

CHAPTER 210

AGRICULTURE

SENATE BILL 23-266

BY SENATOR(S) Priola and Jaquez Lewis, Bridges, Buckner, Coleman, Cutter, Danielson, Hansen, Marchman, Sullivan, Winter F., Fenberg;
also REPRESENTATIVE(S) Brown and Kipp, Amabile, Bacon, Bird, Boesenecker, Dickson, English, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Lindsay, Mabrey, McCormick, Parenti, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Vigil, Weissman, Willford, Woodrow, McCluskie.

AN ACT

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

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

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

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

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

- (a) ACETAMIPRID;
- (b) CLOTHIANIDIN;
- (c) DINOTEFURAN;
- (d) IMIDACLOPRID;
- (e) NITENPYRAM;
- (f) NITHAZINE;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(g) THIACTOPRID; OR

(h) THIAMETHOXAM.

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

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

(7) (a) ON OR BEFORE JANUARY 1, 2024, THE COMMISSIONER SHALL ADOPT RULES REQUIRING NEONICOTINOID PESTICIDES TO BE DESIGNATED AS LIMITED-USE PESTICIDES.

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

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

(I) THAT ARE USED IN ACADEMIC RESEARCH; OR

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

(A) AS A PET CARE PRODUCT;

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

(C) AS AN INDOOR PEST CONTROL PRODUCT;

(D) AS A PERSONAL CARE PRODUCT USED FOR PREVENTING, DESTROYING, REPELLING, OR MITIGATING LICE;

(E) AS A PRODUCT USED IN STRUCTURAL INSULATION;

(F) AS A PRESERVED WOOD PRODUCT OR PRODUCT USED IN THE MANUFACTURING OF WOOD PRESERVATIVES;

(G) AS A BAIT PRODUCT, INCLUDING, BUT NOT LIMITED TO, BAIT STATION TRAPS AND SCATTER BAIT; OR

(H) AS AN INSECT STRIP.

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

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

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

Approved: May 17, 2023