

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
9.1.22

Bill 6

LLS NO. 23-0087.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Water Resources and Agriculture Review Committee

BILL TOPIC: "Plant Swaps Exemptions For Nonprofits"

A BILL FOR AN ACT

101 **CONCERNING EXEMPTIONS FOR NONPROFIT ORGANIZATIONS INVOLVED**
102 **IN THE EXCHANGE OF PLANT MATERIALS, AND, IN CONNECTION**
103 **THEREWITH, EXEMPTING NONPROFIT ORGANIZATIONS FROM**
104 **CERTAIN REQUIREMENTS OF THE "COLORADO NURSERY ACT"**
105 **AND THE "COLORADO SEED ACT".**

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/>.)

Water Resources and Agriculture Review Committee. The bill exempts nonprofit organizations from certain requirements of the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

"Colorado Nursery Act" and the "Colorado Seed Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-26-102, **amend**
3 (9.2) as follows:

4 **35-26-102. Definitions.** As used in this article 26, unless the
5 context otherwise requires:

6 (9.2) (a) "Distribute" means, for any commercial purpose, to:

7 ~~(a)~~ (I) Sell or give away, offer to sell or give away, display for sale
8 or as a giveaway, or hold either for sale or to give away; or

9 ~~(b)~~ (II) Ship, hold for shipment, or deliver or release for shipment.

10 (b) "DISTRIBUTE" DOES NOT INCLUDE AN ACTION DESCRIBED IN
11 SUBSECTION (9.2)(a)(I) OR (9.2)(a)(II) OF THIS SECTION TAKEN BY:

12 (I) A NONPROFIT ORGANIZATION DESCRIBED UNDER SECTION 501
13 (c)(3) OR 501 (c)(4) OF THE FEDERAL "INTERNAL REVENUE CODE OF
14 1986", 26 U.S.C. SEC. 501 (c), AS AMENDED; OR

15 (II) AN INDIVIDUAL FOR A PURPOSE DESCRIBED IN SECTION 501
16 (c)(3) OR 501 (c)(4) OF THE FEDERAL "INTERNAL REVENUE CODE OF
17 1986", 26 U.S.C. SEC. 501 (c), AS AMENDED.

18 **SECTION 2.** In Colorado Revised Statutes, 35-27-104, **amend**
19 (1) introductory portion and (1)(h); and **add** (1)(i) as follows:

20 **35-27-104. Scope of article.** (1) This ~~article~~ ARTICLE 27 does not
21 apply to:

22 (h) Seed potatoes as defined in section 35-27.3-103; or

23 (i) ANY ACTION RELATED TO SEEDS, WHICH ACTION IS OTHERWISE
24 REGULATED PURSUANT TO THIS ARTICLE 27 BUT THAT IS TAKEN BY:

25 (I) A NONPROFIT ORGANIZATION DESCRIBED UNDER SECTION 501
26 (c)(3) OR 501 (c)(4) OF THE FEDERAL "INTERNAL REVENUE CODE OF

1 1986", 26 U.S.C. SEC. 501 (c), AS AMENDED; OR

2 (II) AN INDIVIDUAL FOR A PURPOSE DESCRIBED IN SECTION 501
3 (c)(3) OR 501 (c)(4) OF THE FEDERAL "INTERNAL REVENUE CODE OF
4 1986", 26 U.S.C. SEC. 501 (c), AS AMENDED.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.