

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0996.01 Jennifer Berman x3286

SENATE BILL 23-266

SENATE SPONSORSHIP

Priola and Jaquez Lewis, Bridges, Buckner, Coleman, Cutter, Danielson, Fenberg, Hansen, Marchman, Sullivan, Winter F.

HOUSE SPONSORSHIP

Brown and Kipp,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE COMMISSIONER OF**
102 **AGRICULTURE DESIGNATE NEONICOTINOID PESTICIDES AS**
103 **LIMITED-USE PESTICIDES.**

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 requires that, on or before January 1, 2024, the commissioner of agriculture adopt rules designating neonicotinoid pesticides as limited-use pesticides, limiting their use to licensed pesticide applicators, and authorizing only licensed dealers to sell them. The commissioner's rules must exempt certain products that contain

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.

SENATE
3rd Reading Unamended
April 20, 2023

SENATE
Amended 2nd Reading
April 19, 2023

neonicotinoid pesticides from the limited-use pesticide designation, including products intended for use:

- As pet care products;
- By licensed veterinarians;
- As indoor personal care products related to lice or bedbugs;
- As agricultural products;
- For academic research; and
- As wood coating products.

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

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

5 **35-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless
6 the context otherwise requires:

7 (9.5) "NEONICOTINOID PESTICIDE" MEANS ANY PESTICIDE
8 CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF
9 CHEMICALS, INCLUDING:

10 (a) ACETAMIPRID;

11 (b) CLOTHIANIDIN;

12 (c) DINOTEFURAN;

13 (d) IMIDACLOPRID;

14 (e) NITENPYRAM;

15 (f) NITHIAZINE;

16 (g) THIACTOPRID; OR

17 (h) THIAMETHOXAM.

18 **SECTION 2.** In Colorado Revised Statutes, 35-9-118, **add** (7) as
19 follows:

20 **35-9-118. Powers and duties of the commissioner - exemptions**

21 rules. (7) (a) ON OR BEFORE JANUARY 1, 2024, THE COMMISSIONER

1 SHALL ADOPT RULES REQUIRING NEONICOTINOID PESTICIDES TO BE
2 DESIGNATED AS LIMITED-USE PESTICIDES.

3 (b) ON OR BEFORE JULY 1, 2024, THE COMMISSIONER SHALL ADOPT
4 RULES REQUIRING NEONICOTINOID PESTICIDES TO BE SOLD ONLY BY
5 DEALERS LICENSED PURSUANT TO SECTION 35-9-114.

6 (c) SUBSECTIONS (7)(a) AND (7)(b) OF THIS SECTION, AND RULES
7 THAT THE COMMISSIONER ADOPTS PURSUANT TO THOSE SUBSECTIONS, DO
8 NOT APPLY TO PESTICIDE PRODUCTS CONTAINING NEONICOTINOID ACTIVE
9 INGREDIENTS THAT:

10 (I) ARE USED IN ACADEMIC RESEARCH; OR

11 (II) FOR WHICH THE PRODUCT LABEL INCLUDES ONE OR MORE OF
12 THE FOLLOWING INTENDED USES:

13 (A) AS A PET CARE PRODUCT;

14 (B) AS A VETERINARY PRODUCT USED BY A VETERINARIAN
15 LICENSED PURSUANT TO ARTICLE 315 OF TITLE 12 AS PART OF THE
16 VETERINARIAN'S LICENSED PRACTICE;

17 (C) AS AN INDOOR OR PERSONAL CARE PRODUCT USED FOR
18 PREVENTING, DESTROYING, REPELLING, OR MITIGATING LICE OR BEDBUGS;

19 (D) AS A PRODUCT USED IN STRUCTURAL INSULATION; OR

20 (E) AS A PRESERVED WOOD PRODUCT OR PRODUCT USED IN THE
21 MANUFACTURING OF WOOD PRESERVATIVES.

22 **SECTION 3. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly; except that, if a referendum petition is filed pursuant
26 to section 1 (3) of article V of the state constitution against this act or an
27 item, section, or part of this act within such period, then the act, item,

1 section, or part will not take effect unless approved by the people at the
2 general election to be held in November 2024 and, in such case, will take
3 effect on the date of the official declaration of the vote thereon by the
4 governor.

5 (2) This act applies to conduct occurring on or after the applicable
6 effective date of this act.