

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0853.01 Bob Lackner x4350

HOUSE BILL 19-1191

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HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

(None),

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House Committees

Rural Affairs & Agriculture

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A FARM STAND TO BE OPERATED ON A  
102 PRINCIPAL USE SITE OF ANY SIZED LAND AREA REGARDLESS OF  
103 WHETHER THE SITE HAS BEEN ZONED BY A LOCAL GOVERNMENT  
104 FOR AGRICULTURAL OPERATIONS.

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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>.)*

The bill defines "farm stand" to mean a temporary or permanent structure used for the sale and display of agricultural products resulting from agricultural operations that are conducted on the principal use site

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.

on which the farm stand is located.

The bill permits a farm stand of any land size located anywhere within the state to undertake agricultural operations on its principal use site regardless of whether the land area on which the farm stand is located has been zoned to conduct agricultural operations. The retail sale of goods to the public by a farm stand must include goods or other agricultural products that are grown or produced on the principal use site on which the farm stand is located. The bill permits a local government to enact an ordinance, resolution, or other form of law within the particular jurisdiction to facilitate the operation of the bill by the local government, but in no way shall any such local law limit or restrict the bill.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 30 to title  
3 29 as follows:

4                                   **ARTICLE 30**

5                                   **Farm Stands**

6           **29-30-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 HEREBY FINDS, DECLARES, AND DETERMINES THAT:

8           (a) THE DIRECT MARKETING OF AGRICULTURAL PRODUCTS TO THE  
9 PUBLIC THROUGH FARM STANDS BENEFITS THE AGRICULTURAL  
10 COMMUNITY AND THE CONSUMER BY, AMONG OTHER BENEFITS, PROVIDING  
11 AN ALTERNATIVE METHOD FOR AGRICULTURAL PRODUCERS TO SELL THEIR  
12 PRODUCTS WHILE SUPPLYING QUALITY AGRICULTURAL PRODUCTS AT  
13 REASONABLE PRICES;

14           (b) THE DIRECT MARKETING OF AGRICULTURAL PRODUCTS  
15 BENEFITS THE AGRICULTURE INDUSTRY BY BRINGING PRODUCERS OF  
16 AGRICULTURAL GOODS FACE-TO-FACE WITH CONSUMERS;

17           (c) THE STATE HAS A COMPELLING INTEREST IN MAXIMIZING THE  
18 PROMOTION OF AGRICULTURAL GOODS PRODUCED OR GROWN IN  
19 COLORADO AND IN PROMOTING ACCESS TO A WIDE VARIETY OF

1 COLORADO-PRODUCED AGRICULTURAL PRODUCTS;

2 (d) FARM STANDS ALLOW FARMERS AND OTHER AGRICULTURAL  
3 PRODUCERS TO SELL FRESH AGRICULTURAL PRODUCE AND OTHER  
4 AGRICULTURAL GOODS GROWN ON THE PRINCIPAL USE SITE ON WHICH THE  
5 FARM STAND IS LOCATED AS WELL AS OTHER FOOD PRODUCTS MADE WITH  
6 INGREDIENTS PRODUCED ON OR NEAR THE PRINCIPAL USE SITE; AND

7 (e) IN MANY JURISDICTIONS ACROSS THE STATE, A FARM STAND IS  
8 NOT PERMITTED TO OPERATE IF LOCATED ON A PRINCIPAL USE SITE THAT  
9 IS SMALLER THAN A CERTAIN ACREAGE SIZE. THESE RESTRICTIONS  
10 OPERATE IN THIS MANNER BECAUSE, IN MANY JURISDICTIONS ACROSS THE  
11 STATE, A PRINCIPAL USE SITE CANNOT BE CLASSIFIED AS A FARM THAT IS  
12 ABLE TO CONDUCT AGRICULTURAL OPERATIONS UNLESS THE SITE EXCEEDS  
13 A CERTAIN MINIMUM ACREAGE REQUIREMENT.

14 (2) BY ENACTING THIS ARTICLE 30 THE GENERAL ASSEMBLY  
15 INTENDS TO PROVIDE A UNIFORM AND CONSISTENT PERMISSION ACROSS  
16 THE STATE FOR FARM STANDS TO UNDERTAKE AGRICULTURAL OPERATIONS  
17 ON PRINCIPAL USE SITES THAT ARE SMALLER THAN A CERTAIN ACREAGE  
18 SIZE. SUCH UNIFORMITY IN THE LAW PREVENTS INCONSISTENT  
19 APPLICATION OF THE LAW, DEPENDING UPON THE POLITICAL SUBDIVISION  
20 IN WHICH A FARM STAND MAY BE OPERATED, AND ASSISTS WITH THE  
21 STATE'S EFFORTS TO SUPPORT TO THE GREATEST EXTENT POSSIBLE THE  
22 MARKETING OF AGRICULTURAL GOODS PRODUCED OR GROWN IN  
23 COLORADO AND THE PROMOTION OF A WIDE VARIETY OF  
24 COLORADO-PRODUCED AGRICULTURAL PRODUCTS. TOWARD THIS END,  
25 THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE MATTERS  
26 ADDRESSED IN THIS ARTICLE 30 ARE MATTERS OF STATEWIDE CONCERN.

27 **29-30-102. Definitions.** AS USED IN THIS ARTICLE 30, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "AGRICULTURAL OPERATIONS" MEANS ANY OPERATION  
3 OCCURRING ON A PRINCIPAL USE SITE THAT IS DIRECTLY RELATED TO THE  
4 PRODUCTION OF CROPS, ANIMALS, OR FOWL, INCLUDING THE PRODUCTION  
5 OF FRUITS AND VEGETABLES OF ALL KINDS; MEAT, DAIRY, AND POULTRY  
6 PRODUCTS; NUTS, NURSERY, AND FLORAL PRODUCTS; AND THE  
7 PRODUCTION AND HARVEST OF PRODUCTS FROM SILVICULTURAL AND  
8 APICULTURAL ACTIVITY.

9 (2) "FARM STAND" MEANS A TEMPORARY OR PERMANENT  
10 STRUCTURE USED FOR THE SALE AND DISPLAY OF AGRICULTURAL  
11 PRODUCTS RESULTING FROM AGRICULTURAL OPERATIONS THAT ARE  
12 CONDUCTED ON THE PRINCIPAL USE SITE ON WHICH THE FARM STAND IS  
13 LOCATED.

14 (3) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY,  
15 HOME RULE COUNTY, OR CITY AND COUNTY.

16 (4) "PRINCIPAL USE" MEANS THE PRIMARY PURPOSE FOR WHICH A  
17 STRUCTURE OR LOT IS DESIGNED, ARRANGED, OR INTENDED.

18 (5) "PRINCIPAL USE SITE" MEANS THE PARCEL OF REAL PROPERTY  
19 ON WHICH A BUSINESS UNDERTAKES ITS PRINCIPAL USE OF THE PROPERTY.

20 **29-30-103. Farm stands.** NOTWITHSTANDING ANY OTHER  
21 PROVISION OF LAW, A FARM STAND OF ANY LAND SIZE LOCATED  
22 ANYWHERE WITHIN THE STATE MAY UNDERTAKE AGRICULTURAL  
23 OPERATIONS ON ITS PRINCIPAL USE SITE REGARDLESS OF WHETHER THE  
24 LAND AREA ON WHICH THE FARM STAND IS LOCATED HAS BEEN ZONED TO  
25 CONDUCT AGRICULTURAL OPERATIONS. THE RETAIL SALE OF GOODS TO  
26 THE PUBLIC BY A FARM STAND MUST INCLUDE GOODS OR OTHER  
27 AGRICULTURAL PRODUCT THAT ARE GROWN OR PRODUCED ON THE

1 PRINCIPAL USE SITE ON WHICH THE FARM STAND IS LOCATED. A LOCAL  
2 GOVERNMENT MAY ENACT AN ORDINANCE, RESOLUTION, OR OTHER FORM  
3 OF LAW WITHIN THE PARTICULAR JURISDICTION TO FACILITATE THE  
4 OPERATION OF THIS ARTICLE 30 BY THE LOCAL GOVERNMENT BUT IN NO  
5 WAY SHALL ANY SUCH LOCAL LAW LIMIT OR RESTRICT THIS SECTION.

6 **SECTION 2. Effective date.** This act takes effect July 1, 2019.

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