

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

INTRODUCED

LLS NO. 26-0073.01 Jennifer Berman x3286

SENATE BILL 26-062

SENATE SPONSORSHIP

Cutter and Kipp,

HOUSE SPONSORSHIP

Velasco,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING CERTAIN RODENT CONTROL PRODUCTS IN THE STATE.**

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 prohibits a person from selling, distributing, applying, or using certain types of rodenticide and rodent glue traps in the state except as authorized for restricted and limited use in a public health emergency and in accordance with certain use requirements and time periods.

A person conducting professional rodent control services in the state is required to prioritize integrated pest management strategies, which involve implementing a combination of nonchemical rodent control measures.

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. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) The use of certain rodenticides, including bromethalin, zinc
5 phosphide, and first- and second-generation anticoagulants known
6 broadly as "anticoagulant rodenticides" or "ARs", as well as glue traps,
7 pose an unacceptable risk to human health, particularly to the health of
8 children 5 years old and younger;

9 (b) From 2008 to 2015, the United States environmental
10 protection agency implemented a series of actions that effectively
11 removed second-generation ARs from consumer markets, beginning with
12 a 2008 risk-management decision and concluding with a 2015 phaseout
13 of remaining retail products;

14 (c) Despite the environmental protection agency's actions, online
15 availability of second-generation ARs persists. Statistics from America's
16 Poison Centers indicate that, of approximately 3,100 annually reported
17 poisonings of humans nationwide by ARs from 2019 to 2023, children 5
18 years old and younger account for 70% of the exposures.

19 (d) Between 2019 and 2023, a total of 15,500 human exposures
20 to ARs were reported nationally. These incidents often require emergency
21 medical intervention and may pose long-term developmental risks to
22 those exposed. Yet, ARs remain frequently deployed in residential and
23 community settings, where children are most vulnerable to their ingestion.

24 (e) Between 2020 and 2024, Colorado residents reported 762
25 exposures to ARs in dogs and cats according to the American Society for
26 the Prevention of Cruelty to Animals Animal Poison Control Center;

1 (f) Nationwide, AR exposure has led to fatalities in both humans
2 and companion animals, including documented cases in Colorado;

3 (g) Because bromethalin has become an increasingly popular, yet
4 no less dangerous, rodenticide, reported human poisonings have increased
5 by 240% nationwide between 2012 and 2023, with children under 5 years
6 old accounting for 67% of documented cases. From 2019 to 2023, there
7 were 7,074 human exposures to bromethalin reported nationwide.

8 (h) Colorado's companion animals are also at risk to bromethalin,
9 with 1,347 exposures in dogs and cats reported to the American Society
10 for the Prevention of Cruelty to Animals Animal Poison Control Center
11 from 2020 to 2024;

12 (i) Clinical signs of bromethalin toxicity include paralysis,
13 disorientation, and abnormal behavior, with multiple fatalities
14 documented in Colorado over the past decade. There is no antidote for
15 people, pets, or wildlife when exposed to bromethalin.

16 (j) Zinc phosphide, which is primarily used in agricultural areas,
17 has received the environmental protection agency's highest toxicity rating
18 of "danger". While the reported cases of human and pet poisonings for
19 zinc phosphide are lower than those involving ARs or bromethalin, the
20 rate of fatalities associated with exposure to zinc phosphide is
21 significantly higher. Nationally, 571 human exposures to zinc phosphide
22 were reported between 2019 and 2023.

23 (k) Bromethalin, zinc phosphide, and ARs contribute to
24 preventable suffering and mortality in nontarget wildlife in the United
25 States. A University of California Agriculture and Natural Resources
26 study from 2018, titled "Prevalence of First and Second-generation
27 Anticoagulant Rodenticide Exposure in California Mountain Lions (Puma

1 concolor)", found a 94.5% exposure rate for ARs in tested mountain
2 lions, while a 2017 study published in the Ecotoxicology Journal, titled
3 "Anticoagulant rodenticide exposure and toxicosis in four species of birds
4 of prey in Massachusetts, USA, 2012-2016, in relation to use of
5 rodenticides by pest management professionals", found a 96% exposure
6 rate for birds of prey.

7 (l) The documented effects of such exposures in wildlife include
8 compromised immune function, infertility, impaired mobility, and death;

9 (m) A study published in the Journal of Wildlife Diseases, titled
10 "Anticoagulant Rodenticide Exposure and Toxicosis in Coyotes (*Canis*
11 *latrans*) in the Denver Metropolitan Area", found that 100% of coyotes
12 sampled in the Denver metropolitan area tested positive for exposure to
13 ARs;

14 (n) With increasing usage of bromethalin in recent years, studies
15 have documented bromethalin residue in sampled raptors, foxes, and
16 other nontarget species, with evidence of such exposure causing
17 neurotoxicity, disorientation, and death;

18 (o) The federal centers for disease control and prevention
19 recommends against the use of glue traps to kill rodents, citing the risk of
20 disease transmission from trapped animals that excrete urine and feces
21 while struggling to get free;

22 (p) Glue traps kill rodents by causing exhaustion, dehydration,
23 suffocation, or starvation, often lasting over hours or days; and

24 (q) Glue traps are indiscriminate and often ensnare nontarget
25 animals, including birds, reptiles, and companion animals.

26 (2) The general assembly further finds that:

27 (a) Integrated pest management, which utilizes exclusion,

1 mechanical or electronic traps, or emerging fertility control technologies,
2 provides safe, humane, and ecologically sound alternatives for managing
3 rodent populations; and

4 (b) Integrated pest management strategies minimize harm to
5 people, pets, and wildlife, while supporting proven and targeted rodent
6 management.

7 (3) Therefore, the general assembly declares that prohibiting the
8 use of certain rodenticides and glue traps, while promoting the use of
9 integrated pest management practices across public, private, and
10 commercial settings in the state, will protect Colorado's children,
11 safeguard community health, and support humane, science-driven rodent
12 control.

13 **SECTION 2.** In Colorado Revised Statutes, 35-9-103, **add** (7.5),
14 (8.2), (9.7), and (13) as follows:

15 **35-9-103. Definitions.**

16 As used in this article 9, unless the context otherwise requires:

17 (7.5) "FIRST-GENERATION ANTICOAGULANT RODENTICIDE" MEANS
18 A PESTICIDE PRODUCT CONTAINING ANY OF THE FOLLOWING ACTIVE
19 INGREDIENTS:

- 20 (a) DIPHACINONE;
21 (b) CHLOROPHACINONE; OR
22 (c) WARFARIN.

23 (8.2) "INTEGRATED PEST MANAGEMENT" MEANS A SCIENCE-BASED
24 STRATEGY THAT FOCUSES ON LONG-TERM PREVENTION OF RODENT
25 INFESTATIONS OR DAMAGE THAT THE INFESTATIONS CAUSE THROUGH USE
26 OF A COMBINATION OF TECHNIQUES AND THAT PRIORITIZES NONCHEMICAL
27 CONTROL MEASURES, INCLUDING EXCLUSION, SANITATION, HABITAT

1 MODIFICATION, FERTILITY CONTROL, AND MECHANICAL CAPTURE.

2 (9.7) "NONANTICOAGULANT RODENTICIDE" MEANS A PESTICIDE
3 PRODUCT CONTAINING ANY OF THE FOLLOWING ACTIVE INGREDIENTS:

4 (a) BROMETHALIN; OR

5 (b) ZINC PHOSPHIDE.

6 (13) "SECOND-GENERATION ANTICOAGULANT RODENTICIDE"
7 MEANS A PESTICIDE PRODUCT CONTAINING ANY OF THE FOLLOWING
8 ACTIVE INGREDIENTS:

9 (a) BRODIFACOU; OR

10 (b) BROMADIOLONE;

11 (c) DIFENACOU; OR

12 (d) DIFETHIALONE.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 35-9-118.3 and
14 35-9-119.5 as follows:

15 **35-9-118.3. Prohibition on sales of certain rodenticides and**
16 **glue traps - prohibition on use - exceptions for restricted and limited**
17 **use - labeling requirements - rules - definitions.**

18 (1) A PERSON SHALL NOT SELL, DISTRIBUTE, OR OFFER FOR SALE OR
19 DISTRIBUTION IN THE STATE, INCLUDING THROUGH THE USE OF THE
20 INTERNET:

21 (a) A SECOND-GENERATION ANTICOAGULANT RODENTICIDE;

22 (b) A FIRST-GENERATION ANTICOAGULANT RODENTICIDE;

23 (c) A NONANTICOAGULANT RODENTICIDE; OR

24 (d) A RODENT GLUE TRAP.

25 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,
26 A PERSON SHALL NOT USE ANY OF THE RODENTICIDES DESCRIBED IN
27 SUBSECTION (1) OF THIS SECTION IN THE STATE.

1 (b) ON OR BEFORE JANUARY 1, 2027, THE COMMISSIONER SHALL
2 ADOPT RULES DESIGNATING THE RODENTICIDES DESCRIBED IN SUBSECTION
3 (1) OF THIS SECTION AS RESTRICTED-USE AND LIMITED-USE PESTICIDES
4 PURSUANT TO SECTION 35-9-108 (5).

5 (3) (a) AFTER THE COMMISSIONER ADOPTS RULES PURSUANT TO
6 SUBSECTION (2)(b) OF THIS SECTION AND PUBLISHES A STATEMENT ON THE
7 DEPARTMENT OF AGRICULTURE'S PUBLIC WEBSITE NOTIFYING THE PUBLIC
8 THAT THE RULES HAVE BEEN ADOPTED, A CERTIFIED OPERATOR,
9 COMMERCIAL APPLICATOR, PUBLIC APPLICATOR, OR QUALIFIED
10 SUPERVISOR LICENSED PURSUANT TO ARTICLE 10 OF THIS TITLE 35 MAY
11 ENGAGE IN THE RESTRICTED AND LIMITED USE OF THE RODENTICIDES
12 DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE USE QUALIFIES
13 UNDER AN EXEMPTION DESCRIBED IN SUBSECTION (3)(d) OF THIS SECTION
14 AND THE USE MEETS THE FOLLOWING REQUIREMENTS:

15 (I) THE USE IS ONLY FOR AN INDOOR USE WITHIN A SINGLE
16 LOCATION;

17 (II) THE USE IS NOT FOR THE PURPOSE OF ROUTINE PREVENTIVE,
18 MAINTENANCE, OR PERMANENT BAITING;

19 (III) AT THE SAME TIME THAT RODENTICIDES ARE USED AT THE
20 LOCATION, ALL FEASIBLE EXCLUSION AND SANITATION MEASURES SHALL
21 BE IMPLEMENTED AND MAINTAINED THROUGHOUT THE EXEMPTION
22 PERIOD, INCLUDING MEASURES TO SEAL ENTRY POINTS, ELIMINATE
23 CORRECTABLE ATTRACTANTS, AND CORRECT STRUCTURAL DEFICIENCIES.
24 FAILURE TO IMPLEMENT AND MAINTAIN THE EXCLUSION AND SANITATION
25 MEASURES INVALIDATES THE EXEMPTION.

26 (IV) THE OPERATOR, APPLICATOR, OR SUPERVISOR HAS
27 DEVELOPED AND MAINTAINS PURSUANT TO THE RECORD-KEEPING

1 REQUIREMENTS SET FORTH IN SECTION 35-10-111 A WRITTEN RATIONALE
2 EXPLAINING WHY NONRODENTICIDE METHODS OF SOLVING THE PROBLEM
3 HAVE NOT BEEN SUFFICIENT AND WHY AN EXEMPTION FROM THE
4 PROHIBITION ON USE OF THE RODENTICIDES DESCRIBED IN SUBSECTION (1)
5 OF THIS SECTION IS BEING SOUGHT. THE WRITTEN RATIONALE MUST
6 INCLUDE DOCUMENTED EVIDENCE OF AN ACTIVE RODENT INFESTATION,
7 COLLECTED THROUGH THE USE OF ELECTRONIC RODENT MONITORING
8 DEVICES OR OTHER VERIFIABLE MONITORING METHODS, WHICH DEVICES OR
9 METHODS MUST NOT CONTAIN RODENTICIDES AND MUST BE CAPABLE OF
10 INDEPENDENTLY VERIFYING RODENT ACTIVITY. THE WRITTEN RATIONALE
11 MUST INCLUDE DOCUMENTATION OF:

12 (A) THE INTEGRATED PEST MANAGEMENT STRATEGIES THAT HAVE
13 ALREADY BEEN IMPLEMENTED AT THE LOCATION;

14 (B) THE REASONS WHY THE INTEGRATED PEST MANAGEMENT
15 STRATEGIES HAVE NOT ACHIEVED RODENT CONTROL;

16 (C) THE SPECIFIC JUSTIFICATION FOR RODENTICIDE USE AS A LAST
17 RESORT, INCLUDING AN EXPLANATION OF WHY EXCLUSION AND OTHER
18 NONCHEMICAL METHODS ALONE CANNOT ACHIEVE RODENT CONTROL; AND

19 (D) THE EXCLUSION AND SANITATION MEASURES UNDERTAKEN
20 PURSUANT TO SUBSECTION (3)(a)(III) OF THIS SECTION, INCLUDING
21 PHOTOGRAPHS, WORK ORDERS, INSPECTION REPORTS, OR OTHER
22 VERIFIABLE EVIDENCE OF THE MEASURES UNDERTAKEN; AND

23 (V) ELECTRONIC RODENT MONITORING DEVICES OR OTHER
24 MONITORING METHODS USED SHALL BE KEPT IN PLACE FOR THE DURATION
25 OF THE EXEMPTION PERIOD AND FOR AT LEAST FOURTEEN DAYS AFTER ALL
26 OF THE BAIT CONTAINING A RODENTICIDE HAS BEEN REMOVED FROM THE
27 LOCATION.

1 (b) THE AUTHORIZATION FOR RESTRICTED AND LIMITED USE OF A
2 RODENTICIDE DESCRIBED IN SUBSECTION (1) OF THIS SECTION:

3 (I) IS LIMITED TO THE MINIMUM PERIOD NECESSARY TO ACHIEVE
4 RODENT CONTROL BUT A MAXIMUM PERIOD NOT TO EXCEED TWO
5 CONSECUTIVE TWENTY-ONE-DAY PERIODS, FOR A TOTAL OF FORTY-TWO
6 CONSECUTIVE DAYS. A WRITTEN RATIONALE MAINTAINED IN COMPLIANCE
7 WITH SUBSECTION (3)(a)(IV) OF THIS SECTION MUST BE UPDATED AT
8 LEAST EVERY TWENTY-ONE DAYS DURING THE EXEMPTION PERIOD. WHEN
9 MONITORING DATA INDICATES THAT RODENT ACTIVITY HAS CEASED FOR
10 A SUSTAINED PERIOD THAT THE OPERATOR, APPLICATOR, OR SUPERVISOR
11 DEEMS SUFFICIENT TO DEMONSTRATE RODENT CONTROL, THE OPERATOR,
12 APPLICATOR, OR SUPERVISOR SHALL REMOVE ALL BAIT CONTAINING A
13 RODENTICIDE FROM THE LOCATION BEFORE THE END OF THE APPLICABLE
14 EXEMPTION PERIOD.

15 (II) REQUIRES THAT THE OWNER OF THE PROPERTY ON WHICH
16 RODENTICIDE USE IS AUTHORIZED POSTS A SIGN VISIBLE FROM A PUBLIC
17 RIGHT-OF-WAY THAT STATES "RODENTICIDES IN USE FOR PUBLIC HEALTH
18 EMERGENCY"; AND

19 (III) REQUIRES THE USE OF INTEGRATED PEST MANAGEMENT
20 STRATEGIES TO ACCOMPANY THE RESTRICTED AND LIMITED USE OF THE
21 RODENTICIDE.

22 (c) FOR AN INDOOR LOCATION AT WHICH THE LIMITED AND
23 RESTRICTED USE OF THE RODENTICIDES DESCRIBED IN SUBSECTION (1) OF
24 THIS SECTION HAS BEEN AUTHORIZED PURSUANT TO THIS SUBSECTION (3),
25 A SUBSEQUENT LIMITED AND RESTRICTED USE OF THE RODENTICIDES IS
26 NOT AUTHORIZED UNLESS AND UNTIL AT LEAST SIXTY DAYS HAVE ELAPSED
27 SINCE THE PRIOR EXEMPTION PERIOD EXPIRED AND A DISTINCT RODENT

1 INFESTATION HAS BEEN DOCUMENTED. ANY SUBSEQUENT USE MUST
2 COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (3).

3 (d) A CERTIFIED OPERATOR, COMMERCIAL APPLICATOR, PUBLIC
4 APPLICATOR, OR QUALIFIED SUPERVISOR LICENSED PURSUANT TO ARTICLE
5 10 OF THIS TITLE 35 MAY USE RODENTICIDES IN ACCORDANCE WITH THIS
6 SUBSECTION (3) IF THE USE IS NECESSARY TO RESPOND TO A PUBLIC
7 HEALTH EMERGENCY, AS DETERMINED BY THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT OR BY A COUNTY OR DISTRICT BOARD OF
9 PUBLIC HEALTH. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
10 MAY DEVELOP THE FORM AND MANNER BY WHICH A PUBLIC HEALTH
11 EMERGENCY DETERMINATION IS MADE PURSUANT TO THIS SUBSECTION
12 (3)(d).

13 (4) THE DEPARTMENT OF AGRICULTURE SHALL ESTABLISH
14 ADDITIONAL LABELING REQUIREMENTS FOR ANTICOAGULANT
15 RODENTICIDES, INCLUDING A REQUIREMENT THAT THE NAME OF THE
16 RODENTICIDE BE CLEARLY LABELED ON A BAIT BOX.

17 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "ELECTRONIC RODENT MONITORING DEVICE" MEANS A
20 NONRODENTICIDE-BASED DEVICE OR SYSTEM THAT:

21 (I) DETECTS AND RECORDS RODENT ACTIVITY AND PRODUCES
22 TIME-STAMPED, RETRIEVABLE INFORMATION SUFFICIENT TO
23 DEMONSTRATE PERIODS OF ACTIVITY OR INACTIVITY; AND

24 (II) IS MAINTAINED BY THE CERTIFIED OPERATOR, COMMERCIAL
25 APPLICATOR, PUBLIC APPLICATOR, OR QUALIFIED SUPERVISOR LICENSED
26 PURSUANT TO ARTICLE 10 OF THIS TITLE 35 THAT IS RESPONSIBLE FOR
27 RODENT CONTROL.

1 (b) "Use" HAS THE MEANING SET FORTH IN SECTION 35-10-103
2 (18).

3 **35-9-119.5. Integrated pest management.**

4 (1) A PERSON CONDUCTING PROFESSIONAL RODENT CONTROL
5 SERVICES IN THE STATE SHALL PRIORITIZE USING INTEGRATED PEST
6 MANAGEMENT STRATEGIES. INTEGRATED PEST MANAGEMENT STRATEGIES
7 INCLUDE IMPLEMENTING THE FOLLOWING STEPS BEFORE RODENTICIDE USE
8 MAY BE CONSIDERED:

9 (a) CONFIRMING THAT THE PEST IS A RODENT AND, IF POSSIBLE,
10 IDENTIFYING THE SPECIES;

11 (b) INSPECTING THE SITE TO IDENTIFY SIGNS OF RODENT ACTIVITY,
12 ENTRY POINTS, FOOD SOURCES, LOCATIONS OF HARBORAGE, AND ANY
13 OTHER CONTRIBUTING CONDITION;

14 (c) DEPLOYING ELECTRONIC RODENT MONITORING DEVICES, AS
15 DEFINED IN SECTION 35-9-118.3 (5)(a), OR OTHER VERIFIABLE
16 MONITORING METHODS TO IDENTIFY AND DOCUMENT RODENT ACTIVITY
17 AND LOCATIONS AND THE EFFECTIVENESS OF REMEDIATION AND CONTROL
18 MEASURES DEPLOYED; AND

19 (d) REMEDIATING CONTRIBUTING CONDITIONS AND DEPLOYING
20 CONTROL MEASURES, WITH PRIORITY GIVEN TO CONTROL MEASURES
21 INVOLVING SANITATION, EXCLUSION, OR OTHER CONTROL MEASURES
22 IDENTIFIED AS NECESSARY TO PHYSICALLY EXCLUDE, DETER, AND
23 PREVENT RODENT INFESTATIONS OR DAMAGE.

24 **SECTION 4.** In Colorado Revised Statutes, 35-9-120, **amend** (1)
25 introductory portion and (1)(j.5); and **add** (1)(l) and (1)(m) as follows:

26 **35-9-120. Prohibited acts - deceptive trade practice.**

27 (1) It is unlawful and a violation of this ~~article~~ ARTICLE 9 for ~~any~~

1 A person:

2 (j.5) To make a false statement in any invoice, record, report, or

3 application required under this ~~article~~ ARTICLE 9 or any rule ~~promulgated~~

4 ADOPTED under this ~~article~~; or ARTICLE 9;

5 (l) To SELL, DISTRIBUTE, OR OFFER FOR SALE OR DISTRIBUTION IN

6 THE STATE A RODENTICIDE PRODUCT DESCRIBED IN SECTION 35-9-118.3

7 (1); OR

8 (m) To APPLY OR USE A RODENTICIDE PRODUCT DESCRIBED IN

9 SECTION 35-9-118.3 (1), EXCEPT AS AUTHORIZED PURSUANT TO SECTION

10 35-9-118.3 (3).

11 **SECTION 5. Applicability.** This act applies to conduct occurring

12 on or after the effective date of this act.

13 **SECTION 6. Safety clause.** The general assembly finds,

14 determines, and declares that this act is necessary for the immediate

15 preservation of the public peace, health, or safety or for appropriations for

16 the support and maintenance of the departments of the state and state

17 institutions.