

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0217.02 Sarah Lozano x3858

HOUSE BILL 24-1178

HOUSE SPONSORSHIP

Kipp and Froelich, Boesenecker, Brown, Rutinel, Vigil, Weissman, Woodrow, Willford,
Joseph

SENATE SPONSORSHIP

Cutter and Jaquez Lewis, Winter F., Priola

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LOCAL GOVERNMENT AUTHORITY TO REGULATE**
102 **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>.)

Current law prohibits a local government from creating laws that regulate the use of pesticides by pesticide applicators regulated by state or federal law. The bill allows a local government to create and enforce laws regulating the sale or use of pesticides to protect the health and safety of the community with certain exceptions.

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-20-110, **add** (1.5),
3 (2)(c), (2)(d), (2)(e), and (2)(f) as follows:

4 **29-20-110. Local government regulation of the sale or use of**
5 **pesticides - definitions.** (1.5) (a) NOTWITHSTANDING SECTION 35-10-112
6 (3) OR 35-10-112.5 (2)(b), NOTHING IN SECTION 35-10-112 OR 35-10-112.5
7 LIMITS THE ABILITY OF A LOCAL GOVERNMENT TO ENACT OR ENFORCE AN
8 ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW REGULATING THE
9 SALE OR USE OF PESTICIDES TO PROTECT THE HEALTH AND SAFETY OF THE
10 COMMUNITY; EXCEPT THAT A LOCAL GOVERNMENT SHALL NOT ENACT OR
11 ENFORCE AN ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW
12 PURSUANT TO THIS SECTION THAT LIMITS THE USE OF PESTICIDES:

13 (I) FOR THE PRODUCTION OF AGRICULTURAL PRODUCTS,
14 INCLUDING THE USE OF PESTICIDES FOR:

15 (A) AGRICULTURAL PRODUCTS GROWN FOR HUMAN CONSUMPTION;

16 (B) GROWING FEED FOR LIVESTOCK;

17 (C) MANAGEMENT OF LIVESTOCK; AND

18 (D) MAINTENANCE OF AGRICULTURAL WATER SUPPLY FACILITIES,
19 INCLUDING IRRIGATION DITCHES AND OTHER WATER INFRASTRUCTURE;

20 (II) FOR ACCOMPLISHING THE DRY-UP, REVEGETATION, OR
21 NOXIOUS WEED MANAGEMENT OF LAND THAT IS ENROLLED IN A WATER
22 CONSERVATION PROGRAM, INCLUDING:

23 (A) A FEDERAL LAND CONSERVATION PROGRAM;

24 (B) A WATER CONSERVATION PROGRAM, INCLUDING A PILOT
25 PROGRAM, APPROVED IN ADVANCE BY A WATER CONSERVATION DISTRICT,
26 WATER DISTRICT, WATER AUTHORITY, OR WATER CONSERVANCY DISTRICT

1 FOR LAND THAT IS WITHIN THE ENTITY'S JURISDICTIONAL BOUNDARIES OR
2 BY A STATE AGENCY WITH EXPLICIT STATUTORY JURISDICTION OVER
3 WATER CONSERVATION OR WATER RIGHTS;

4 (C) A WATER CONSERVATION PROGRAM, INCLUDING A PILOT
5 PROGRAM, ESTABLISHED THROUGH FORMAL WRITTEN ACTION OR
6 ORDINANCE BY A WATER DISTRICT, WATER AUTHORITY, OR MUNICIPALITY,
7 OR THE MUNICIPALITY'S WATER SUPPLIER, FOR LAND THAT IS WITHIN THE
8 ENTITY'S JURISDICTIONAL BOUNDARIES;

9 (D) AN APPROVED LAND FALLOWING PROGRAM AS PROVIDED BY
10 LAW IN ORDER TO CONSERVE WATER OR TO PROVIDE WATER FOR
11 INTERSTATE COMPACT COMPLIANCE; AND

12 (E) A WATER BANKING PROGRAM AS PROVIDED BY LAW;

13 (III) FOR ACCOMPLISHING THE DRY-UP, REVEGETATION, OR
14 NOXIOUS WEED MANAGEMENT OF LAND FROM WHICH IRRIGATION WATER
15 IS REMOVED AS:

16 (A) REQUIRED TO COMPLY WITH A TEMPORARY OR PERMANENT
17 CHANGE OF WATER RIGHT OR OTHER DECREE OF A WATER COURT; OR

18 (B) DETERMINED BY THE STATE ENGINEER OR A DIVISION
19 ENGINEER TO BE NECESSARY FOR COMPLIANCE WITH AN INTERSTATE
20 COMPACT;

21 (IV) BY A PUBLIC UTILITY ON PROPERTY OWNED OR CONTROLLED
22 BY THE PUBLIC UTILITY TO PROTECT THE PUBLIC UTILITY'S
23 INFRASTRUCTURE OR TO MANAGE VEGETATION FOR THE OPERATION OF
24 THE PUBLIC UTILITY'S INFRASTRUCTURE;

25 (V) FOR THE OPERATION AND MAINTENANCE OF A WATER SUPPLY
26 COLLECTION OR DISTRIBUTION FACILITY OR A WATER SUPPLY
27 CONVEYANCE OR APPURTENANT FACILITIES THAT WHOLLY OR PARTIALLY

1 SUPPLY WATER FOR AN AGRICULTURAL, INDUSTRIAL, OR MUNICIPAL USE
2 BY:

- 3 (A) A WATER CONSERVANCY DISTRICT;
- 4 (B) A WATER CONSERVATION DISTRICT;
- 5 (C) A MUNICIPAL WATER SERVICE PROVIDER;
- 6 (D) AN IRRIGATION DISTRICT CREATED PURSUANT TO ARTICLES 41
7 TO 43 OF TITLE 37;

8 (E) A WATER USERS' ASSOCIATION FORMED PURSUANT TO SECTION
9 7-44-103; OR

- 10 (F) A DITCH OR RESERVOIR COMPANY; ■
- 11 (VI) FOR THE CULTIVATION OF MARIJUANA; OR
- 12 (VII) FOR PROPERTY, LANDS, AND WATERS OWNED OR MANAGED,
13 IN WHOLE OR IN PART, BY THE PARKS AND WILDLIFE COMMISSION OR THE
14 DIVISION OF PARKS AND WILDLIFE.

15 (b) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE
16 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE AN
17 ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW REGULATING THE
18 SALE OR USE OF PESTICIDES THAT IS:

- 19 (I) NOT GUIDED BY PEER-REVIEWED SCIENCE; ■
- 20 (II) USED BY A COMMERCIAL APPLICATOR, QUALIFIED SUPERVISOR,
21 CERTIFIED OPERATOR, OR TECHNICIAN WORKING IN STRUCTURAL OR
22 PUBLIC HEALTH PEST CONTROL TO ASSIST IN COMPLIANCE WITH FEDERAL
23 LAW, PART 10 OF ARTICLE 12 OF TITLE 38, OR SECTION 38-12-505;
- 24 (III) INCONSISTENT WITH THE "COLORADO NOXIOUS WEED ACT",
25 ARTICLE 5.5 OF TITLE 35; OR
- 26 (IV) RELATED TO: THE LABELING OR REGISTRATION
27 REQUIREMENTS FOR PESTICIDES; DIRECTIONS FOR USE; CLASSIFICATION OF

1 PESTICIDES AS GENERAL OR RESTRICTED USE; MIXING AND LOADING;
2 LABEL-SPECIFIED SITES OF APPLICATION; TARGET PESTS; DOSAGE RATE;
3 METHOD OF APPLICATION; APPLICATION EQUIPMENT; FREQUENCY AND
4 TIMING OF APPLICATIONS; APPLICATION RATE; REENTRY INTERVALS;
5 WORKER SPECIFICATIONS; CONTAINER STORAGE AND DISPOSAL; REQUIRED
6 INTERVALS BETWEEN APPLICATION AND HARVEST OF FOOD OR FEED CROPS;
7 ROTATIONAL CROP RESTRICTIONS; WARNINGS AGAINST USE ON CERTAIN
8 CROPS, ANIMALS, OR OBJECTS; ANY LABEL-SPECIFIED WARNINGS AND
9 PRECAUTIONARY STATEMENTS OR STATEMENTS OF PRACTICAL
10 TREATMENT; OR LICENSURE, TRAINING, OR CERTIFICATION REQUIREMENTS,
11 INCLUDING ANY INSURANCE AND RECORD-KEEPING REQUIREMENTS.

12 (c) NOTHING IN SUBSECTION (1.5)(a) OR (1.5)(b) OF THIS SECTION
13 LIMITS THE AUTHORITY OF A LOCAL GOVERNMENT TO TAKE ANY ACTION
14 SPECIFICALLY AUTHORIZED OR REQUIRED BY ANY FEDERAL OR STATE LAW
15 OR RULE OR REGULATION WITH RESPECT TO PESTICIDES OR TO TAKE ANY
16 ACTION OTHERWISE PROHIBITED BY THIS SECTION IN ORDER TO COMPLY
17 WITH ANY SPECIFIC FEDERAL OR STATE REQUIREMENT OR AVOID A FINE OR
18 OTHER PENALTY UNDER FEDERAL OR STATE LAW.

19 (2) As used in this section, unless the context otherwise requires:

20 (c) "PUBLIC UTILITY" HAS THE MEANING SET FORTH IN SECTION
21 40-1-103 (1)(a)(I).

22 (d) "Use" HAS THE MEANING SET FORTH IN SECTION 35-10-103
23 (18).

24 (e) "WATER CONSERVANCY DISTRICT" MEANS A WATER
25 CONSERVANCY DISTRICT CREATED PURSUANT TO ARTICLE 45 OF TITLE 37.

26 (f) "WATER CONSERVATION DISTRICT" MEANS A WATER
27 CONSERVATION DISTRICT CREATED PURSUANT TO ARTICLES 46 TO 50 OF

1 TITLE 37.

2 SECTION 2. In Colorado Revised Statutes, 30-11-131, **add** (1.5)
3 as follows:

4 30-11-131. Regulation of the sale or use of pesticides -
5 **definitions.** (1.5) A BOARD OF COUNTY COMMISSIONERS MAY REGULATE
6 THE SALE OR USE OF PESTICIDES IN ACCORDANCE WITH SECTION 29-20-110
7 (1.5).

8 SECTION 3. In Colorado Revised Statutes, 31-15-905, **add** (1.5)
9 as follows:

10 31-15-905. Regulation of the sale or use of pesticides -
11 **definitions.** (1.5) A GOVERNING BODY OF A MUNICIPALITY MAY
12 REGULATE THE SALE OR USE OF PESTICIDES IN ACCORDANCE WITH SECTION
13 29-20-110 (1.5).

14 SECTION 4. **Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.