

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 26-0428.01 Sarah Lozano x3858

**HOUSE BILL 26-1111**

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**HOUSE SPONSORSHIP**

**Mauro and McCormick,**

**SENATE SPONSORSHIP**

**Kipp and Roberts,**

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**House Committees**

Agriculture, Water & Natural Resources  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF A PROGRAM FOR THE END-OF-LIFE**  
102 **MANAGEMENT OF PESTICIDE PRODUCTS, AND, IN CONNECTION**  
103 **THEREWITH, CREATING THE PESTICIDE PRODUCT DISPOSAL AND**  
104 **CONTAINER RECYCLING ENTERPRISE TO DEVELOP AND**  
105 **ADMINISTER THE PROGRAM AND MAKING AN APPROPRIATION.**

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**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 creates the pesticide product disposal and container recycling enterprise (enterprise) in the department of agriculture. The

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.*

board of directors of the enterprise consists of the members of the state agricultural commission.

The enterprise is tasked with developing and administering a program for the disposal of pesticide products and the recycling of pesticide product containers (program). Along with providing these business services, the program must:

- Organize pesticide product disposal and container recycling events for commercial applicators and private applicators across the state;
- Provide outreach and education to commercial applicators and private applicators on proper and safe disposal and recycling practices and the services provided by the program; and
- Provide certain business services to an applicant that registers a pesticide product with the commissioner of agriculture for sale or distribution in the state (applicant).

The enterprise operates as a government-owned business imposing:

- A pesticide product disposal fee for each pesticide product that is disposed of through the program; and
- A pesticide registration product disposal and container recycling fee on each applicant.

The fees are credited to the pesticide product disposal and container recycling enterprise cash fund for use by the enterprise to carry out the program. Money credited to the fund is subject to annual appropriation by the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 10.5 to  
3 title 35 as follows:

4 **ARTICLE 10.5**

5 **Pesticide Product Disposal and**  
6 **Container Recycling Enterprise**

7 **35-10.5-101. Legislative declaration.**

8 (1) THE GENERAL ASSEMBLY FINDS THAT:

9 (a) THE ACCUMULATION OF EXCESS OR UNWANTED PESTICIDE  
10 PRODUCTS MAY POSE A RISK TO HUMAN HEALTH OR THE ENVIRONMENT

1 BECAUSE:

2 (I) PESTICIDE PRODUCT CONTAINERS MAY BE COMPROMISED BY  
3 LENGTHY OR IMPROPER STORAGE, LEADING TO AN INCREASED POTENTIAL  
4 FOR RELEASE INTO THE ENVIRONMENT; AND

5 (II) THE ACCUMULATION OF EXCESS OR UNWANTED PESTICIDE  
6 PRODUCTS MAY INCREASE THE POTENTIAL FOR IMPROPER DISPOSAL OF  
7 THOSE PRODUCTS OR THEIR CONTAINERS WHEN SUITABLE AND SAFE  
8 DISPOSAL OPTIONS ARE LACKING AND MAY CAUSE THOSE PRODUCTS OR  
9 THE CONTENTS OF THEIR CONTAINERS TO SEEP INTO SOIL, LEACH INTO  
10 GROUNDWATER, OR COME INTO CONTACT WITH HUMANS OR OTHER  
11 ORGANISMS, WHICH INCREASES THE POTENTIAL FOR ENVIRONMENTAL  
12 CONTAMINATION OR HUMAN HEALTH RISK; AND

13 (b) THE ESTABLISHMENT OF A PROGRAM THAT REDUCES THE  
14 POTENTIAL RISKS ASSOCIATED WITH THE INCORRECT OR OTHERWISE  
15 UNLAWFUL DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS AND RECYCLING  
16 OF PESTICIDE PRODUCT CONTAINERS SUPPORTS PUBLIC HEALTH AND THE  
17 ENVIRONMENT.

18 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

19 (a) A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR MAY  
20 LACK RELIABLE OPPORTUNITIES FOR THE DISPOSAL OF PESTICIDE  
21 PRODUCTS OR THE RECYCLING OF PESTICIDE PRODUCT CONTAINERS  
22 BECAUSE:

23 (I) A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR CANNOT  
24 DISPOSE OF OR RECYCLE PESTICIDE PRODUCTS IN HOUSEHOLD OR  
25 RESIDENTIAL WASTE PROGRAMS BECAUSE THE APPLICATORS POSSESS TOO  
26 HIGH OF A VOLUME OF EXCESS OR UNWANTED PESTICIDE PRODUCTS OR  
27 OTHERWISE POSSESS RESTRICTED-USE PESTICIDE PRODUCTS THAT REQUIRE

1 SPECIAL HANDLING BEYOND WHAT A HOUSEHOLD OR RESIDENTIAL WASTE  
2 PROGRAM CAN PROVIDE; AND

3 (II) THERE ARE A LIMITED NUMBER OF DISPOSAL FACILITIES  
4 AVAILABLE TO COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS.  
5 THESE FACILITIES ARE GEOGRAPHICALLY DISPERSED AND THUS  
6 INCONVENIENT OR COST PROHIBITIVE TO ACCESS OR USE FOR COMMERCIAL  
7 APPLICATORS AND PRIVATE APPLICATORS THAT ARE NOT LOCATED NEAR  
8 THE FACILITIES.

9 (b) THE ESTABLISHMENT OF A DISPOSAL AND RECYCLING PROGRAM  
10 WOULD INCENTIVIZE A COMMERCIAL APPLICATOR'S OR PRIVATE  
11 APPLICATOR'S PROPER AND TIMELY MANAGEMENT OF EXCESS OR  
12 UNWANTED PESTICIDE PRODUCTS BY PROVIDING A PREDICTABLE,  
13 CONVENIENT, COST-EFFECTIVE, AND LAWFUL OPPORTUNITY FOR A  
14 COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR TO DISPOSE OF  
15 ELIGIBLE PESTICIDE PRODUCTS OR RECYCLE PESTICIDE PRODUCT  
16 CONTAINERS; AND

17 (c) MANUFACTURERS OR DISTRIBUTORS OF ELIGIBLE PESTICIDE  
18 PRODUCTS THAT REGISTER THEIR PRODUCTS FOR SALE OR DISTRIBUTION IN  
19 THE STATE ALSO BENEFIT FROM A PESTICIDE DISPOSAL PROGRAM  
20 BECAUSE THE PROGRAM:

21 (I) REDUCES A REGISTRANT'S ENVIRONMENTAL FOOTPRINT BY  
22 PROMOTING THE SUSTAINABLE AND SAFE USE OF THAT REGISTRANT'S  
23 ELIGIBLE PESTICIDE PRODUCT THROUGHOUT THE PRODUCT'S ENTIRE LIFE  
24 CYCLE;

25 (II) LESSENS THE REGISTRANT'S BURDEN OF INDEPENDENTLY  
26 MANAGING THE DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS; AND

27 (III) ALIGNS WITH PRODUCT STEWARDSHIP AND SUSTAINABILITY

1 GOALS SHARED ACROSS THE PESTICIDE INDUSTRY AND SUPPORTED BY THE  
2 REQUIREMENT IN THE "FEDERAL INSECTICIDE, FUNGICIDE, AND  
3 RODENTICIDE ACT", 7 U.S.C. SEC. 136 ET SEQ., THAT, IN ORDER TO BE  
4 REGISTERED AS A PESTICIDE PRODUCT, THE PRODUCT'S LABEL INCLUDE  
5 DIRECTIONS FOR SAFE STORAGE, USE, AND DISPOSAL AND FURTHER  
6 SUPPORTED BY THE REQUIREMENT THAT REFILLABLE AND NONREFILLABLE  
7 PESTICIDE PRODUCT CONTAINERS MEET SPECIFIC DESIGN AND  
8 CONSTRUCTION STANDARDS.

9 (3) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

10 (a) TO PROMOTE PUBLIC HEALTH AND THE ENVIRONMENT AND TO  
11 PROVIDE PROTECTION FROM THE POTENTIAL RISKS POSED BY THE  
12 IMPROPER DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS OR RECYCLING OF  
13 PESTICIDE PRODUCT CONTAINERS, COMMERCIAL APPLICATORS AND  
14 PRIVATE APPLICATORS THAT USE THE BUSINESS SERVICES DESCRIBED IN  
15 SECTION 35-10.5-105 (1)(a)(I) AND APPLICANTS THAT REGISTER AN  
16 ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR  
17 DISTRIBUTION IN THE STATE SHOULD SUPPORT THE DEVELOPMENT AND  
18 ADMINISTRATION OF A PESTICIDE PRODUCT DISPOSAL AND CONTAINER  
19 RECYCLING PROGRAM CREATED AS AN ENTERPRISE IN THE DEPARTMENT;

20 (b) THE ACTIVITIES OF THE ENTERPRISE SHOULD BE FUNDED BY  
21 REVENUE GENERATED FROM:

22 (I) PESTICIDE PRODUCT DISPOSAL FEES PAID BY COMMERCIAL  
23 APPLICATORS AND PRIVATE APPLICATORS THAT USE THE BUSINESS  
24 SERVICES DESCRIBED IN SECTION 35-10.5-105 (1)(a)(I); AND

25 (II) PESTICIDE REGISTRATION PRODUCT DISPOSAL FEES PAID  
26 ANNUALLY BY APPLICANTS THAT REGISTER AN ELIGIBLE PESTICIDE  
27 PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE

1 STATE;

2 (c) IT IS APPROPRIATE FOR COMMERCIAL APPLICATORS AND  
3 PRIVATE APPLICATORS THAT DISPOSE OF ELIGIBLE PESTICIDE PRODUCTS  
4 THROUGH THE PROGRAM TO PAY THE PESTICIDE PRODUCT DISPOSAL FEE  
5 IMPOSED BY THE ENTERPRISE, AS THESE APPLICATORS ARE THE DIRECT  
6 BENEFICIARIES OF THE BUSINESS SERVICES PROVIDED BY THE ENTERPRISE;

7 (d) IT IS ALSO APPROPRIATE FOR APPLICANTS THAT REGISTER AN  
8 ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR  
9 DISTRIBUTION IN THE STATE TO PAY THE PESTICIDE REGISTRATION  
10 PRODUCT DISPOSAL [REDACTED] FEE IMPOSED BY THE ENTERPRISE, AS THESE  
11 APPLICANTS BENEFIT FROM A PROGRAM THAT PROVIDES FOR THE DISPOSAL  
12 OF MANY OF THE ELIGIBLE PESTICIDE PRODUCTS THAT THESE APPLICANTS  
13 SELL OR DISTRIBUTE IN THE STATE;

14 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO  
15 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896  
16 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS  
17 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE  
18 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES  
19 THAT THE PESTICIDE PRODUCT DISPOSAL FEE AND THE PESTICIDE  
20 REGISTRATION PRODUCT DISPOSAL [REDACTED] FEE ARE FEES, NOT TAXES, AND THE  
21 ENTERPRISE OPERATES AS A BUSINESS BECAUSE THE PESTICIDE PRODUCT  
22 DISPOSAL FEE AND THE PESTICIDE REGISTRATION PRODUCT DISPOSAL [REDACTED]  
23 FEE ARE:

24 (I) IMPOSED FOR THE SPECIFIC BUSINESS PURPOSE OF DEVELOPING  
25 AND ADMINISTERING THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER  
26 RECYCLING PROGRAM; AND

27 (II) COLLECTED AT A RATE THAT IS REASONABLY RELATED TO THE

1 OVERALL COST OF THE BUSINESS SERVICES BEING PROVIDED; AND  
2 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR  
3 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
4 REVENUE FROM THE PESTICIDE PRODUCT DISPOSAL FEES AND THE  
5 PESTICIDE REGISTRATION PRODUCT DISPOSAL [REDACTED] FEES IMPOSED,  
6 COLLECTED, AND ADMINISTERED BY THE ENTERPRISE IS NOT STATE FISCAL  
7 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE  
8 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT  
9 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED  
10 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS  
11 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

12 **35-10.5-102. Definitions.**

13 AS USED IN THIS ARTICLE 10.5, UNLESS THE CONTEXT OTHERWISE  
14 REQUIRES:

15 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ENTERPRISE  
16 CREATED IN SECTION 35-10.5-104 (1)(a).

17 (2) "COMMERCIAL APPLICATOR" HAS THE MEANING SET FORTH IN  
18 SECTION 35-10-103 (2).

19 (3) "COMMISSION" MEANS THE STATE AGRICULTURAL  
20 COMMISSION.

21 (4) "COMMISSIONER" MEANS THE COMMISSIONER OF  
22 AGRICULTURE.

23 (5) (a) "CONTAINER" MEANS A PACKAGE, CAN, BOTTLE, BAG,  
24 BARREL, DRUM, TANK, OR OTHER CONTAINING DEVICE, EXCLUDING AN  
25 APPLICATION TANK, THAT IS USED TO ENCLOSE A PESTICIDE PRODUCT.

26 (b) "CONTAINER" INCLUDES A CONTAINER THAT IS USED TO SELL  
27 OR DISTRIBUTE A PESTICIDE PRODUCT AND THAT ALSO FUNCTIONS IN

1 APPLYING THE PESTICIDE PRODUCT, SUCH AS A SPRAY BOTTLE, AN  
2 AEROSOL CAN, AND A CONTAINER THAT BECOMES PART OF A DIRECT  
3 INJECTION SYSTEM.

4 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

5 (7) "ELIGIBLE PESTICIDE PRODUCT" MEANS ALL PESTICIDE  
6 PRODUCTS REGISTERED IN COLORADO, EXCEPT FOR THOSE THAT HAVE  
7 BEEN IDENTIFIED AS EXEMPT FROM THE PROGRAM BY THE BOARD  
8 PURSUANT TO SECTION 35-10.5-104 (2)(b).

9 (8) "ENTERPRISE" MEANS THE PESTICIDE PRODUCT DISPOSAL AND  
10 CONTAINER RECYCLING ENTERPRISE CREATED IN SECTION 35-10.5-103 (1).

11 (9) "FUND" MEANS THE PESTICIDE PRODUCT DISPOSAL AND  
12 CONTAINER RECYCLING ENTERPRISE CASH FUND CREATED IN SECTION  
13 35-10.5-106 (1).

14 (10) (a) "PESTICIDE" HAS THE MEANING SET FORTH IN SECTION  
15 35-9-103 (11) BUT INCLUDES ONLY PESTICIDES THAT ARE REGISTERED  
16 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER  
17 THE "FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT", 7  
18 U.S.C. SEC. 136 ET SEQ., OR WITH THE DEPARTMENT UNDER ARTICLE 9 OF  
19 THIS TITLE 35.

20 (b) "PESTICIDE" DOES NOT INCLUDE PESTICIDE RINSATE, SPILLED  
21 MATERIAL, OR AFFECTED MEDIA.

22 (11) "PESTICIDE PRODUCT" MEANS A PESTICIDE IN THE PARTICULAR  
23 FORM, INCLUDING PACKAGING, COMPOSITION, AND LABELING, IN WHICH  
24 THE PESTICIDE IS INTENDED TO BE DISTRIBUTED OR SOLD.

25 (12) "PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING  
26 PROGRAM" OR "PROGRAM" MEANS THE PESTICIDE PRODUCT DISPOSAL AND  
27 CONTAINER RECYCLING PROGRAM DESCRIBED IN SECTION 35-10.5-105 (1).

1 (13) "PESTICIDE PRODUCT DISPOSAL FEE" MEANS THE FEE IMPOSED  
2 BY THE ENTERPRISE PURSUANT TO SECTION 35-10.5-105 (2)(a).

3 (14) "PESTICIDE REGISTRATION PRODUCT DISPOSAL █ █ FEE"  
4 MEANS THE ANNUAL FEE IMPOSED BY THE ENTERPRISE PURSUANT TO  
5 SECTION 35-10.5-105 (3)(a).

6 (15) "PRIVATE APPLICATOR" HAS THE MEANING SET FORTH IN  
7 SECTION 35-10-103 (11.5).

8 **35-10.5-103. Enterprise created.**

9 (1) THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING  
10 ENTERPRISE IS CREATED IN THE DEPARTMENT AND EXERCISES ITS POWERS  
11 AND PERFORMS ITS DUTIES AND FUNCTIONS AS A GOVERNMENT-OWNED  
12 BUSINESS IN THE DEPARTMENT TO EXECUTE THE BUSINESS PURPOSES SET  
13 FORTH IN THIS SECTION. THE ENTERPRISE IS CREATED FOR THE PURPOSES  
14 OF:

15 (a) DEVELOPING AND ADMINISTERING THE PESTICIDE PRODUCT  
16 DISPOSAL AND CONTAINER RECYCLING PROGRAM; AND

17 (b) IMPOSING THE PESTICIDE PRODUCT DISPOSAL FEE AND THE  
18 PESTICIDE REGISTRATION PRODUCT DISPOSAL █ FEE.

19 (2) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT, SHALL  
20 ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH THIS SECTION.

21 (3) (a) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR  
22 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO  
23 LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND  
24 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS  
25 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND  
26 LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN  
27 ENTERPRISE, THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE

1 X OF THE STATE CONSTITUTION.

2 (b) THE ENTERPRISE IS AUTHORIZED TO ISSUE REVENUE BONDS FOR  
3 THE EXPENSES OF THE ENTERPRISE, SECURED BY REVENUE OF THE  
4 ENTERPRISE.

5 **35-10.5-104. Board of directors created - powers and duties -**  
6 **rules.**

7 (1) (a) THE ENTERPRISE BOARD OF DIRECTORS IS CREATED TO  
8 ADMINISTER THE ENTERPRISE. THE BOARD CONSISTS OF THE MEMBERS OF  
9 THE COMMISSION.

10 (b) BOARD MEMBERS SERVE WITHOUT COMPENSATION AND ARE  
11 NOT ENTITLED TO RECEIVE REIMBURSEMENT FOR TRAVEL EXPENSES  
12 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

13 (2) IN ADDITION TO THE PURPOSE DESCRIBED IN SUBSECTION (1)(a)  
14 OF THIS SECTION AND ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS  
15 ARTICLE 10.5, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES ON  
16 BEHALF OF THE ENTERPRISE:

17 (a) TO ADOPT PROCEDURES FOR CONDUCTING THE BOARD'S  
18 AFFAIRS;

19 (b) TO ADOPT RULES AS NECESSARY AND NOT INCONSISTENT WITH  
20 LAW FOR THE ADMINISTRATION AND IMPLEMENTATION OF THIS ARTICLE  
21 10.5, INCLUDING:

22 (I) IDENTIFYING THE PESTICIDE PRODUCTS THAT ARE EXEMPT FROM  
23 THE PROGRAM BASED ON FACTORS ESTABLISHED BY THE BOARD;

24 (II) SETTING THE AMOUNT OF THE PESTICIDE PRODUCT DISPOSAL  
25 FEE;

26 (III) SETTING THE AMOUNT OF THE PESTICIDE REGISTRATION  
27 PRODUCT DISPOSAL FEE; AND

1 (IV) ANY OTHER RULES NECESSARY FOR THE ADMINISTRATION  
2 AND IMPLEMENTATION OF THE PROGRAM;

3 (c) TO ENGAGE THE SERVICES OF CONTRACTORS AND  
4 CONSULTANTS, INCLUDING THE DEPARTMENT, FOR PROFESSIONAL AND  
5 TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES  
6 RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT  
7 REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE  
8 24; AND

9 (d) TO HAVE AND EXERCISE THE RIGHTS AND POWERS NECESSARY  
10 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
11 GRANTED BY THIS SECTION.

12 (3) (a) THE ENTERPRISE MAY CONTRACT WITH THE DEPARTMENT  
13 FOR THE PROVISION OF OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE  
14 ENTERPRISE AT A FAIR MARKET RATE.

15 (b) THE ENTERPRISE SHALL ENGAGE THE ATTORNEY GENERAL'S  
16 OFFICE FOR LEGAL SERVICES.

17 **35-10.5-105. Pesticide product disposal and container**  
18 **recycling program - fees.**

19 (1) ON AND AFTER JANUARY 1, 2027, THE BOARD SHALL DEVELOP  
20 AND ADMINISTER A PROGRAM FOR THE DISPOSAL OF ELIGIBLE PESTICIDE  
21 PRODUCTS AND TO COORDINATE THE RECYCLING OF PESTICIDE PRODUCT  
22 CONTAINERS, WHICH PROGRAM MUST:

23 (a) PROVIDE THE FOLLOWING BUSINESS SERVICES TO COMMERCIAL  
24 APPLICATORS AND PRIVATE APPLICATORS IN THE STATE:

25 (I) ELIGIBLE PESTICIDE PRODUCT DISPOSAL SERVICES TO  
26 COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS THAT PAY THE  
27 PESTICIDE PRODUCT DISPOSAL FEE;

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(II) OUTREACH AND EDUCATION TO COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS ON THE PROPER AND SAFE DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS AND RECYCLING OF THEIR CONTAINERS AND ON THE BUSINESS SERVICES PROVIDED BY THE PROGRAM;

(III) ESTABLISHING ELIGIBLE PESTICIDE PRODUCT DISPOSAL EVENTS FOR COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS, WHICH EVENTS MUST BE SCHEDULED AT A PREDICTABLE FREQUENCY AND IN DIVERSE GEOGRAPHIC LOCATIONS ACROSS THE STATE, AND THE ENTERPRISE MAY CONTRACT WITH THIRD PARTIES TO HOST, MANAGE, OR OVERSEE THE ELIGIBLE PESTICIDE PRODUCT DISPOSAL EVENTS; AND

(IV) PROVIDING A COST-EFFECTIVE MEANS FOR COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS TO DISPOSE OF ELIGIBLE PESTICIDE PRODUCTS OR RECYCLE PESTICIDE PRODUCT CONTAINERS BY ALLOWING COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS THAT PARTICIPATE IN THE PROGRAM TO SHARE THE COSTS OF THE DISPOSAL SERVICES; AND

(b) PROVIDE THE FOLLOWING BUSINESS SERVICES TO APPLICANTS THAT REGISTER AN ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE STATE:

(I) DECREASING COSTS BORNE BY AN APPLICANT WHEN THE APPLICANT MUST DISPOSE OF AN ELIGIBLE PESTICIDE PRODUCT INDEPENDENT OF A CONVENIENT, LOCAL, AND ESTABLISHED PROGRAM;

(II) SUPPORTING AN APPLICANT'S PRODUCT STEWARDSHIP GOALS BY PROVIDING A SAFE, RELIABLE, AND CONVENIENT OPPORTUNITY FOR ELIGIBLE PESTICIDE PRODUCT DISPOSAL;

(III) DECREASING THE FINANCIAL AND ENVIRONMENTAL

1 FOOTPRINT OF AN APPLICANT'S PESTICIDE PRODUCT BY ENSURING PROPER  
2 DISPOSAL OF THE ELIGIBLE PESTICIDE PRODUCT AT THE END-OF-LIFE  
3 STAGE; AND

4 (IV) DECREASING AN APPLICANT'S LIABILITY FOR CONSEQUENCES  
5 ASSOCIATED WITH THE IMPROPER DISPOSAL OF UNWANTED OR EXCESS  
6 ELIGIBLE PESTICIDE PRODUCTS BY PROVIDING AN OPPORTUNITY FOR  
7 LAWFUL DISPOSAL.

8 (2) (a) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD  
9 SHALL IMPOSE A PESTICIDE PRODUCT DISPOSAL FEE FOR AN ELIGIBLE  
10 PESTICIDE PRODUCT THAT IS DISPOSED OF THROUGH THE PROGRAM.

11 (b) ON AND AFTER JANUARY 1, 2027, A COMMERCIAL APPLICATOR  
12 OR PRIVATE APPLICATOR THAT DISPOSES OF AN ELIGIBLE PESTICIDE  
13 PRODUCT THROUGH THE PROGRAM SHALL PAY A PESTICIDE PRODUCT  
14 DISPOSAL FEE IN AN AMOUNT DETERMINED BY THE BOARD TO THE  
15 DEPARTMENT, WHICH SHALL COLLECT THE PESTICIDE PRODUCT DISPOSAL  
16 FEE ON BEHALF OF THE ENTERPRISE.

17 (c) THE DEPARTMENT SHALL COLLECT A PESTICIDE PRODUCT  
18 DISPOSAL FEE FROM A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR  
19 ONLY IF THE APPLICATOR DISPOSES OF AN ELIGIBLE PESTICIDE PRODUCT  
20 THROUGH THE PROGRAM. NOTHING IN THIS ARTICLE 10.5 REQUIRES A  
21 COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR TO DISPOSE OF AN  
22 ELIGIBLE PESTICIDE PRODUCT OR RECYCLE A PESTICIDE PRODUCT  
23 CONTAINER THROUGH THE PROGRAM.

24 (3) (a) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD  
25 SHALL IMPOSE AN ANNUAL PESTICIDE REGISTRATION PRODUCT DISPOSAL  
26 FEE ON EACH APPLICANT THAT REGISTERS AN ELIGIBLE PESTICIDE  
27 PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE

1 STATE, WHICH PESTICIDE REGISTRATION PRODUCT DISPOSAL FEE MUST BE  
2 NO MORE THAN FIFTY DOLLARS PER ELIGIBLE PESTICIDE PRODUCT, AS  
3 ANNUALLY ADJUSTED FOR INFLATION. INFLATION IS MEASURED BY THE  
4 ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF  
5 LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX, OR A  
6 SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS  
7 PAID FOR BY URBAN CONSUMERS.

8 (b) ON AND AFTER NOVEMBER 1, 2026, AN APPLICANT THAT  
9 REGISTERS AN ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR  
10 SALE OR DISTRIBUTION IN THE STATE SHALL PAY AN ANNUAL PESTICIDE  
11 REGISTRATION PRODUCT DISPOSAL FEE IN AN AMOUNT DETERMINED BY  
12 THE BOARD TO THE DEPARTMENT, WHICH SHALL COLLECT THE PESTICIDE  
13 REGISTRATION PRODUCT DISPOSAL FEE ON BEHALF OF THE ENTERPRISE.

14 (4) (a) THE STATE TREASURER SHALL CREDIT THE MONEY  
15 COLLECTED PURSUANT TO THIS SECTION TO THE FUND.

16 (b) MONEY COLLECTED PURSUANT TO THIS SECTION AND CREDITED  
17 TO THE FUND PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION:

18 (I) IS COLLECTED FOR THE ENTERPRISE;

19 (II) IS CUSTODIAL MONEY INTENDED FOR THE ENTERPRISE AND  
20 HELD TEMPORARILY BY THE DEPARTMENT AND THE STATE TREASURER  
21 SOLELY FOR THE PURPOSE OF TRANSFERRING THE MONEY TO THE FUND FOR  
22 USE BY THE ENTERPRISE; AND

23 (III) BASED ON THE ENTERPRISE'S STATUS AS AN ENTERPRISE, IS  
24 NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION  
25 AT ANY TIME DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

26 **35-10.5-106. Cash fund - creation - gifts, grants, or donations**  
27 **- repeal.**

1 (1) THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING  
2 ENTERPRISE CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND  
3 CONSISTS OF:

4 (a) MONEY RECEIVED AS A PESTICIDE PRODUCT DISPOSAL FEE OR  
5 A PESTICIDE REGISTRATION PRODUCT DISPOSAL [REDACTED] FEE PURSUANT TO  
6 SECTION 35-10.5-105;

7 (b) ANY MONEY RECEIVED FROM THE ISSUANCE OF REVENUE  
8 BONDS, AS DESCRIBED IN SECTION 35-10.5-103 (3)(b);

9 (c) ANY GIFTS, GRANTS, OR DONATIONS MADE TO THE ENTERPRISE  
10 FOR THE PURPOSES OF THIS SECTION; AND

11 (d) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
12 APPROPRIATE OR TRANSFER TO THE FUND.

13 (2) (a) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE  
14 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO  
15 THE FUND AS PESTICIDE PRODUCT DISPOSAL FEES AND PESTICIDE  
16 REGISTRATION PRODUCT DISPOSAL [REDACTED] FEES DOES NOT EXCEED ONE  
17 HUNDRED MILLION DOLLARS IN THE FIRST FIVE YEARS OF THE ENTERPRISE'S  
18 EXISTENCE.

19 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
20 2031.

21 (3) MONEY CREDITED TO THE FUND IS CONTINUOUSLY  
22 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS  
23 ARTICLE 10.5 AND TO PAY THE ENTERPRISE'S REASONABLE AND  
24 NECESSARY ADMINISTRATIVE AND OPERATING EXPENSES. THE STATE  
25 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
26 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

27 (4) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING

1 IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND  
2 AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND.

3 (5) THE ENTERPRISE MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
4 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
5 PURPOSES OF THIS SECTION. THE STATE TREASURER SHALL CREDIT THE  
6 GIFTS, GRANTS, OR DONATIONS TO THE FUND.

7 **35-10.5-107. Reporting.**

8 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO LATER  
9 THAN APRIL 1, 2028, AND NO LATER THAN EACH APRIL 1 THEREAFTER, THE  
10 ENTERPRISE SHALL REPORT TO THE AGRICULTURE, WATER, AND NATURAL  
11 RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
12 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR  
13 ANY SUCCESSOR COMMITTEES, THE FOLLOWING INFORMATION FOR THE  
14 PRIOR CALENDAR YEAR:

15 (a) THE AMOUNT OF PESTICIDE PRODUCT DISPOSAL FEES  
16 COLLECTED BY THE DEPARTMENT ON BEHALF OF THE ENTERPRISE;

17 (b) THE AMOUNT OF PESTICIDE REGISTRATION PRODUCT DISPOSAL  
18 FEES COLLECTED BY THE DEPARTMENT ON BEHALF OF THE ENTERPRISE;

19 (c) THE TOTAL REVENUE GENERATED ON BEHALF OF OR BY THE  
20 ENTERPRISE;

21 (d) A DESCRIPTION OF THE LOCATIONS AND TIMES OF THE  
22 PESTICIDE PRODUCT DISPOSAL EVENTS FOR COMMERCIAL APPLICATORS  
23 AND PRIVATE APPLICATORS PURSUANT TO SECTION 35-10.5-105 (1)(a)(III);

24 (e) A SUMMARY OF THE AMOUNT AND TYPES OF ELIGIBLE  
25 PESTICIDE PRODUCTS THAT WERE DISPOSED OF THROUGH THE BUSINESS  
26 SERVICES DESCRIBED IN SECTION 35-10.5-105 (1)(a)(I); AND

27 (f) A DESCRIPTION OF THE OUTREACH AND EDUCATION ACTIVITIES

1 CONDUCTED BY THE ENTERPRISE PURSUANT TO SECTION 35-10.5-105  
2 (1)(a)(II).

3 **SECTION 2.** In Colorado Revised Statutes, 35-9-107, **amend** (2)  
4 as follows:

5 **35-9-107. Pesticide registration - application - fees - expiration**  
6 **- rules.**

7 (2) Each applicant shall pay, at the time the application is  
8 submitted:

9 (a) An annual application fee in an amount to be determined by  
10 the commissioner; AND

11 (b) ON AND AFTER NOVEMBER 1, 2026, A PESTICIDE REGISTRATION  
12 PRODUCT DISPOSAL FEE, AS DEFINED IN SECTION 35-10.5-102 (14).

13 **SECTION 3. Appropriation.** For the 2026-27 state fiscal year,  
14 \$20,771 is appropriated to the department of law. This appropriation is  
15 from the legal services cash fund created in section 24-31-108 (4), C.R.S.,  
16 from revenue received from the department of agriculture that is  
17 continuously appropriated to the department of agriculture from the  
18 pesticide product disposal and container recycling enterprise cash fund  
19 created in section 35-10.5-106 (1), C.R.S. The appropriation to the  
20 department of law is based on an assumption that the department of law  
21 will require an additional 0.1 FTE. To implement this act, the department  
22 of law may use this appropriation to provide legal services for the  
23 department of agriculture.

24 **SECTION 4. Safety clause.** The general assembly finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.