

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

REREVISED

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

LLS NO. 19-0853.01 Bob Lackner x4350

HOUSE BILL 19-1191

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House Committees
Rural Affairs & Agriculture

Senate Committees
Agriculture & Natural Resources

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.**

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.

SENATE
3rd Reading Unamended
March 20, 2019

SENATE
Amended 2nd Reading
March 19, 2019

HOUSE
3rd Reading Unamended
March 8, 2019

HOUSE
Amended 2nd Reading
March 7, 2019

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.

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" HAS THE SAME MEANING AS
3 SPECIFIED IN SECTION 35-3.5-102 (4).

4 (2) "FARM STAND" MEANS A TEMPORARY OR PERMANENT
5 STRUCTURE USED FOR THE SALE AND DISPLAY OF AGRICULTURAL
6 PRODUCTS RESULTING FROM AGRICULTURAL OPERATIONS THAT ARE
7 CONDUCTED ON THE PRINCIPAL USE SITE ON WHICH THE FARM STAND IS
8 LOCATED. A FARM STAND MAY SELL AND DISPLAY AGRICULTURAL
9 PRODUCTS RESULTING FROM AGRICULTURAL OPERATIONS NOT CONDUCTED
10 ON THE PRINCIPAL USE SITE TO THE EXTENT PERMITTED BY THE
11 APPLICABLE LOCAL GOVERNMENT.

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

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

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

18 **29-30-103. Farm stands.** NOTWITHSTANDING ANY OTHER
19 PROVISION OF LAW, A FARM STAND MAY BE LOCATED ON A PARCEL OF ANY
20 SIZE. THE RETAIL SALE OF GOODS TO THE PUBLIC BY A FARM STAND MUST
21 INCLUDE GOODS OR OTHER AGRICULTURAL PRODUCTS THAT ARE GROWN
22 OR PRODUCED ON THE PRINCIPAL USE SITE ON WHICH THE FARM STAND IS
23 LOCATED OR MAY INCLUDE AGRICULTURAL PRODUCTS RESULTING FROM
24 AGRICULTURAL OPERATIONS THAT ARE NOT CONDUCTED ON THE
25 PRINCIPAL USE SITE TO THE EXTENT PERMITTED BY THE APPLICABLE LOCAL
26 GOVERNMENT. NOTHING IN THIS ARTICLE 30 PROHIBITS A LOCAL
27 GOVERNMENT FROM REQUIRING THE OPERATOR OF A FARM STAND TO

1 OBTAIN A VALID LICENSE OR PERMIT OR TO COMPLY WITH ANY OTHER
2 APPLICABLE LAWS PRIOR TO OPERATING THE FARM STAND BUT IN NO WAY
3 SHALL SUCH LOCAL PERMITTING, LICENSING, OR OTHER APPLICABLE LEGAL
4 REQUIREMENTS DENY THE USE OF THE SITE AS DESCRIBED IN THIS SECTION.

5

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.