

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 21-0814.01 Jennifer Berman x3286

**HOUSE BILL 21-1301**

**HOUSE SPONSORSHIP**

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**House Committees**

Agriculture, Livestock, & Water  
Finance  
Appropriations

**Senate Committees**

Finance  
Appropriations

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**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, AND MAKING AN APPROPRIATION.**

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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>.)*

**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.*

SENATE  
Amended 3rd Reading  
June 3, 2021

SENATE  
Amended 2nd Reading  
June 2, 2021

HOUSE  
3rd Reading Unamended  
May 26, 2021

HOUSE  
Amended 2nd Reading  
May 25, 2021

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.

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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),  (7.4), (7.6), (7.8), (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.

8 (7.4) "LICENSED OUTDOOR MARIJUANA CULTIVATION" MEANS THE  
9 LICENSED PREMISES, AS DEFINED IN SECTION 44-10-103 (24), USED FOR  
10 OUTDOOR CULTIVATION OF MARIJUANA.

11 (7.6) "MARIJUANA" HAS THE SAME MEANING AS "REGULATED  
12 MARIJUANA" AS DEFINED IN SECTION 44-10-103 (54).

13 (7.8) (a) "OUTDOOR CULTIVATION" MEANS:

14 (I) A REGISTERED OUTDOOR HEMP CULTIVATION;

15 (II) A LICENSED OUTDOOR MARIJUANA CULTIVATION;

16 (III) THE PREMISES FOR WHICH A PERSON APPLIES FOR  
17 REGISTRATION TO ENGAGE IN OUTDOOR CULTIVATION OF HEMP OR A  
18 LICENSE TO ENGAGE IN OUTDOOR CULTIVATION OF MARIJUANA; OR

19 (IV) THE PREMISES ON WHICH A PERSON PREVIOUSLY HAD A  
20 REGISTERED OUTDOOR HEMP CULTIVATION OR A LICENSED OUTDOOR  
21 MARIJUANA CULTIVATION.

22 (b) "OUTDOOR CULTIVATION", WITH RESPECT TO MARIJUANA,  
23 MEANS A LICENSED MARIJUANA GROW THAT OPERATES SEASONALLY  
24 WITHIN A TEMPORARY GREENHOUSE OR ON AN OPEN PLOT OF LAND.

25 (c) "OUTDOOR CULTIVATION", WITH RESPECT TO MARIJUANA, DOES  
26 NOT INCLUDE A LICENSED MARIJUANA GROW THAT OPERATES  
27 YEAR-ROUND WITHIN A CONSTRUCTED FACILITY OR PERMANENT

1 GREENHOUSE.

2 (8.4) "REGISTERED OUTDOOR HEMP CULTIVATION" MEANS THE  
3 PREMISES THAT ARE SUBJECT TO REGISTRATION UNDER SECTION 35-61-104  
4 AND ARE USED FOR OUTDOOR CULTIVATION OF HEMP.

5 (8.7) "STATE LICENSING AUTHORITY" MEANS THE STATE LICENSING  
6 AUTHORITY CREATED IN SECTION 44-10-201 FOR THE PURPOSE OF  
7 REGULATING AND CONTROLLING THE LICENSING OF THE CULTIVATION,  
8 MANUFACTURE, DISTRIBUTION, SALE, AND TESTING OF MARIJUANA IN THIS  
9 STATE.

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

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

15 **35-61-110.3. Cross-pollination - working group - reporting -**  
16 **repeal.** (1) ON OR BEFORE NOVEMBER 1, 2021, THE COMMISSIONER, IN  
17 COLLABORATION WITH THE STATE LICENSING AUTHORITY, THE  
18 GOVERNOR'S DEPUTY LEGAL COUNSEL, AND THE GOVERNOR'S SPECIAL  
19 ADVISOR ON CANNABIS, SHALL WORK WITH A WORKING GROUP CONVENED  
20 TO STUDY AND RECOMMEND OPTIONS FOR MINIMIZING CROSS-POLLINATION  
21 BETWEEN CANNABIS PLANTS, INCLUDING:

22 (a) HOW TO MINIMIZE VOLUNTEER CANNABIS PLANTS GROWING ON  
23 AREAS OF LAND THAT ARE NOT REGISTERED OUTDOOR HEMP  
24 CULTIVATIONS OR LICENSED OUTDOOR MARIJUANA CULTIVATIONS,  
25 REGARDLESS OF WHETHER THE PROPERTY WAS PREVIOUSLY REGISTERED  
26 OR LICENSED;

27

1           (b) HOW BEST TO SHARE DATA AND THE PROXIMITY BETWEEN THE  
2           LOCATIONS OF REGISTERED OUTDOOR HEMP CULTIVATIONS, LICENSED  
3           OUTDOOR MARIJUANA CULTIVATIONS, AND THE PROPERTIES OF  
4           APPLICANTS FOR REGISTERED OUTDOOR HEMP CULTIVATIONS OR LICENSED  
5           OUTDOOR MARIJUANA CULTIVATIONS, INCLUDING INFORMATION FOR EACH  
6           OUTDOOR CULTIVATION REGARDING:

7           (I) THE POTENTIAL FOR CROSS-POLLINATION BETWEEN THE  
8           OUTDOOR CULTIVATION AND OTHER OUTDOOR CULTIVATIONS OR AREAS  
9           OF LAND WITH VOLUNTEER CANNABIS PLANTS; AND

10           (II) PROPERTY SIZE;

11           (c) THE BEST PRACTICES FOR PREVENTING CROSS-POLLINATION  
12 INCLUDING:

13           (I) AN EXAMINATION OF THE STANDARDS DEVELOPED BY  
14 AGRICULTURAL ORGANIZATIONS WITH EXPERTISE IN INDUSTRY-WIDE  
15 STANDARDS AND PRACTICES;

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

17           (III) IF AVAILABLE, A REVIEW OF PRACTICES DEVELOPED BY THE  
18 HEMP CENTER OF EXCELLENCE; AND

19           (d) THE FEASIBILITY OF CONDUCTING AND FINANCING FIELD      
20 STUDIES TO EXAMINE CROSS-POLLINATION BETWEEN OUTDOOR  
21 CULTIVATIONS AND AREAS OF LAND WITH VOLUNTEER CANNABIS PLANTS.

22           (2) IN CONVENING THE WORKING GROUP, THE APPOINTING  
23 AUTHORITIES SHOULD STRIVE TO INCLUDE REPRESENTATION OF A DIVERSE  
24 CROSS-SECTION OF MEMBERS. MEMBERS OF THE WORKING GROUP SHALL  
25 BE APPOINTED ON OR BEFORE OCTOBER 15, 2021, AS FOLLOWS:

26           (a) THE CHAIRS OF THE HOUSE AGRICULTURE, LIVESTOCK, AND  
27 WATER COMMITTEE AND THE SENATE AGRICULTURE AND NATURAL

1 RESOURCES COMMITTEE OR THEIR SUCCESSOR COMMITTEES SHALL  
2 JOINTLY APPOINT:

3 (I) TWO MEMBERS FROM AFFECTED LICENSED MARIJUANA  
4 CULTIVATION BUSINESSES IN THE STATE;

5 (II) ONE GENETICIST WITH EXPERTISE IN CANNABIS BREEDING;

6 (III) ONE SCIENTIST OR AGRONOMIST WITH EXPERTISE IN  
7 CROSS-POLLINATION;

8 (IV) TWO MEMBERS FROM SOFTWARE COMPANIES THAT SERVICE  
9 THE AGRICULTURAL INDUSTRY;

10 (V) TWO MEMBERS FROM BUSINESSES IN THE STATE WITH  
11 EXPERIENCE GROWING HEMP FROM FEMINIZED SEEDS OR CLONES  
12 PRIMARILY FOR CANNABINOID PRODUCTION;

13 (VI) TWO MEMBERS REPRESENTING COMPANIES WITH EXPERTISE  
14 IN AGRICULTURAL SURVEYING;

15 (VII) TWO MEMBERS FROM BUSINESSES IN THE STATE WITH  
16 EXPERIENCE IN THE DEVELOPMENT OF SEED THAT IS CERTIFIED BY THE  
17 ASSOCIATION OF OFFICIAL SEED CERTIFYING AGENCIES; AND

18 (VIII) TWO MEMBERS FROM BUSINESSES IN THE STATE WITH  
19 EXPERIENCE IN GROWING HEMP GRAIN AND FIBER VARIETIES; AND

20 (b) THE STATE LICENSING AUTHORITY SHALL APPOINT FOUR  
21 MEMBERS AS FOLLOWS:

22 (I) TWO EACH WITH EXPERTISE IN LICENSED MARIJUANA  
23 CULTIVATION REGULATIONS; AND

24 (II) TWO EACH REPRESENTING A LICENSED MARIJUANA OUTDOOR  
25 CULTIVATION BUSINESS WITH EXPERTISE IN CANNABIS GENETICS.

26 (3) THE WORKING GROUP'S RECOMMENDATIONS MUST NOT  
27 INCLUDE MANDATES ON THE TYPE, LOCATION, OR TIMING OF ANY CROP

1 PLANTING; HOWEVER, THIS WILL NOT LIMIT THE ABILITY OF PROPERTY  
2 OWNERS TO ENTER INTO VOLUNTARY AGREEMENTS.

3 (4) ON OR BEFORE NOVEMBER 1, 2022, THE WORKING GROUP  
4 SHALL SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE  
5 HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER  
6 COMMITTEE AND THE SENATE AGRICULTURE AND NATURAL RESOURCES  
7 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE DEPARTMENT AND  
8 THE STATE LICENSING AUTHORITY SHALL POST THE REPORT ON THEIR  
9 PUBLIC WEBSITES.

10 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2023.

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

13 **44-10-103. Definitions.** As used in this article 10, unless the  
14 context otherwise requires:

15 **(6.5) "ADVERSE WEATHER EVENT" MEANS:**

16 **(a) DAMAGING WEATHER, WHICH INVOLVES A DROUGHT, A FREEZE,**  
17 **HAIL, EXCESSIVE MOISTURE, EXCESSIVE WIND, OR A TORNADO;**

18 **(b) AN ADVERSE NATURAL OCCURRENCE, WHICH INVOLVES AN**  
19 **EARTHQUAKE, WILDFIRE, OR FLOOD; OR**

20 **(c) ANY ADDITIONAL ADVERSE WEATHER EVENT OR ADVERSE**  
21 **NATURAL OCCURRENCE AS THE STATE LICENSING AUTHORITY MAY DEFINE**  
22 **BY RULE.**

23 ==

24 **SECTION 4. In Colorado Revised Statutes, add 44-10-107 as**  
25 **follows:**

26 **44-10-107. Cannabinoids. IT IS UNLAWFUL TO DISTRIBUTE OR**  
27 **SELL PRODUCTS CONTAINING INTOXICATING CANNABINOIDS INCLUDING**

1 BUT NOT LIMITED TO DELTA-8 TETRAHYDROCANNABINOL, DELTA-9  
2 TETRAHYDROCANNABINOL, DELTA-10 TETRAHYDROCANNABINOL,  
3 EXO-TETRAHYDROCANNABINOL, AND OTHER TETRAHYDROCANNABINOL  
4 ISOMERS, SALTS, OR DERIVATIVES THAT HAVE A CONCENTRATION GREATER  
5 THAN THREE-TENTHS OF ONE PERCENT, WHETHER FROM REGULATED  
6 MARIJUANA, INDUSTRIAL HEMP, INDUSTRIAL HEMP PRODUCTS, OR  
7 OTHERWISE, EXCEPT IF DISTRIBUTED OR SOLD IN COMPLIANCE WITH THE  
8 TERMS, CONDITIONS, LIMITATIONS, AND RESTRICTIONS SET FORTH IN  
9 SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION OR THIS  
10 ARTICLE 10.

11 **SECTION 5.** In Colorado Revised Statutes, 44-10-202, **amend**  
12 (1)(f) and (1)(g); and **add** (1)(h) as follows:

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

15 The state licensing authority shall:

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

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

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



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

9 (II) THIS SUBSECTION (1)(h) IS REPEALED, EFFECTIVE SEPTEMBER  
10 1, 2022.

11 **SECTION 6.** In Colorado Revised Statutes, 44-10-203, **amend**  
12 **(1)(j); and add (1)(i.5), (1)(j.5), and (9) as follows:**

13 **44-10-203. State licensing authority - rules - definition.**

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

17 (i.5) REQUIREMENTS FOR THE MANUFACTURE, CONVERSION,  
18 DISTRIBUTION, AND SALE OF PRODUCTS CONTAINING INTOXICATING  
19 CANNABINOIDS INCLUDING BUT NOT LIMITED TO DELTA-8  
20 TETRAHYDROCANNABINOL, DELTA-9 TETRAHYDROCANNABINOL,  
21 DELTA-10 TETRAHYDROCANNABINOL, EXO-TETRAHYDROCANNABINOL,  
22 AND OTHER TETRAHYDROCANNABINOL ISOMERS, SALTS, OR DERIVATIVES  
23 THAT HAVE A CONCENTRATION GREATER THAN THREE-TENTHS OF ONE  
24 PERCENT, WHETHER FROM REGULATED MARIJUANA, INDUSTRIAL HEMP,  
25 INDUSTRIAL HEMP PRODUCTS, OR OTHERWISE;

26 (j) A definition for "disproportionate impacted area" to the extent  
27 relevant state of Colorado data exists, is available, and is used for the

1 purpose of determining eligibility for a social equity licensee; and  
2 (j.5) THE IMPLEMENTATION OF CONTINGENCY PLANS PURSUANT TO  
3 SECTIONS 44-10-502 (9) AND 44-10-602 (13), INCLUDING THE DEFINITION  
4 OF OUTDOOR CULTIVATION, ADVERSE WEATHER EVENT, OR ADVERSE  
5 NATURAL OCCURRENCE AND THE PROCESS, PROCEDURES, REQUIREMENTS,  
6 AND RESTRICTIONS FOR CONTINGENCY PLANS; AND

7 (9) (a) THE STATE LICENSING AUTHORITY MAY, BY RULE,  
8 ESTABLISH PROCEDURES FOR THE CONDITIONAL ISSUANCE OF AN  
9 EMPLOYEE LICENSE IDENTIFICATION CARD AT THE TIME OF APPLICATION.

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

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

1           **SECTION 7.** In Colorado Revised Statutes, 44-10-502, **add** (9)  
2 as follows:

3           **44-10-502. Medical marijuana cultivation facility**  
4 **license - rules - definitions.** (9) (a) BEGINNING JANUARY 1, 2022, A  
5 MEDICAL MARIJUANA CULTIVATION FACILITY LICENSEE THAT CULTIVATES  
6 MEDICAL MARIJUANA OUTDOORS MAY FILE A CONTINGENCY PLAN FOR ITS  
7 OUTDOOR CULTIVATION OPERATION TO ADDRESS HOW THE LICENSEE WILL  
8 RESPOND WHEN THERE IS AN ADVERSE WEATHER EVENT. IF THE LICENSEE  
9 FILES A CONTINGENCY PLAN, THE LICENSEE SHALL ALSO SUBMIT A COPY OF  
10 THE PLAN TO THE LOCAL LICENSING AUTHORITY IN THE LOCAL  
11 JURISDICTION WHERE THE LICENSEE OPERATES. IF THE CONTINGENCY PLAN  
12 IS APPROVED BY THE STATE LICENSING AUTHORITY, THE MEDICAL  
13 MARIJUANA CULTIVATION FACILITY LICENSEE MAY FOLLOW THE  
14 CONTINGENCY PLAN IN THE CASE OF AN ADVERSE WEATHER EVENT.

15           (b) AFTER THE STATE LICENSING AUTHORITY APPROVES A  
16 CONTINGENCY PLAN, IT SHALL NOTIFY THE LOCAL LICENSING AUTHORITY  
17 OF THE APPROVAL. THE LOCAL LICENSING AUTHORITY MAY ENFORCE  
18 LOCAL LAND USE AND ZONING LAWS AND REGULATIONS REGARDING THE  
19 CONTINGENCY PLAN AND MAY DEVELOP INTERNAL REGULATORY  
20 PROCESSES TO EVALUATE CONTINGENCY PLANS.

21           (c) ON AND AFTER JANUARY 1, 2023, A LOCAL LICENSING  
22 AUTHORITY MAY REQUIRE THAT AN APPLICANT FOR A MEDICAL  
23 MARIJUANA CULTIVATION FACILITY LICENSE INCLUDE A CONTINGENCY  
24 PLAN WITH THE APPLICATION FOR THE LOCAL LICENSING AUTHORITY'S  
25 REVIEW AND APPROVAL.

26  
27           **SECTION 8.** In Colorado Revised Statutes, 44-10-602, **add** (13)

1 as follows:

2 **44-10-602. Retail marijuana cultivation facility license - rules**

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

14 (b) AFTER THE STATE LICENSING AUTHORITY APPROVES A  
15 CONTINGENCY PLAN, IT SHALL NOTIFY THE LOCAL LICENSING AUTHORITY  
16 OF THE APPROVAL. THE LOCAL LICENSING AUTHORITY MAY ENFORCE  
17 LOCAL LAND USE AND ZONING LAWS AND REGULATIONS REGARDING THE  
18 CONTINGENCY PLAN AND MAY DEVELOP INTERNAL REGULATORY  
19 PROCESSES TO EVALUATE CONTINGENCY PLANS.

20 (c) ON AND AFTER JANUARY 1, 2023, A LOCAL LICENSING  
21 AUTHORITY MAY REQUIRE THAT AN APPLICANT FOR A RETAIL MARIJUANA  
22 CULTIVATION FACILITY LICENSE INCLUDE A CONTINGENCY PLAN WITH THE  
23 APPLICATION FOR THE LOCAL LICENSING AUTHORITY'S REVIEW AND  
24 APPROVAL.

25  
26 **SECTION 9. Appropriation.** (1) For the 2021-22 state fiscal  
27 year, \$104,780 is appropriated to the department of agriculture for use by

1 agricultural services. This appropriation consists of \$52,390 from the  
2 industrial hemp registration program cash fund created in section  
3 35-61-106 (1), C.R.S., and \$52,390 from the marijuana tax cash fund  
4 created in section 39-28.8-501 (1), C.R.S. To implement this act, the  
5 department may use this appropriation as follows:

6 (a) \$83,512, which consists of \$52,390 from the industrial hemp  
7 registration program cash fund and \$31,122 from the marijuana tax cash  
8 fund, for use by agricultural services for the plant industry division, which  
9 amount is based on an assumption that the department will require an  
10 additional 0.7 FTE; and

11 (b) \$21,268 from the marijuana tax cash fund for the purchase of  
12 legal services.

13 (2) For the 2021-22 state fiscal year, \$21,268 is appropriated to  
14 the department of law. This appropriation is from reappropriated funds  
15 received from the department of agriculture under subsection (1)(b) of  
16 this section and is based on an assumption that the department of law will  
17 require an additional 0.1 FTE. To implement this act, the department of  
18 law may use this appropriation to provide legal services for the  
19 department of agriculture.

20 (3) For the 2021-22 state fiscal year, \$279,194 is appropriated to  
21 the department of revenue. This appropriation is from the marijuana cash  
22 fund created in section 44-10-801 (1)(a), C.R.S. To implement this act,  
23 the department may use this appropriation as follows:

24 (a) \$247,292 for use by the specialized business group for  
25 marijuana enforcement, which amount is based on an assumption that the  
26 group will require an additional 1.9 FTE; and

27 (b) \$31,902 for the purchase of legal services.

1           (4) For the 2021-22 state fiscal year, \$31,902 is appropriated to  
2 the department of law. This appropriation is from reappropriated funds  
3 received from the department of revenue under subsection (3)(b) of this  
4 section and is based on an assumption that the department of law will  
5 require an additional 0.2 FTE. To implement this act, the department of  
6 law may use this appropriation to provide legal services for the  
7 department of revenue.

8           **SECTION 10. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly; except  
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
12 of the state constitution against this act or an item, section, or part of this  
13 act within such period, then the act, item, section, or part will not take  
14 effect unless approved by the people at the general election to be held in  
15 November 2022 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.