

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 12, 2020

Committee on Rural Affairs & Agriculture.

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

HB20-1328 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 6, after the semicolon add "OR".
- 2 Page 3, line 8, strike "FLOOD; OR" and substitute "FLOOD."
- 3 Page 3, strike lines 9 through 11.
- 4 Page 3, line 13, after "(2)(hh)" insert "and (9)".
- 5 Page 3, strike lines 24 through 27 and substitute:
 - 6 "(hh) BY JANUARY 1, 2021, THE PROCESS, PROCEDURES, AND
 - 7 REQUIREMENTS FOR CONTINGENCY PLANS FOR OUTDOOR CULTIVATION
 - 8 FACILITIES TO PREVENT OR AMELIORATE CROP LOSS DUE TO AN ADVERSE
 - 9 WEATHER EVENT."
- 10 Page 4, strike line 1 and substitute:
 - 11 "(9) (a) THE STATE LICENSING AUTHORITY MAY ESTABLISH
 - 12 PROCEDURES FOR THE CONDITIONAL ISSUANCE OF AN EMPLOYEE LICENSE
 - 13 IDENTIFICATION CARD AT THE TIME OF APPLICATION.
 - 14 (b) (I) THE STATE LICENSING AUTHORITY'S ISSUANCE OF AN
 - 15 EMPLOYEE LICENSE IDENTIFICATION CARD PURSUANT TO THIS SUBSECTION
 - 16 (9) SHALL BE BASED ON THE RESULTS OF AN INITIAL INVESTIGATION THAT
 - 17 DEMONSTRATE THE APPLICANT IS QUALIFIED TO HOLD SUCH LICENSE. THE
 - 18 EMPLOYEE LICENSE APPLICATION FOR WHICH AN EMPLOYEE LICENSE

1 IDENTIFICATION CARD WAS ISSUED PURSUANT TO THIS SUBSECTION (9)
2 REMAINS SUBJECT TO DENIAL PENDING THE COMPLETE RESULTS OF THE
3 APPLICANT'S INITIAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD
4 CHECK.

5 (II) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
6 CHECK THAT DEMONSTRATE AN APPLICANT POSSESSING AN EMPLOYEE
7 LICENSE IDENTIFICATION CARD PURSUANT TO THIS SUBSECTION (9) IS NOT
8 QUALIFIED TO HOLD A LICENSE ISSUED UNDER THIS ARTICLE 10 ARE
9 GROUNDS FOR DENIAL OF THE EMPLOYEE LICENSE APPLICATION. IF THE
10 EMPLOYEE LICENSE APPLICATION IS DENIED, THE APPLICANT SHALL
11 RETURN THE EMPLOYEE LICENSE IDENTIFICATION CARD TO THE STATE
12 LICENSING AUTHORITY WITHIN A TIME PERIOD ESTABLISHED BY RULE."

13 Page 4, line 7, strike "ANY" and after "ACTION" insert "PURSUANT TO A
14 WRITTEN CONTINGENCY PLAN MAINTAINED ON THE LICENSED PREMISES
15 AND SENT TO THE STATE LICENSING AUTHORITY".

16 Page 4, after line 13, insert:

17 "(II) IT IS NOT A VIOLATION OF THIS ARTICLE 10, OR RULES
18 PROMULGATED THERETO, OR LOCAL ORDINANCES OR RULES FOR A
19 LICENSEE TO TAKE ACTION CONSISTENT WITH A WRITTEN CONTINGENCY
20 PLAN IF:

21 (A) THE LICENSEE PROVIDES THE STATE AND LOCAL LICENSING
22 AUTHORITIES THE WRITTEN CONTINGENCY PLAN AND NOTICE OF ACTION
23 PURSUANT TO THAT CONTINGENCY PLAN WITHIN FORTY-EIGHT HOURS OF
24 THE ACTION;

25 (B) THE LICENSEE IDENTIFIES THE ADVERSE WEATHER EVENT,
26 INCLUDING DOCUMENTS REASONABLY REQUIRED OR REQUESTED BY THE
27 STATE LICENSING AUTHORITY TO VERIFY THE ADVERSE WEATHER EVENT;

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

30 (D) ALL REGULATED MARIJUANA IS ACCURATELY IDENTIFIED IN
31 THE SEED-TO-SALE TRACKING SYSTEM WITHIN SEVEN DAYS OF THE
32 ADVERSE WEATHER EVENT; AND

33 (E) THE ACTION DOES NOT EXCEED THIRTY DAYS OR
34 ALTERNATIVELY THE LICENSEE COMPLIES WITH ALL STATUTES AND RULES
35 WITHIN THIRTY DAYS OF THE ADVERSE WEATHER EVENT."

36 Reletter succeeding subparagraph accordingly.

1 Page 4, line 20, after the period insert "IF THE LICENSEE DOES FILE A
2 CONTINGENCY PLAN, THE LICENSEE SHALL ALSO SUBMIT A COPY OF THE
3 PLAN TO THE LOCAL JURISDICTION WHERE THE LICENSEE OPERATES."

4 Page 4, after line 24, insert:

5 "(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
6 THE EXISTING LAND-USE AUTHORITY AND ZONING AUTHORITY OF ANY
7 LOCAL GOVERNMENT."

8 Page 5, line 3, strike "ANY".

9 Page 5, line 16, after the period insert "IF THE LICENSEE DOES FILE A
10 CONTINGENCY PLAN, THE LICENSEE SHALL ALSO SUBMIT A COPY OF THE
11 PLAN TO THE LOCAL JURISDICTION WHERE THE LICENSEE OPERATES."

12 Page 5, after line 20, insert:

13 "(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
14 THE EXISTING LAND-USE AUTHORITY AND ZONING AUTHORITY OF ANY
15 LOCAL GOVERNMENT."

16 Strike "THREAT TO OPERATIONS DUE TO" on: **Page 4**, line 19; **Page 5**, line
17 15.

18 Strike "EVENT OR OTHER CATASTROPHE." and substitute "EVENT." on:
19 **Page 4**, line 20 and lines 23 and 24; **Page 5**, line 16 and lines 19 and 20.

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