

An Act

HOUSE BILL 26-1342

BY REPRESENTATIVE(S) Stewart K. and Lukens, Brown, Goldstein, Joseph, Lindsay, Mauro, McCormick, Sirota, Smith, McCluskie; also SENATOR(S) Marchman, Cutter, Kipp, Sullivan, Coleman.

CONCERNING KNOWING BEHAVIOR THAT LURES BEARS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The black bear, whose scientific name is *Ursus americanus*, is a species native to Colorado;

(b) Black bears are culturally and ecologically significant to the state;

(c) There are an estimated 17,000 to 20,000 black bears in Colorado;

(d) As the state's population, development, and tourism continues to grow, constraints on wild habitat and food sources, including natural food failures driven by drought and other climatic conditions, are likely to

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.

increase, resulting in more human-black bear interactions and conflicts;

(e) In 2024, the division of parks and wildlife received over 5,000 reports of sightings and conflicts with black bears, which is 14.8% higher than the previous 5 years;

(f) In 2024, the division of parks and wildlife spent nearly 6,000 hours of staff time responding to human-black bear conflicts and spent nearly \$800,000 in supplies, grants, and salaries related to human-black bear conflicts;

(g) The majority of incident reports related to black bears involve black bears attempting to access human food sources, with over 50% of reported sightings and conflicts in 2024 linked to trash and food waste;

(h) Human-black bear conflicts pose safety and health issues for both humans and black bears; and

(i) In 2024, 68 black bears needed to be relocated and 98 were euthanized because of incidents with humans, many of which were the result of human negligence.

(2) In order to avoid unsafe situations between black bears and humans, it is imperative, therefore, that Coloradans and visitors to the state properly manage attractants that might lure black bears into situations of human conflict.

SECTION 2. In Colorado Revised Statutes, 33-6-131, **amend** (1), (2), (3) introductory portion, and (3)(c) as follows:

33-6-131. Luring bears - penalty - definition.

(1) Unless otherwise permitted by commission rule, ~~it is unlawful for any person to place~~ A PERSON THAT KNOWINGLY PLACES food or edible waste in the open ~~with the intent of luring a wild bear to such food or edible waste~~ IN CIRCUMSTANCES WHERE THERE IS A REASONABLE PROBABILITY OF LURING A WILD BEAR TO THE FOOD OR EDIBLE WASTE COMMITS A MISDEMEANOR.

(2) (a) This section ~~shall~~ DOES not apply to acts related to

agriculture, as defined in section 35-1-102 (1). ~~C.R.S.~~

(b) ~~For the purposes of AS USED IN this section, "food or edible waste" shall~~ DOES not include live animals or food that is grown in the open prior to ~~such~~ THE food being harvested.

(3) ~~Any A person who~~ THAT violates SUBSECTION (1) OF this section, ~~shall be given a warning. Upon a second or subsequent violation of this section, the person is guilty of a misdemeanor and; upon conviction, shall be punished by a fine not to exceed:~~

(c) ~~Two~~ FIVE thousand dollars for a third or subsequent offense.

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 (August 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 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 offenses committed on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO