USING POLYETHYLENE FILM OR  
12 PLASTIC MULCH.

13        (d) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE  
14 SHALL PROMULGATE RULES REGARDING ALLOWANCES FOR AND  
15 LIMITATIONS TO HAND WEEDING AND HAND THINNING FOR AGRICULTURAL  
16 EMPLOYERS ACTIVELY ENGAGED IN THE TRANSITION TO CERTIFIED  
17 ORGANIC AGRICULTURE FOR A PERIOD OF NO MORE THAN THREE YEARS  
18 WHILE ENSURING THAT AGRICULTURAL WORKERS ARE NOT AT RISK OF  
19 ACUTE, CHRONIC, OR DEBILITATING INJURIES. THE RULES MUST BE  
20 PROPOSED ON OR BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE  
21 JANUARY 31, 2022.

22        (e) ON OR BEFORE JANUARY 31, 2022, THE COMMISSIONER OF THE  
23 DEPARTMENT OF AGRICULTURE SHALL PROMULGATE RULES THAT  
24 ESTABLISH A PROCEDURE FOR AGRICULTURAL EMPLOYERS TO SEEK A  
25 CERTIFICATE OF VARIANCE FROM THE COLORADO DEPARTMENT OF  
26 AGRICULTURE THAT ALLOWS FOR MORE THAN OCCASIONAL OR  
27 INTERMITTENT HAND WEEDING OF AGRICULTURAL OR HORTICULTURAL  
28 PRODUCTS IF THE AGRICULTURAL EMPLOYER ESTABLISHES THAT:

29        (I) THE HAND WEEDING DOES NOT INVOLVE PROLONGED AND  
30 UNNECESSARY STOOPING, KNEELING, OR SQUATTING, AND DOES NOT  
31 CREATE A RISK OF ACUTE, CHRONIC, OR DEBILITATING INJURIES FOR  
32 AGRICULTURAL WORKERS;

33        (II) THERE IS NO SUITABLE LONG-HANDED TOOL OR OTHER  
34 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND  
35 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR  
36 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION; AND

37        (III) THE HAND WEEDING CANNOT BE PERFORMED PURSUANT TO  
38 AN EXISTING EXEMPTION PURSUANT TO THIS SUBSECTION (2)".

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