

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0916.01 Christopher McMichael x4775

**SENATE BILL 24-137**

---

**SENATE SPONSORSHIP**

**Simpson and Gonzales,**

**HOUSE SPONSORSHIP**

**Martinez and Holtorf,**

---

**Senate Committees**

Agriculture & Natural Resources

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE PLANTING OF UNCERTIFIED POTATOES, AND, IN**  
102              **CONNECTION THEREWITH, REQUIRING THAT UNCERTIFIED**  
103              **POTATO SEED STOCK BE TESTED AND APPROVED BY THE**  
104              **CERTIFYING AUTHORITY OF COLORADO BEFORE PLANTING.**

---

**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>.)*

Under current law, a potato grower in Colorado is allowed to plant uncertified potatoes if the uncertified potatoes are no more than one generation removed from certified parent potatoes or qualified parent

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

potatoes, but does not require any testing to verify the health of those potato seeds.

The bill clarifies that uncertified potatoes may be planted only if they have been submitted and tested by the certifying authority of Colorado prior to planting. The testing process is aimed to ensure that if uncertified potatoes are planted in Colorado, those potatoes are free from disease or other issues that may be detrimental to Colorado's potato crop.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Potato growing is a vital part of the agriculture industry in  
5 Colorado and provides a substantial impact to Colorado's economy;

6 (b) Every year, Colorado's potato growers plant over 52,000 acres  
7 of potatoes and produce over 1 million tons of potatoes;

8 (c) The potato industry in Colorado contributes more than \$335  
9 million annually to Colorado's economy;

10 (d) Recently, a virus known as Potato Virus Y has begun to spread  
11 in Colorado, which is jeopardizing Colorado's potato growing industry;

12 (e) A major contributing factor to the spread of Potato Virus Y is  
13 the planting of uncertified and untested potatoes that may be  
14 contaminated with the virus;

15 (f) Testing the seed stock of uncertified potatoes before they are  
16 planted would help protect Colorado's potato crop and limit the spread of  
17 Potato Virus Y and other potato diseases throughout Colorado; and

18 (g) Limiting the spread of Potato Virus Y and other potato  
19 diseases is necessary to protect Colorado's potato growers, agriculture  
20 industry, and economy.

21 **SECTION 2.** In Colorado Revised Statutes, 35-27.3-105, **amend**  
22 (2) as follows:

1           **35-27.3-105. Minimum standards for planting seed potatoes**

2           **- scope - qualified seed potatoes - rules.** (2) (a) A potato grower in  
3 Colorado ~~shall be allowed to~~ MAY plant uncertified potatoes if:

4           (I) The potatoes were grown and stored as part of that grower's  
5 farming operations and THE REQUIREMENTS OF SUBSECTION (2)(b) OF THIS  
6 SECTION HAVE BEEN MET; OR

7           (II) The uncertified potatoes are no more than one generation from  
8 certified parent potatoes or qualified parent potatoes, AND THE POTATO  
9 GROWER SUBMITS THE UNCERTIFIED POTATO SEED STOCK TO THE  
10 CERTIFYING AUTHORITY OF COLORADO FOR TESTING.

11           (b) (I) A potato grower who ~~plants~~ INTENDS TO PLANT uncertified  
12 potatoes pursuant to ~~paragraph (a)~~ of this subsection (2) ~~may plant~~  
13 ~~progeny from that seed in additional years if, in each additional year, the~~  
14 ~~grower submits the~~ MUST SUBMIT THE UNCERTIFIED POTATO seed stock to  
15 the certifying authority of Colorado for testing ~~and~~ PRIOR TO PLANTING.

16           (II) The certifying authority of Colorado ~~approves~~ SHALL APPROVE  
17 the UNCERTIFIED POTATO seed stock for planting ~~The certifying authority~~  
18 ~~of Colorado shall approve the seed stock~~ if it meets the standards for such  
19 stock as established by the commissioner by rule.

20           ==

21           **SECTION 3. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly; except  
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
25 of the state constitution against this act or an item, section, or part of this  
26 act within such period, then the act, item, section, or part will not take  
27 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.