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Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

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LLS NO. 22-0235.02 Jennifer Berman x3286

SENATE BILL

SENATE SPONSORSHIP

Jaquez Lewis,

HOUSE SPONSORSHIP

Kipp and Froelich,

BILL TOPIC: "Protect Health Of Pollinators & People"

DEADLINES: File by: 2/4/2022

A BILL FOR AN ACT

101 CONCERNING MEASURES TO IMPROVE POLLINATOR HABITATS FOR THE
102 PROTECTION OF THE ENVIRONMENT.

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 implements a number of measures to protect pollinators and people throughout the state. **Section 1** of the bill makes legislative findings.

Section 2 restricts the use of pesticides on the grounds of a school, preschool program, child care center, or children's resident camp and requires that notification be sent when a pesticide is used at such a

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

location. The executive director of the department of public health and environment may adopt rules to implement **section 2**.

Section 3 requires the executive director of the department of natural resources or the executive director's designee (DNR executive director) to conduct a study on how to address pollinator decline and increase pollinator health in the state. In conducting the study, the DNR executive director shall consult with other state agencies and with scientists with expertise in pollinator health, ecological processes, biodiversity, native plants, and ecological land management. The DNR executive director shall submit a report of the study to the general assembly and the governor on or before January 1, 2024.

Section 4 creates a pilot grant program in the department of agriculture to provide financial grants to agricultural producers to test the use of noncoated seed-applied systemic insecticide on their crops.

Sections 5 and 6 require the commissioner of agriculture to adopt rules designating as restricted-use certain pesticides that contain an active ingredient belonging to the neonicotinoid class of insecticides or the sulfoximine class of insecticides, but allowing the use of such pesticides in pet care, personal care, wood preservatives, and indoor pest-control products and products used on golf courses. The commissioner's rules will not affect the use of the restricted-use pesticides for agricultural purposes.

Sections 7 to 10 authorize local governments to regulate pesticide use and remove certain preemptions regarding local government regulation of pesticide use.

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

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

4 (a) Pollinators are vital to ecosystem health and are essential in
5 producing much of our food supply;

6 (b) Pollination supports the state's agriculture and the state's
7 overall economy;

8 (c) Pollinators provide critical ecosystem benefits that are
9 essential to maintaining the diversity of the state's native flowering plants
10 and the state's biodiversity;

11 (d) The decline in pollinator populations has implications for the

1 state's food supply, the resilience of the state's ecosystems, and the health
2 of the state's citizens; and

3 (e) The protection of healthy and diverse habitats in the state
4 protects the health of its pollinators and people alike.

5 (2) The general assembly declares that the state should establish
6 a comprehensive framework for the protection of both pollinators and
7 people through the creation of programs that:

8 (a) Build healthy, diverse, and sustainable habitats for pollinators;

9 (b) Improve agricultural practices;

10 (c) Promote the protection of safe and healthy ecosystems that
11 support both pollinator and human health;

12 (d) Grant local governments the authority to protect local
13 resources and public health; and

14 (e) Raise awareness throughout the state of the need to protect
15 pollinators.

16 **SECTION 2.** In Colorado Revised Statutes, **add** part 14 to article
17 5 of title 25 as follows:

18 **PART 14**

19 **REDUCTION OF CHILDREN'S**

20 **EXPOSURE TO PESTICIDES**

21 **25-5-1401. Definitions.** AS USED IN THIS PART 14, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "CHILD CARE CENTER" MEANS A FACILITY REQUIRED TO BE
24 LICENSED UNDER THE "CHILD CARE LICENSING ACT", PART 1 OF ARTICLE
25 6 OF TITLE 26.

26 (2) "CHILDREN'S RESIDENT CAMP" MEANS A FACILITY:

27 (a) OPERATING FOR THREE OR MORE CONSECUTIVE

1 TWENTY-FOUR-HOUR DAYS DURING ONE OR MORE SEASONS OF THE YEAR
2 FOR THE CARE OF FIVE OR MORE CHILDREN; AND

3 (b) THE PURPOSE OF WHICH IS TO PROVIDE A GROUP LIVING
4 EXPERIENCE OFFERING EDUCATION AND RECREATIONAL ACTIVITIES IN AN
5 OUTDOOR ENVIRONMENT, REGARDLESS OF WHETHER THE RECREATIONAL
6 ACTIVITIES OCCUR AT THE PERMANENT CAMP PREMISES OR ON TRIPS OFF
7 THE PREMISES.

8 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
9 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT APPOINTED
10 PURSUANT TO SECTION 25-1-102 (1) OR THE EXECUTIVE DIRECTOR'S
11 DESIGNEE.

12 (4) "GUARDIAN" MEANS A GUARDIAN OF ANY CHILD OR CHILDREN
13 ATTENDING A SPECIFIC SCHOOL, PRESCHOOL PROGRAM, CHILD CARE
14 CENTER, OR CHILDREN'S RESIDENTIAL CAMP.

15 (5) (a) "PESTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF
16 SUBSTANCES INTENDED:

17 (I) TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY PEST; OR

18 (II) FOR USE AS A PLANT REGULATOR, DEFOLIANT, OR DESICCANT.

19 (b) "PESTICIDE" DOES NOT INCLUDE AN ARTICLE THAT THE UNITED
20 STATES FOOD AND DRUG ADMINISTRATION DESIGNATES AS A "NEW
21 ANIMAL DRUG".

22 (6) "PRESCHOOL PROGRAM" MEANS A DISTRICT PRESCHOOL
23 PROGRAM ESTABLISHED PURSUANT TO SECTION 22-28-107 OR A SIMILAR
24 PREKINDERGARTEN PROGRAM FOR CHILDREN.

25 (7) "PROPERTY" MEANS ALL PROPERTY THAT IS OWNED, LEASED,
26 RENTED, OR OTHERWISE USED BY A CHILD CARE CENTER, CHILDREN'S
27 RESIDENT CAMP, PRESCHOOL PROGRAM, OR SCHOOL, INCLUDING ANY

1 PLAYGROUND, ATHLETIC FIELD, RECREATIONAL AREA, PARKING AREA, AND
2 THE GROUNDS SURROUNDING ANY BUILDING.

3 (8) "SCHOOL" MEANS:

4 (a) A PUBLIC SCHOOL MAINTAINED AND OPERATED BY A SCHOOL
5 DISTRICT FOR THE EDUCATION OF SOME OR ALL GRADES BETWEEN
6 KINDERGARTEN AND TWELFTH GRADE;

7 (b) A DISTRICT CHARTER SCHOOL AS DEFINED IN SECTION
8 22-11-103 (12);

9 (c) AN INSTITUTE CHARTER SCHOOL AS DEFINED IN SECTION
10 22-11-103 (17); OR

11 (d) A PRIVATE SCHOOL AS DEFINED IN SECTION 22-30.5-103 (6.5).

12 **25-5-1402. Prohibit use of pesticides on grounds of children's**
13 **education, care, and recreational facilities - exemptions - rules.**

14 (1) ON AND AFTER JANUARY 1, 2026, AND EXCEPT AS PROVIDED IN
15 SUBSECTIONS (2) AND (3) OF THIS SECTION, IT IS UNLAWFUL TO USE A
16 PESTICIDE ON THE GROUNDS OF A SCHOOL, PRESCHOOL PROGRAM, CHILD
17 CARE CENTER, OR CHILDREN'S RESIDENT CAMP PROPERTY.

18 (2) A PESTICIDE MAY BE USED ON THE PROPERTY OF A SCHOOL,
19 PRESCHOOL PROGRAM, CHILD CARE CENTER, OR CHILDREN'S RESIDENT
20 CAMP IF:

21 (a) THE PESTICIDE IS A DISINFECTANT;

22 (b) THE PESTICIDE IS APPLIED INSIDE OF OR ON THE EXTERIOR OF
23 A BUILDING ON THE PROPERTY; OR

24 (c) THE PESTICIDE IS USED ON THE GROUNDS OF A PROPERTY ON AN
25 EMERGENCY BASIS BASED ON THE DETERMINATION BY THE HEAD
26 ADMINISTRATOR OF THE SCHOOL, PRESCHOOL PROGRAM, CHILD CARE
27 CENTER, OR CHILDREN'S RESIDENT CAMP THAT USE OF THE PESTICIDE IS

1 FOR THE PURPOSE OF ELIMINATING AN IMMEDIATE THREAT TO HUMAN
2 HEALTH, SUCH AS FOR THE PURPOSE OF ELIMINATING TICKS, STINGING
3 INSECTS, POISON IVY, POISON OAK, OR POISON SUMAC.

4 (3) (a) (I) THE FOLLOWING PESTICIDES MAY BE USED ON THE
5 GROUNDS OF A SCHOOL, PRESCHOOL PROGRAM, CHILD CARE CENTER, OR
6 CHILDREN'S RESIDENT CAMP WITHOUT REQUIRING NOTIFICATION TO
7 GUARDIANS PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION:

8 (A) A PESTICIDE OR SOIL FERTILITY PRODUCT FOR WHICH THE
9 ACTIVE INGREDIENTS ARE RECOMMENDED BY THE NATIONAL ORGANIC
10 STANDARDS BOARD ESTABLISHED PURSUANT TO 7 U.S.C. SEC. 6518, AS
11 AMENDED, FOR INCLUSION IN THE NATIONAL LIST OF PRODUCTS ALLOWED
12 AS INGREDIENTS IN PRODUCTS LABELED "ORGANIC" OR "MADE WITH
13 ORGANIC", WHICH LIST IS PUBLISHED BY THE UNITED STATES DEPARTMENT
14 OF AGRICULTURE UNDER 7 CFR 205.601 AND 205.602; AND

15 (B) A PESTICIDE THAT IS DESIGNATED AS A MINIMUM RISK
16 PESTICIDE UNDER THE "FEDERAL INSECTICIDE, FUNGICIDE, AND
17 RODENTICIDE ACT", 7 U.S.C. SEC. 136 ET SEQ., AS AMENDED, AND LISTED
18 IN UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGULATIONS
19 IN 40 CFR 152.25 (f).

20 (II) EXCEPT WITH RESPECT TO EMERGENCY PESTICIDE USE
21 PERFORMED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION OR USE OF
22 PESTICIDES IN ACCORDANCE WITH SUBSECTION (3)(a)(I)(A) OR (3)(a)(I)(B)
23 OF THIS SECTION, BEFORE USING ANY PESTICIDES ON THE GROUNDS OF A
24 PROPERTY, A SCHOOL, PRESCHOOL PROGRAM, CHILD CARE CENTER, OR
25 CHILDREN'S RESIDENT CAMP SHALL NOTIFY GUARDIANS AT LEAST
26 FORTY-EIGHT HOURS BEFORE THE PESTICIDE USE.

27 (III) WITH REGARD TO EMERGENCY PESTICIDE USE PURSUANT TO

1 SUBSECTION (2)(c) OF THIS SECTION, A SCHOOL, PRESCHOOL PROGRAM,
2 CHILD CARE CENTER, OR CHILDREN'S RESIDENTIAL CAMP MUST NOTIFY
3 GUARDIANS WITHIN FORTY-EIGHT HOURS AFTER THE EMERGENCY
4 PESTICIDE USE.

5 (b) A NOTIFICATION SENT PURSUANT TO SUBSECTION (3)(a) OF THIS
6 SECTION MUST INCLUDE THE FOLLOWING INFORMATION:

7 (I) INFORMATION IDENTIFYING EACH PESTICIDE USED OR THAT
8 WILL BE USED, INCLUDING:

9 (A) THE NAME OF THE PESTICIDE PRODUCT; AND

10 (B) A WEBSITE LINK TO THE PRODUCT LABEL FOR THE PESTICIDE,
11 IF AVAILABLE ONLINE, OR A WEBSITE LINK FOR THE PRODUCT, OR BOTH;

12 (II) THE DATE AND TIME OF DAY THAT EACH PESTICIDE WAS USED
13 OR WILL BE USED; AND

14 (III) THE LOCATION ON THE GROUNDS OF THE PROPERTY WHERE
15 EACH PESTICIDE WAS USED OR WILL BE USED AND THE REASON FOR
16 APPLICATION OF THE PESTICIDE.

17 (4) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS
18 NECESSARY TO IMPLEMENT THIS PART 14.

19 **SECTION 3.** In Colorado Revised Statutes, **add** 24-33-118 as
20 follows:

21 **24-33-118. Pollinator health study - reporting.** (1) THE
22 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES,
23 REFERRED TO IN THIS SECTION AS THE "EXECUTIVE DIRECTOR", OR THE
24 EXECUTIVE DIRECTOR'S DESIGNEE SHALL CONDUCT A STUDY AND DEVELOP
25 RECOMMENDATIONS ON HOW TO ADDRESS THE CHALLENGES ASSOCIATED
26 WITH POLLINATOR DECLINE AND INCREASE POLLINATOR HEALTH IN THE
27 STATE. AT A MINIMUM, THE STUDY MUST:

1 (a) IDENTIFY THE SIGNIFICANCE OF HEALTHY POLLINATOR
2 COMMUNITIES AND THE ROLE OF NATIVE POLLINATORS IN SUPPORTING
3 HEALTHY ECOSYSTEMS AND HUMAN WELL-BEING;

4 (b) SUMMARIZE CURRENT KNOWLEDGE OF POLLINATOR HEALTH
5 BASED ON EXISTING RESEARCH AND DATA;

6 (c) IDENTIFY FACTORS THAT, WHETHER INDIVIDUALLY OR
7 COMBINED, NEGATIVELY AFFECT POLLINATOR COMMUNITIES, INCLUDING:

8 (I) CHANGES IN LAND USE;

9 (II) HABITAT LOSS AND FRAGMENTATION;

10 (III) LAND-MANAGEMENT PRACTICES;

11 (IV) FOOD AND NUTRITION;

12 (V) PESTICIDES;

13 (VI) PARASITES AND PATHOGENS; AND

14 (VII) CLIMATE CHANGE;

15 (d) IDENTIFY EXISTING POLLINATOR CONSERVATION PROJECTS IN
16 THE STATE AND ANY PUBLIC-PRIVATE PARTNERSHIP AND FUNDING
17 OPPORTUNITIES FOR POLLINATOR CONSERVATION;

18 (e) IDENTIFY ANY GAPS IN KNOWLEDGE REGARDING POLLINATOR
19 HEALTH, INCLUDING WILD BEE DISTRIBUTIONS AND POPULATION
20 DYNAMICS, POLLINATOR SPECIES THAT ARE AT RISK OF DECLINE, AND BEST
21 PRACTICES FOR LAND MANAGERS TO PROMOTE HEALTHY AND DIVERSE
22 POLLINATOR COMMUNITIES;

23 (f) IDENTIFY OPPORTUNITIES FOR:

24 (I) POLLINATOR PROTECTION AND RECOVERY EFFORTS THROUGH
25 THE DEVELOPMENT OF PROGRAMS THAT MITIGATE FACTORS THAT
26 NEGATIVELY AFFECT POLLINATOR COMMUNITIES; AND

27 (II) THE DEVELOPMENT OF ECOLOGICAL LAND-MANAGEMENT

1 PRACTICES THAT RESTORE HABITAT FUNCTIONALITY;
2 (g) RECOMMEND HOW TO DEVELOP AN EDUCATION AND OUTREACH
3 PROGRAM TO RAISE AWARENESS AND PUBLIC ENGAGEMENT REGARDING,
4 AND TO INCENTIVIZE ACTION TO BENEFIT, POLLINATOR HEALTH; AND
5 (h) RECOMMEND HOW BEST TO ENGAGE WITH, AND WORK ACROSS,
6 STATE AGENCIES WHEN DEVELOPING AND IMPLEMENTING POLICIES ABOUT
7 POLLINATORS.
8 (2) IN CONDUCTING THE STUDY, THE EXECUTIVE DIRECTOR OR THE
9 EXECUTIVE DIRECTOR'S DESIGNEE SHALL CONSULT WITH:
10 (a) OTHER STATE AGENCIES, INCLUDING THE DEPARTMENT OF
11 TRANSPORTATION, DEPARTMENT OF AGRICULTURE, AND DEPARTMENT OF
12 PUBLIC HEALTH AND ENVIRONMENT; AND
13 (b) INDEPENDENT SCIENTISTS WITH EXPERTISE IN POLLINATOR
14 HEALTH, ECOLOGICAL PROCESSES, BIODIVERSITY, NATIVE PLANTS, AND
15 ECOLOGICAL LAND MANAGEMENT.
16 (3) ON OR BEFORE JANUARY 1, 2024, THE EXECUTIVE DIRECTOR OR
17 THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT OF THE
18 STUDY TO THE GENERAL ASSEMBLY AND THE GOVERNOR.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 35-1-116 as
20 follows:

21 **35-1-116. Noncoated seed-applied systemic insecticide pilot**
22 **grant program - creation - eligibility - reporting - definitions - repeal.**

23 (1) THERE IS CREATED IN THE DEPARTMENT THE NONCOATED
24 SEED-APPLIED SYSTEMIC INSECTICIDE PILOT GRANT PROGRAM. THE
25 COMMISSIONER SHALL ADMINISTER THE GRANT PROGRAM TO AWARD
26 MONEY TO AGRICULTURAL PRODUCERS THAT PLANT SEEDS THAT ARE NOT
27 COATED WITH SEED-APPLIED SYSTEMIC INSECTICIDES AND, AS THE

1 COMMISSIONER DEEMS NECESSARY, PROVIDE TECHNICAL ASSISTANCE TO
2 AGRICULTURAL PRODUCERS AWARDED GRANT MONEY.

3 (2) (a) TO BE ELIGIBLE FOR AN AWARD UNDER THE GRANT
4 PROGRAM, AN AGRICULTURAL PRODUCER MUST:

5 (I) BE AN AGRICULTURAL PRODUCER IN THE STATE THAT, IN THE
6 GRANT YEAR IMMEDIATELY PRECEDING THE APPLICANT'S INITIAL
7 APPLICATION FOR GRANT MONEY, PLANTED ONLY SEEDS COATED WITH
8 SEED-APPLIED SYSTEMIC INSECTICIDES ON THE PORTION OF THE
9 AGRICULTURAL PRODUCER'S LAND THAT THE AGRICULTURAL PRODUCER
10 IDENTIFIES IN THE GRANT APPLICATION PURSUANT TO SUBSECTION
11 (2)(a)(III) OF THIS SECTION;

12 (II) NOT HAVE RECEIVED AN AWARD UNDER THIS GRANT
13 PROGRAM; EXCEPT THAT A GRANT APPLICANT MAY SUBMIT A RENEWAL
14 APPLICATION; AND

15 (III) IDENTIFY AS PART OF THE GRANT APPLICATION AT LEAST
16 FORTY ACRES, BUT NOT MORE THAN EIGHT HUNDRED ACRES, ON THE
17 AGRICULTURAL PRODUCER'S LAND ON WHICH THE AGRICULTURAL
18 PRODUCER INTENDS TO PLANT SEEDS NOT COATED WITH SEED-APPLIED
19 SYSTEMIC INSECTICIDES UNDER THE GRANT PROGRAM.

20 (b) (I) THE COMMISSIONER SHALL ESTABLISH THE FORM AND
21 MANNER FOR SUBMITTING AN APPLICATION OR A RENEWAL APPLICATION
22 FOR THE GRANT PROGRAM, INCLUDING ANY APPLICABLE DEADLINES, AND
23 THE RELEVANT TIMELINES FOR THE COMMISSIONER TO REVIEW
24 APPLICATIONS AND AWARD GRANT MONEY FOR THE APPLICABLE GRANT
25 YEAR. THE COMMISSIONER SHALL POST THE APPLICATION, RENEWAL
26 APPLICATION, AND TIMELINE INFORMATION ON THE DEPARTMENT'S
27 WEBSITE.

1 (II) THE COMMISSIONER SHALL PRIORITIZE AWARDING MONEY FOR
2 RENEWAL APPLICATIONS OVER INITIAL APPLICATIONS, BUT AMONG INITIAL
3 APPLICATIONS, THE COMMISSIONER SHALL AWARD MONEY IN THE ORDER
4 IN WHICH APPLICATIONS ARE RECEIVED.

5 (3) AN AGRICULTURAL PRODUCER AWARDED MONEY UNDER THE
6 GRANT PROGRAM MUST COMMIT TO THE COMMISSIONER, BEFORE
7 RECEIVING THE MONEY, THAT THE AGRICULTURAL PRODUCER WILL:

8 (a) PLANT ONLY SEEDS THAT ARE NOT COATED WITH ANY
9 SEED-APPLIED SYSTEMIC INSECTICIDE ON THE AGRICULTURAL PRODUCER'S
10 LAND IDENTIFIED PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION
11 DURING THE GRANT YEAR FOR WHICH THE MONEY IS AWARDED;

12 (b) NOT USE ANY SYSTEMIC INSECTICIDE ON THE LAND IDENTIFIED
13 PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION FOR AT LEAST
14 THREE WEEKS FOLLOWING PLANTING OF THE SEEDS;

15 (c) MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH
16 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION IN THE FORM AND
17 MANNER DETERMINED BY THE COMMISSIONER, WHICH RECORDS MUST
18 INCLUDE:

19 (I) COPIES OR PHOTOGRAPHS OF SEED LABELS;

20 (II) RECEIPTS OF SEED PURCHASES WITH THE PURCHASE DATES
21 CLEARLY INDICATED;

22 (III) DATES OF PLANTING; AND

23 (IV) MAPS IDENTIFYING THE ACREAGE ON WHICH THE SEEDS WERE
24 PLANTED;

25 (d) ALLOW THE COMMISSIONER TO INSPECT RECORDS MAINTAINED
26 PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION UPON THE
27 COMMISSIONER'S REQUEST; AND

1 (e) COMPLY WITH ANY REPORTING REQUIREMENTS THAT THE
2 COMMISSIONER ESTABLISHES FOR GRANTEEES.

3 (4) (a) AN AGRICULTURAL PRODUCER AWARDED MONEY UNDER
4 THE GRANT PROGRAM SHALL REIMBURSE THE COMMISSIONER FOR ANY
5 MONEY RECEIVED UNDER THE GRANT PROGRAM WITH RESPECT TO ANY
6 ACRES IDENTIFIED PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION
7 FOR WHICH THE AGRICULTURAL PRODUCER DID NOT COMPLY WITH THE
8 PLANTING AND SYSTEMIC INSECTICIDE USE REQUIREMENTS SET FORTH IN
9 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION.

10 (b) AN AGRICULTURAL PRODUCER THAT IS REQUIRED TO
11 REIMBURSE THE COMMISSIONER UNDER SUBSECTION (4)(a) OF THIS
12 SECTION MAY NOT SUBMIT A RENEWAL APPLICATION. THE COMMISSIONER
13 MAY LIKEWISE PROHIBIT AN AGRICULTURAL PRODUCER FROM SUBMITTING
14 A RENEWAL APPLICATION FOR ANY VIOLATION OF SUBSECTIONS (3)(c) TO
15 (3)(e) OF THIS SECTION.

16 (5) THE COMMISSIONER SHALL AWARD AN AGRICULTURAL
17 PRODUCER PARTICIPATING IN THE GRANT PROGRAM FIFTEEN DOLLARS FOR
18 EACH ACRE OF CORN AND TEN DOLLARS FOR EACH ACRE OF WHEAT THAT
19 THE AGRICULTURAL PRODUCER IDENTIFIES PURSUANT TO SUBSECTION
20 (2)(a)(III) OF THIS SECTION.

21 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "AGRICULTURAL PRODUCER" MEANS A PERSON ENGAGED IN
24 GROWING COMMODITIES OR ENGAGED IN GROWING OR PRODUCING FARM
25 PRODUCTS, AS THOSE TERMS ARE DEFINED IN SECTION 35-36-102.

26 (b) "COMMISSIONER" MEANS THE COMMISSIONER OR THE
27 COMMISSIONER'S DESIGNEE.

1 (c) "GRANT PROGRAM" MEANS THE NONCOATED SEED-APPLIED
2 SYSTEMIC INSECTICIDE PILOT GRANT PROGRAM CREATED IN SECTION (1) OF
3 THIS SECTION.

4 (d) "GRANT YEAR" MEANS THE YEAR OF THE GROWING SEASON IN
5 WHICH AN AGRICULTURAL PRODUCER AWARDED A GRANT WILL PLANT
6 SEEDS THAT ARE NOT COATED WITH SEED-APPLIED SYSTEMIC INSECTICIDES
7 AS PART OF THE GRANT PROGRAM.

8 (e) "RENEWAL APPLICATION" MEANS AN AGRICULTURAL
9 PRODUCER'S APPLICATION FOR AN ADDITIONAL AWARD OF MONEY UNDER
10 THE GRANT PROGRAM FOR A GRANT YEAR FOLLOWING THE GRANT YEAR
11 IN WHICH THE APPLICANT WAS PREVIOUSLY AWARDED MONEY UNDER THE
12 GRANT PROGRAM.

13 (f) (I) "SYSTEMIC INSECTICIDE" MEANS ANY CHEMICAL ACTIVE
14 INGREDIENT INTENDED TO KILL OR OTHERWISE HARM INSECTS OR
15 INVERTEBRATE WILDLIFE AND INTENDED TO TRANSLOCATE INTO THE
16 TISSUE OF PLANTS.

17 (II) "SYSTEMIC INSECTICIDE" INCLUDES THE FOLLOWING:

18 (A) ACETAMIPRID;

19 (B) CLOTHIANIDIN;

20 (C) DINOTEFURAN;

21 (D) FIPRONIL;

22 (E) IMIDACLOPRID;

23 (F) NITENPYRAM;

24 (G) SULFOXAFLOX;

25 (H) THIACLOPRID; AND

26 (I) THIAMETHOXAM.

27 (7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

1 **SECTION 5.** In Colorado Revised Statutes, 35-9-103, **amend** the
2 introductory portion and (12); and **add** (9.5) and (13) as follows:

3 **35-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless
4 the context otherwise requires:

5 (9.5) "NEONICOTINOID PESTICIDE" MEANS A PESTICIDE
6 CONTAINING AN ACTIVE INGREDIENT BELONGING TO THE NEONICOTINOID
7 CLASS OF INSECTICIDES.

8 (12) "Restricted-use pesticide" means any pesticide ~~designated~~
9 THAT THE COMMISSIONER OR THE ADMINISTRATOR OF THE EPA
10 DESIGNATES as a restricted-use pesticide. ~~by the commissioner or the~~
11 ~~administrator of the environmental protection agency.~~

12 (13) "SULFOXIMINE PESTICIDE" MEANS A PESTICIDE CONTAINING
13 AN ACTIVE INGREDIENT BELONGING TO THE SULFOXIMINE CLASS OF
14 INSECTICIDES.

15 **SECTION 6.** In Colorado Revised Statutes, 35-9-118, **add** (3.5)
16 as follows:

17 **35-9-118. Powers and duties of the commissioner - rules.**

18 (3.5) (a) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS
19 SUBSECTION (3.5) IS TO PROHIBIT THE APPLICATION TO, OR TREATMENT OF,
20 OUTDOOR, ORNAMENTAL PLANTS AND TURF WITH NEONICOTINOID AND
21 SULFOXIMINE PESTICIDES, EXCEPT:

22 (I) AS USED FOR AGRICULTURAL PURPOSES;

23 (II) AS USED IN PET-CARE, PERSONAL-CARE, AND INDOOR
24 PEST-CONTROL PRODUCTS;

25 (III) AS USED IN PRESERVED WOOD PRODUCTS AND PRODUCTS
26 USED IN THE MANUFACTURE OF WOOD PRESERVATIVES; AND

27 (IV) AS PRODUCTS USED ON GOLF COURSES.

1 (b) ON OR BEFORE MARCH 1, 2023, THE COMMISSIONER SHALL
2 ADOPT RULES THAT IDENTIFY THE FOLLOWING AS RESTRICTED-USE
3 PESTICIDES:

4 (I) PESTICIDES CONTAINING ANY OF THE FOLLOWING ACTIVE
5 INGREDIENTS:

6 (A) IMIDACLOPRID;

7 (B) NITHIAZINE;

8 (C) ACETAMIPRID;

9 (D) CLOTHIANIDIN;

10 (E) DINOTEFURAN;

11 (F) THIACTOPRID; AND

12 (G) THIAMETHOXAM; AND

13 (II) SULFOXIMINE PESTICIDES.

14 (c) THE COMMISSIONER SHALL PROMULGATE RULES TO ESTABLISH
15 AN EXEMPTION FROM THE RESTRICTED USE OF PESTICIDES PURSUANT TO
16 SUBSECTION (3.5)(b) OF THIS SECTION FOR THE USE OF A PRODUCT
17 CONTAINING ONE OR MORE OF THE ACTIVE INGREDIENTS LISTED IN
18 SUBSECTION (3.5)(b)(I) OF THIS SECTION IF THE PRODUCT IS USED IN
19 ACCORDANCE WITH THE DIRECTIONS ON THE PRODUCT'S LABEL AND AS A:

20 (I) PET-CARE PRODUCT;

21 (II) PERSONAL-CARE PRODUCT;

22 (III) INDOOR PEST-CONTROL PRODUCT;

23 (IV) PRESERVED WOOD PRODUCT OR PRODUCT USED IN THE
24 MANUFACTURE OF WOOD PRESERVATIVES; OR

25 (V) PRODUCT USED ON GOLF COURSES.

26 (d) NOTHING IN THIS SUBSECTION (3.5):

27 (I) PREVENTS THE COMMISSIONER FROM IDENTIFYING OTHER

1 NEONICOTINOID PESTICIDES OR SULFOXIMINE PESTICIDES AS
2 RESTRICTED-USE PESTICIDES IF RESTRICTING THEIR USE IS DONE IN
3 ACCORDANCE WITH THE COMMISSIONER'S AUTHORITY UNDER THIS ARTICLE
4 9;

5 (II) ALTERS, LIMITS, OR EXPANDS THE COMMISSIONER'S EXISTING
6 AUTHORITY TO DESIGNATE A PESTICIDE THAT IS NOT A NEONICOTINOID
7 PESTICIDE OR SULFOXIMINE PESTICIDE AS A STATE RESTRICTED-USE OR
8 LIMITED-USE PESTICIDE UNDER THIS ARTICLE 9; OR

9 (III) ALTERS OR LIMITS THE APPLICATION OF PESTICIDES FOR
10 AGRICULTURAL USE.

11 **SECTION 7.** In Colorado Revised Statutes, 35-10-112, **repeal** (3)
12 as follows:

13 **35-10-112. Notification requirements - registry of**
14 **pesticide-sensitive persons - rules.** (3) ~~No county, city and county,~~
15 ~~municipality, home rule county, home rule city and county, or home rule~~
16 ~~municipality shall enact or impose any notification requirements upon~~
17 ~~commercial applicators which are more stringent than those imposed by~~
18 ~~this article; except that each county, city and county, municipality, home~~
19 ~~rule county, home rule city and county, and home rule municipality shall~~
20 ~~retain the authority to impose any notification requirements upon private~~
21 ~~individuals, property owners, and the general public. Any such~~
22 ~~notification requirement imposed by any county, city and county,~~
23 ~~municipality, home rule county, home rule city and county, or home rule~~
24 ~~municipality on private individuals, property owners, or the general~~
25 ~~public shall not be held to be applicable to any commercial applicator, nor~~
26 ~~shall any commercial applicator be exposed to any liability for a failure~~
27 ~~to comply with any such notification requirement.~~

1 **SECTION 8.** In Colorado Revised Statutes, **amend** 35-10-112.5
2 as follows:

3 **35-10-112.5. Statewide uniformity of pesticide control and**
4 **regulation - exceptions.** (1) The general assembly hereby determines
5 that:

6 (a) The citizens of this state benefit from a system of safe,
7 effective, and scientifically sound pesticide regulation;

8 (b) IT IS ESSENTIAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE
9 THAT THE CITIZENS OF THE STATE HAVE a system of pesticide regulation
10 that:

11 (I) Is ~~consistent~~ TRANSPARENT and coordinated; ~~that~~

12 (II) Creates statewide uniform BASELINE standards; ~~and that~~

13 (III) Conforms with both state and federal BASELINE technical
14 standards and requirements; ~~is essential to the public health, safety, and~~
15 ~~welfare, and finds that local regulation of pesticides that is inconsistent~~
16 ~~with and adopts different standards from federal and state requirements~~
17 ~~does not assist in achieving these benefits; AND~~

18 (IV) ENABLES LOCAL GOVERNMENTS TO ADDRESS THE NEEDS OF
19 THEIR RESIDENTS AND THE NEEDS OF THE LOCAL ENVIRONMENT;

20 (c) (I) Through statute and ~~regulation~~ RULES, the state has created
21 a system of pesticide regulation based upon scientific standards that
22 protects the citizens of this state;

23 (II) THE STATE HAS PRIMARY ENFORCEMENT RESPONSIBILITY FOR
24 PESTICIDE VIOLATIONS UNDER 7 U.S.C. SEC. 136w-1, AND 7 U.S.C. SEC.
25 136w-5 AUTHORIZES STATES TO DEVELOP LICENSING, CERTIFICATION, AND
26 TRAINING PROGRAMS FOR PESTICIDE USE AND APPLICATIONS; AND

27 (III) ALTHOUGH THE STATE HAS PRIMARY ENFORCEMENT

1 RESPONSIBILITY, LOCAL GOVERNMENTS MAY REGULATE THE USE AND
2 APPLICATION OF A PESTICIDE IN THE INTEREST OF PUBLIC HEALTH, PUBLIC
3 SAFETY, AND ENVIRONMENTAL PROTECTION IF THE REGULATION MEETS
4 THE REQUIREMENTS OF BOTH STATE AND FEDERAL LAW AND THE USE IS
5 NOT FOR THE PRODUCTION OF AGRICULTURAL PRODUCTS;

6 (d) Although the cultivation of marijuana is illegal under federal
7 law and so the use of pesticides in cultivating marijuana is not specifically
8 allowed by any pesticide's label, the cultivation of marijuana is
9 specifically allowed and regulated by Colorado law, and the use of
10 pesticides should be regulated pursuant to this ~~article~~ ARTICLE 10 and
11 rules promulgated pursuant to this ~~article~~ ARTICLE 10 rather than pursuant
12 to local laws; ~~and~~

13 (e) Pesticide regulation is a matter of BOTH statewide AND LOCAL
14 concern; AND

15 (f) THIS SECTION DOES NOT AFFECT ANY DUTY IMPOSED UNDER
16 ARTICLE 4, 5.5, 7, OR 9 OF THIS TITLE 35.

17 (2) A local government shall not adopt or continue in effect any
18 ordinance, rule, resolution, OR charter provision ~~or statute~~ regarding the
19 use of any pesticide by persons regulated by this ~~article~~ ARTICLE 10 or
20 federal law and pertaining to:

21 (a) Any labeling or registration requirements for pesticides,
22 including requirements regarding the name of the product, the name and
23 address of the manufacturer, and any applicable registration numbers;

24 (b) ~~(f)~~ The use and application of pesticides IN CONNECTION WITH
25 THE CULTIVATION OF MARIJUANA by persons regulated by this ~~article~~
26 ARTICLE 10 or federal law; ~~including but not limited to, directions for use,~~
27 ~~classification of pesticides as general or restricted use, mixing and~~

1 ~~loading, site of application, target pest, dosage rate, method of~~
2 ~~application, application equipment, frequency and timing of applications,~~
3 ~~application rate, reentry intervals, worker specifications, container storage~~
4 ~~and disposal, required intervals between application and harvest of food~~
5 ~~or feed crops, rotational crop restrictions, and warnings against use on~~
6 ~~certain crops, animals, or objects or against use in or adjacent to certain~~
7 ~~areas.~~_____

8 ~~(H) Subparagraph (I) of this paragraph (b) applies to the use and~~
9 ~~application of pesticides by persons regulated by this article or federal law~~
10 ~~in connection with the cultivation of marijuana.~~

11 ~~(c) Except as specifically provided in this article, any warnings~~
12 ~~and precautionary statements, notifications, or statements of practical~~
13 ~~treatment; or~~

14 ~~(d) (c) Licensure, training, or certification requirements for~~
15 ~~persons regulated under this article ARTICLE 10, including any insurance~~
16 ~~and record-keeping requirements; OR~~

17 (d) THE USE OF PESTICIDES IN THE PRODUCTION OF AGRICULTURAL
18 PRODUCTS, INCLUDING:

19 (I) GROWING FEED FOR LIVESTOCK;

20 (II) MANAGING LIVESTOCK; OR

21 (III) MAINTAINING AGRICULTURAL WATER SUPPLY FACILITIES,
22 INCLUDING IRRIGATION DITCHES AND OTHER WATER INFRASTRUCTURE.

23 (3) (a) ~~Nothing in This article may be construed to~~ ARTICLE 10
24 DOES NOT limit the authority of a local government as defined by state law
25 to:

26 (I) (A) Zone for the sale or storage of any pesticide;

27 (B) Provide or designate sites for disposal of any pesticide or

- 1 pesticide container;
- 2 (C) Adopt or enforce building and fire code requirements;
- 3 (D) Regulate the transportation of pesticides consistently with and
- 4 in no more strict of a manner than state and federal law;
- 5 (E) Adopt regulations pursuant to a storm water management
- 6 program that ~~is~~ ARE consistent with OR MORE RESTRICTIVE THAN federal
- 7 or state law; or
- 8 (F) Adopt regulations to protect surface or groundwater drinking
- 9 water supplies consistent with OR MORE RESTRICTIVE THAN state or
- 10 federal law concerning the protection of drinking water supplies;
- 11 (II) IN ORDER TO COMPLY WITH ANY SPECIFIC FEDERAL OR STATE
- 12 REQUIREMENT OR AVOID A FINE OR OTHER PENALTY UNDER FEDERAL OR
- 13 STATE LAW, take any action:
- 14 (A) Specifically authorized or required by any federal or state law
- 15 or regulation with respect to pesticides; or ~~to take any action~~
- 16 (B) Otherwise prohibited by this ~~article in order to comply with~~
- 17 ~~any specific federal or state requirement or in order to avoid a fine or~~
- 18 ~~other penalty under federal or state law~~ ARTICLE 10;
- 19 (III) Regulate the use of pesticides on property owned or leased
- 20 by the local government;
- 21 (IV) Issue local general occupational licenses to persons regulated
- 22 by this ~~article~~. ARTICLE 10; OR
- 23 (V) ADOPT ANY ORDINANCE, REGULATION, RESOLUTION, OR
- 24 CHARTER PROVISION CONCERNING THE USE AND APPLICATION OF A
- 25 PESTICIDE THAT IS ADOPTED IN THE INTEREST OF PUBLIC HEALTH, PUBLIC
- 26 SAFETY, AND ENVIRONMENTAL PROTECTION.
- 27 ~~(b) This subsection (3) does not authorize a local government to~~

1 ~~utilize the police power or the authority to zone, to provide or designate~~
2 ~~disposal sites, to adopt and enforce building and fire codes, or to regulate~~
3 ~~the transportation of pesticides as described in paragraph (a) of this~~
4 ~~subsection (3) to directly or indirectly regulate or prohibit the application~~
5 ~~of pesticides by persons regulated by this article or by federal law,~~
6 ~~including in connection with the cultivation of marijuana.~~

7 (c) ~~Nothing in this article shall be construed to be an implicit grant~~
8 ~~of authority to a local government that is not otherwise granted by state~~
9 ~~law.~~

10 (b) THIS SECTION DOES NOT AFFECT A LOCAL GOVERNMENT'S
11 OBLIGATION TO MEET THE REQUIREMENTS OF STATE AND FEDERAL LAW.

12 (4) ~~Any~~ A local government, ~~that promulgates~~ IN PROMULGATING
13 an ordinance, REGULATION, RESOLUTION, OR CHARTER PROVISION that
14 concerns pesticides OR that is promulgated pursuant to section 31-15-707
15 (1)(b), C.R.S., ~~or that is promulgated pursuant to any authority described~~
16 ~~in paragraph (a) of subsection (3) of this section concerning pesticides~~
17 shall file the following with the department of agriculture:

18 (a) A certified copy of the ordinance, REGULATION, RESOLUTION,
19 OR CHARTER PROVISION; and

20 (b) A map or legal description of the geographic area that the local
21 government intends to regulate under the ordinance, REGULATION,
22 RESOLUTION, OR CHARTER PROVISION.

23 **SECTION 9.** In Colorado Revised Statutes, **add** 35-10-112.6 as
24 follows:

25 **35-10-112.6. Judicial review of local government ordinances,**
26 **regulations, resolutions, or charter provisions.** STATE COURTS HAVE
27 EXCLUSIVE JURISDICTION TO REVIEW LOCAL PESTICIDE ORDINANCES,

1 REGULATIONS, RESOLUTIONS, OR CHARTER PROVISIONS.

2 **SECTION 10.** In Colorado Revised Statutes, 30-11-107, **add**
3 (1)(mm) as follows:

4 **30-11-107. Powers of the board.** (1) The board of county
5 commissioners of each county has power at any meeting:

6 (mm) TO REGULATE THE USE AND APPLICATION OF PESTICIDES IN
7 ACCORDANCE WITH ARTICLE 10 OF TITLE 35.

8 **SECTION 11. Act subject to petition - effective date.** Sections
9 7, 8, and 10 of this act take effect March 1, 2023, and the remainder of
10 this act takes effect at 12:01 a.m. on the day following the expiration of
11 the ninety-day period after final adjournment of the general assembly;
12 except that, if a referendum petition is filed pursuant to section 1 (3) of
13 article V of the state constitution against this act or an item, section, or
14 part of this act within such period, then the act, item, section, or part will
15 not take effect unless approved by the people at the general election to be
16 held in November 2022 and, in such case, will take effect on the date of
17 the official declaration of the vote thereon by the governor; except that
18 sections 7, 8, and 10 of this act take effect March 1, 2023.