

HB1266\_L.009

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.HB16-1266 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 12-43.3-403, add  
4 (4) and (5) as follows:

5 **12-43.3-403. Optional premises cultivation license.**

6 (4) (a) NOTWITHSTANDING ARTICLE 10 OF TITLE 35, C.R.S., A MEDICAL  
7 MARIJUANA OPTIONAL PREMISES CULTIVATION FACILITY MAY USE A  
8 PESTICIDE IN THE CULTIVATION AND PRODUCTION OF MARIJUANA IF THE  
9 PESTICIDE:

10 (I) (A) IS EXEMPT FROM REGISTRATION PURSUANT TO 40 CFR  
11 152.25 OR IS ALLOWED TO BE USED ON CROP GROUP 19, AS DEFINED IN 40  
12 CFR 180.41 (c)(24), HOPS, OR UNSPECIFIED CROPS OR PLANTS;

13 (B) HAS AFFIXED A LABEL THAT ALLOWS THE PESTICIDE TO BE  
14 USED AT THE INTENDED SITE OF APPLICATION; AND

15 (C) HAS AFFIXED A LABEL THAT ALLOWS THE PESTICIDE TO BE  
16 USED ON CROPS AND PLANTS INTENDED FOR HUMAN CONSUMPTION; OR

17 (II) APPEARS ON THE DEPARTMENT OF AGRICULTURE'S LIST OF  
18 APPROVED PESTICIDES AS DESCRIBED IN PARAGRAPH (b) OF THIS  
19 SUBSECTION (4) AND IS USED WITHIN ANY LIMITS PRESCRIBED BY THE  
20 DEPARTMENT OF AGRICULTURE.

21 (b) A MEDICAL MARIJUANA CULTIVATION FACILITY MAY SUBMIT  
22 TO THE STATE LICENSING AUTHORITY A COMPREHENSIVE LIST OF  
23 PESTICIDES THAT ARE AUTHORIZED BY LAW THAT IT MAY USE AT THE  
24 FACILITY, AND A CHANGE IN USE BY THE FACILITY AMONG THE PESTICIDES  
25 ON THE LIST IS NOT A MATERIAL CHANGE FOR PURPOSES OF PROCESS  
26 VALIDATION.

27 (c) (I) IF THE TESTING RESULTS INDICATE THE PRESENCE OF  
28 QUANTITIES OF PESTICIDES THAT ARE NOT AUTHORIZED PURSUANT TO THIS  
29 SUBSECTION (4), THE STATE LICENSING AUTHORITY MAY DEEM THE  
30 PRODUCT CONTAMINATED AND SHALL ALLOW THE LICENSEE TO PROVIDE  
31 A SAMPLE FOR FURTHER TESTING BY A MEDICAL MARIJUANA TESTING  
32 FACILITY THAT IS LICENSED AND CERTIFIED TO TEST FOR PESTICIDES. IF  
33 THE SECOND TEST RESULTS INDICATE THE PRESENCE OF QUANTITIES OF  
34 PESTICIDES THAT ARE NOT AUTHORIZED PURSUANT TO THIS SUBSECTION  
35 (4), THE LICENSEE SHALL DESTROY THE PRODUCT.

36 (II) ENFORCEMENT ACTIONS UNDER THIS SUBSECTION (4) MAY  
37 INCLUDE ANY ACTION AUTHORIZED BY LAW, SUCH AS A DISCIPLINARY



1 ACTION PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., AND THE FILING OF  
2 A PETITION IN DISTRICT COURT FOR AN ADMINISTRATIVE WARRANT AND  
3 ORDER OF DESTRUCTION OF CONTAMINATED MEDICAL MARIJUANA AND  
4 MEDICAL MARIJUANA-INFUSED PRODUCT.

5 **SECTION 2.** In Colorado Revised Statutes, 12-43.4-403, add (7)  
6 and (8) as follows:

7 **12-43.4-403. Retail marijuana cultivation facility license.**

8 (7) (a) NOTWITHSTANDING ARTICLE 10 OF TITLE 35, C.R.S., A RETAIL  
9 MARIJUANA CULTIVATION FACILITY MAY USE A PESTICIDE IN THE  
10 CULTIVATION AND PRODUCTION OF MARIJUANA IF THE PESTICIDE:

11 (I) (A) IS EXEMPT FROM REGISTRATION PURSUANT TO 40 CFR  
12 152.25 OR IS ALLOWED TO BE USED ON CROP GROUP 19, AS DEFINED IN 40  
13 CFR 180.41 (c)(24), HOPS, OR UNSPECIFIED CROPS OR PLANTS;

14 (B) HAS AFFIXED A LABEL THAT ALLOWS THE PESTICIDE TO BE  
15 USED AT THE INTENDED SITE OF APPLICATION; AND

16 (C) HAS AFFIXED A LABEL THAT ALLOWS THE PESTICIDE TO BE  
17 USED ON CROPS AND PLANTS INTENDED FOR HUMAN CONSUMPTION; OR

18 (II) APPEARS ON THE DEPARTMENT OF AGRICULTURE'S LIST OF  
19 APPROVED PESTICIDES AS DESCRIBED IN PARAGRAPH (b) OF THIS  
20 SUBSECTION (7) AND IS USED WITHIN ANY LIMITS PRESCRIBED BY THE  
21 DEPARTMENT OF AGRICULTURE.

22 (b) A RETAIL MARIJUANA CULTIVATION FACILITY MAY SUBMIT TO  
23 THE STATE LICENSING AUTHORITY A COMPREHENSIVE LIST OF PESTICIDES  
24 THAT ARE AUTHORIZED BY LAW THAT IT MAY USE AT THE FACILITY, AND  
25 A CHANGE IN USE BY THE FACILITY AMONG THE PESTICIDES ON THE LIST IS  
26 NOT A MATERIAL CHANGE FOR PURPOSES OF PROCESS VALIDATION.

27 (c) (I) IF THE TESTING RESULTS INDICATE THE PRESENCE OF  
28 QUANTITIES OF PESTICIDES THAT ARE NOT AUTHORIZED PURSUANT TO THIS  
29 SUBSECTION (7), THE STATE LICENSING AUTHORITY MAY DEEM THE  
30 PRODUCT CONTAMINATED AND SHALL ALLOW THE LICENSEE TO PROVIDE  
31 A SAMPLE FOR FURTHER TESTING BY A RETAIL MARIJUANA TESTING  
32 FACILITY THAT IS LICENSED AND CERTIFIED TO TEST FOR PESTICIDES. IF  
33 THE SECOND TEST RESULTS INDICATE THE PRESENCE OF QUANTITIES OF  
34 PESTICIDES THAT ARE NOT AUTHORIZED PURSUANT TO THIS SUBSECTION  
35 (7), THE LICENSEE SHALL DESTROY THE PRODUCT.

36 (II) ENFORCEMENT ACTIONS UNDER THIS SUBSECTION (7) MAY  
37 INCLUDE ANY ACTION AUTHORIZED BY LAW, SUCH AS A DISCIPLINARY  
38 ACTION PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., AND THE FILING IN  
39 DISTRICT COURT OF A PETITION FOR AN ADMINISTRATIVE WARRANT AND  
40 ORDER OF DESTRUCTION OF CONTAMINATED RETAIL MARIJUANA AND  
41 RETAIL MARIJUANA PRODUCTS.

1           **SECTION 3: Act subject to petition - effective date -**  
2 **applicability.** (1) Except as provided in subsection (2), this act takes  
3 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
4 period after final adjournment of the general assembly (August 10, 2016,  
5 if adjournment sine die is on May 11, 2016); except that, if a referendum  
6 petition is filed pursuant to section 1 (3) of article V of the state  
7 constitution against this act or an item, section, or part of this act within  
8 such period, then the act, item, section, or part will not take effect unless  
9 approved by the people at the general election to be held in November  
10 2016 and, in such case, will take effect on the date of the official  
11 declaration of the vote thereon by the governor.  
12           (2) Sections 1 and 2 of this act take effect on receipt by the revisor  
13 of statutes of written notification from the state licensing authority on or  
14 after August 10, 2016, that sufficient private laboratories have been  
15 licensed and certified to handle the testing and certification required by  
16 sections 12-43.3-202 (2.5) (a) and 12-43.4-202 (3) (a) (IV), C.R.S.  
17           (3) This act applies to conduct occurring on or after the applicable  
18 effective dates of this act."

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