

## CHAPTER 156

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**AGRICULTURE**

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**HOUSE BILL 26-1132**

BY REPRESENTATIVE(S) Froelich and Lindsay, Bacon, Boesenecker, Brown, Camacho, Clifford, Duran, Garcia, Goldstein, Jackson, Joseph, Lieder, Mabrey, McCormick, Nguyen, Paschal, Rutinel, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Velasco, Willford, Woodrow, Zokaie, McCluskie, Carter, Hamrick, Mauro;  
also SENATOR(S) Kipp and Bridges, Cutter, Hinrichsen, Jodeh, Lindstedt, Marchman, Wallace, Coleman.

**AN ACT****CONCERNING INCREASING POLLINATOR HABITATS THROUGH THE CONSERVATION OF NATIVE PLANT MATERIAL ON LANDS IN THE STATE.**

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

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

(a) Native plants are species that have evolved over thousands of years in ecosystems and are adapted to the local climate, soil, hydrology, and interactions with wildlife;

(b) Colorado is home to a diverse array of at least 3,300 native plant species that support critical ecosystem functions, promote biodiversity, and contribute to the state's natural heritage and scenic beauty;

(c) Native plants form the foundation of essential habitat and food sources for pollinators, birds, and other wildlife species, many of which are in decline due to habitat loss, urbanization, drought, climate change, invasive species, and other environmental stressors;

(d) Increasing the availability and diversity of native plant materials used in landscaping, habitat restoration, agriculture, and conservation efforts helps to conserve water resources, prevent soil erosion, and improve resilience to drought and wildfire;

(e) Promoting the propagation, protection, and use of native plants supports the objectives of Colorado's outdoors strategy, the division of parks and wildlife's

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*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.*

statewide habitat conservation and connectivity plan, the state wildlife action plan, Colorado's climate preparedness roadmap, and other state and local environmental initiatives;

(f) Coordination among state agencies, growers, seed suppliers, and community partners is essential to ensure access to native plant materials; and

(g) Colorado has an opportunity and a responsibility to lead by example by creating a statewide framework to align efforts, increase availability and diversity of native plants, and use collective buying power to reduce the costs of native plant materials to protect Colorado's environment for future generations.

(2) The general assembly further finds that:

(a) In 2022, in response to Senate Bill 22-199, the department of natural resources commissioned a collaborative study on native pollinating insects;

(b) The study was conducted by the Colorado state university extension, the Xerces Society for Invertebrate Conservation, and the university of Colorado museum of natural history, in consultation with state and federal agencies, researchers, scientists, and land managers across the state;

(c) The study documents how Colorado is home to a rich community of native insects whose pollinating services are at the heart of healthy environments and economies, but concludes that, overall, the status of Colorado's native pollinating insects is tenuous, with the primary drivers of decline being habitat loss, inadequate land-management practices, pesticides, competition from nonnative species, and climate change, among others; and

(d) The study states that promoting policies that benefit native pollinating insects and increase the native plants on which they depend represents the biggest opportunity to foster healthy and sustainable pollinator populations, especially in agricultural and urban habitats, and identifies the 5 highest areas of immediate action and priorities as follows:

(I) Priority 1: Protect imperiled native pollinating insects;

(II) Priority 2: Protect, restore, and connect pollinator habitats;

(III) Priority 3: Mitigate environmental changes that negatively impact pollinators and their habitats;

(IV) Priority 4: Reduce the risks from pesticides to pollinating insects; and

(V) Priority 5: Monitor and support native and managed pollinator health.

(3) The general assembly further finds that in 2024, in House Bill 24-1117, the general assembly directed the division of parks and wildlife in the department of natural resources to study and determine the conservation needs of native rare plants and invertebrates and implement voluntary programs to conserve and protect them.

(4) Therefore, the general assembly:

(a) Declares that it is in the public interest of the state to promote the use, protection, and restoration of native plant species for the benefit of current and future generations; and

(b) Encourages public and private stakeholders to take action to conserve Colorado's native plants.

**SECTION 2.** In Colorado Revised Statutes, **add** 23-31-322 as follows:

**23-31-322. Use of native plants in projects - definitions.**

(1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COVERED AGENCY" MEANS:

(I) THE STATE FOREST SERVICE DESCRIBED WITHIN THIS PART 3;

(II) THE DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 24-1-124; EXCEPT THAT THE STATE BOARD OF LAND COMMISSIONERS DESCRIBED IN ARTICLE 1 OF TITLE 36 IS NOT A COVERED AGENCY;

(III) THE DEPARTMENT OF PERSONNEL CREATED IN SECTION 24-1-128; AND

(IV) THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7.

(b) "ECOREGIONALLY SPECIFIC" MEANS THAT PLANT MATERIALS ARE SPECIFIC TO A LEVEL III ECOREGION, AS DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(c) "NATIVE PLANT" HAS THE MEANING SET FORTH IN SECTION 35-5.5-103 (15).

(d) "PROJECT" MEANS A RESTORATION, RENOVATION, LANDSCAPING, NEW CONSTRUCTION, OR INFRASTRUCTURE PROJECT THAT:

(I) IS ON STATE-OWNED LAND;

(II) IS MANAGED ENTIRELY BY ONE OR MORE STATE AGENCIES;

(III) INCLUDES THE INSTALLATION OR PLANTING OF VEGETATION; AND

(IV) DOES NOT RELY SOLELY OR PARTIALLY ON FUNDING FROM STATE GRANTS OR LOANS.

(e) "PUBLIC-PRIVATE PARTNERSHIP" HAS THE MEANING SET FORTH IN SECTION 24-94-102 (8).

(f) "REGIONAL NURSERY" MEANS A PRIVATELY OWNED NURSERY THAT COORDINATES WITH THE STATE FOREST SERVICE AND THE STATE NURSERY.

(g) "SEED WAREHOUSE" MEANS THE ESCALANTE STATE WILDLIFE AREA SEED STORAGE BUILDING OPERATED BY THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES.

(h) "STATE NURSERY" MEANS THE STATE NURSERY OPERATED BY THE STATE FOREST SERVICE.

(i) "STUDY" MEANS THE COLLABORATIVE STUDY ON NATIVE POLLINATING INSECTS COMMISSIONED BY THE DEPARTMENT OF NATURAL RESOURCES IN 2022 IN RESPONSE TO SENATE BILL 22-199.

**(2) Use of native plants in projects.**

(a) EACH COVERED AGENCY IS ENCOURAGED TO PRIORITIZE THE USE OF ECOREGIONALLY SPECIFIC NATIVE PLANT MATERIAL THAT SUPPORTS POLLINATOR HABITATS WHEN:

(I) SUCH PLANT MATERIAL IS AVAILABLE;

(II) SUCH USE IS FINANCIALLY VIABLE; AND

(III) SUCH PLANT MATERIAL CAN BE USED IN A MANNER THAT FURTHERS PLANT DIVERSITY, INCREASES POLLINATOR HABITAT, MINIMIZES WILDFIRE HAZARD MITIGATION, ENHANCES CLIMATE RESILIENCE, AND PROTECTS WATERSHED HEALTH.

(b) IN PLANNING AND EXECUTING A PROJECT, EACH COVERED AGENCY SHALL:

(I) BALANCE THE BENEFITS OF USING NATIVE PLANT MATERIAL WITH OTHER PRIORITIES, INCLUDING WILDFIRE RISK REDUCTION; CLIMATE RESILIENCE; SPECIES PROTECTION AND RECOVERY; FEDERALLY LISTED, ENDANGERED, AND THREATENED SPECIES PROTECTION; NOXIOUS WEED CONTROL; PUBLIC SAFETY; AGRICULTURAL PRODUCTION; AND EQUITY AND ENVIRONMENTAL JUSTICE CONSIDERATIONS;

(II) CONSIDER ECOLOGICAL SUITABILITY, SITE-SPECIFIC CONDITIONS, AND AVAILABILITY OF PLANT MATERIALS WHEN SELECTING NATIVE PLANTS;

(III) TO THE EXTENT PRACTICABLE, INCLUDE MULTIPLE SPECIES WITH OVERLAPPING BLOOM PERIODS, INCLUDING A DIVERSITY OF FLOWER SHAPES AND COLORS, TO PROVIDE NECTAR AND POLLEN RESOURCES THROUGHOUT THE GROWING SEASON; AND

(IV) TO THE EXTENT PRACTICAL, INCLUDE A MIXTURE OF GRASSES, FORBS, SHRUBS, AND TREES IN ORDER TO PROVIDE A DIVERSE VEGETATIVE STRUCTURE.

(c) EACH COVERED AGENCY SHALL INTEGRATE INTO ITS PLANNING PROCESSES FIVE-YEAR AND TEN-YEAR GOALS FOR NATIVE PLANT MATERIAL USE IN THEIR PROJECTS.

**(3) Coordinated purchasing and supply development.**

(a) TO THE EXTENT PRACTICABLE, EACH COVERED AGENCY SHALL COORDINATE WITH THE OTHER COVERED AGENCIES WITH REGARD TO PURCHASING IN ORDER TO:

(I) INCREASE DEMAND FOR ECOREGIONALLY SPECIFIC NATIVE PLANT MATERIAL BUSINESS GROWTH OPPORTUNITIES;

(II) REDUCE COSTS THROUGH PURCHASING POWER;

(III) ENSURE SUPPLY OF APPROPRIATE NATIVE PLANT MATERIAL AND REASONABLE PROPAGATION AND GROWING TIMELINES;

(IV) USE THEIR COLLECTIVE BUYING POWER TO CREATE AN INCREASED SUPPLY OF NATIVE PLANTS AND NATIVE PLANT SEEDS; AND

(V) ENHANCE THE SUPPLY OF, AND ACCESS TO, ECOREGIONALLY SPECIFIC NATIVE PLANT MATERIAL IN STATE AND PRIVATE NURSERIES AND IN STATE COLLECTIONS OF SEEDS TO INCREASE ACCESS AND DIVERSITY.

(b) EACH COVERED AGENCY, IN FULFILLING ITS DUTIES UNDER THIS SECTION, SHALL COORDINATE WITH THE SEED WAREHOUSE, THE STATE NURSERY, AND REGIONAL NURSERIES. THE STATE NURSERY SHALL ANNUALLY SHARE ITS INVENTORY WITH COVERED AGENCIES WHEN THE SPRING INVENTORY IS ESTABLISHED.

(c) A COVERED AGENCY MAY ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP FOR SEED COLLECTION ON STATE LANDS.

**(4) Training on native plants.**

(a) EACH COVERED AGENCY, SUBJECT TO AVAILABLE FUNDING, SHALL ESTABLISH A TRAINING PROGRAM FOR RELEVANT STAFF, AS DETERMINED BY THE COVERED AGENCY, THAT INCLUDES:

(I) IDENTIFICATION OF NATIVE PLANTS, IMPORTANT FLORAL AND HOST PLANTS, AND POLLINATOR HOST SPECIES; AND

(II) BEST PRACTICES FOR POLLINATOR CONSERVATION AND NATIVE PLANT ESTABLISHMENT.

(b) IN FULFILLING ITS DUTIES UNDER THIS SUBSECTION (4), A COVERED AGENCY MAY SEEK, ACCEPT, AND EXPEND AVAILABLE FEDERAL RESOURCES REGARDING THE MANAGEMENT OF NATIVE PLANTS.

(c) A COVERED AGENCY MAY SEEK AND ENTER INTO PRIVATE PARTNERSHIPS TO DEVELOP THE TRAINING PROGRAM DESCRIBED IN THIS SUBSECTION (4) SO LONG AS THE PRIVATE PARTNERS HAVE EXPERTISE IN POLLINATOR HEALTH, CLIMATE CHANGE, ECOLOGICAL PROCESSES AND RESILIENCE, BIODIVERSITY, NATIVE PLANTS, OR ECOLOGICAL LAND MANAGEMENT.

**(5) Land management practices.**

(a) ON AND AFTER JANUARY 1, 2028, TO THE EXTENT PRACTICABLE, EACH COVERED AGENCY SHALL INTEGRATE MOWING AND GRAZING BASED ON RECOMMENDATIONS INCLUDED IN THE STUDY.

(b) EACH COVERED AGENCY, AS APPROPRIATE, SHALL:

(I) ESTABLISH POLLINATOR HABITAT ZONES ON ROADWAYS AND ON PUBLIC LANDS;

(II) USE SIGNAGE TO IDENTIFY SUCH ZONES; AND

(III) PROHIBIT THE MOWING OF GRASS WITHIN SUCH A ZONE, EXCEPT AS MAY BE NECESSARY FOR PUBLIC SAFETY.

(IV) INCORPORATE INTERSEEDING, OVERSEEDING, AND TRANSPLANTING OF NATIVE PLANTS AND NATIVE PLANT MATERIALS, INCLUDING FOR THE RESTORATION OF NATIVE HABITATS.

**SECTION 3.** In Colorado Revised Statutes, 24-30-1303, **add** (1)(gg) as follows:

**24-30-1303. Office of the state architect - responsibilities.**

(1) The office of the state architect shall:

(gg) SUPPORT AND ENCOURAGE THE DEVELOPMENT AND RENOVATION OF SUSTAINABLE SITES TO MAXIMIZE POLLINATOR HEALTH ON PROPERTIES WITHIN THE STATE CAPITOL COMPLEX, OTHER STATE BUILDINGS, AND, WHERE APPLICABLE, ON LEASED PROPERTY, INCLUDING BY:

(I) MAXIMIZING THE USE OF NATIVE PLANT MATERIAL AND POLLINATOR-FRIENDLY PLANTS IN LANDSCAPE DESIGN PLANS;

(II) MODIFYING THE STATE'S DESIGN GUIDELINES TO INCORPORATE NATIVE PLANTS AND POLLINATOR-FRIENDLY PLANTS;

(III) ENSURING THAT STATE-FUNDED PROJECTS USE PESTICIDE-FREE MANAGEMENT PRACTICES TO THE EXTENT PRACTICABLE; AND

(IV) TO THE EXTENT PRACTICABLE, ENSURING THAT STATE CONTRACTS FOR THE PURCHASE OF PLANTS REQUIRE SUCH PLANTS TO NOT CONTAIN SYNTHETIC PESTICIDES.

**SECTION 4.** In Colorado Revised Statutes, **add** 23-31-708 as follows:

**23-31-708. Colorado native plant availability study - legislative declaration - consulting parties - study components - gifts, grants, and donations - report - definition - repeal.**

(1) **Legislative declaration.**

(a) THE GENERAL ASSEMBLY FINDS THAT:

(I) THE COLLABORATIVE STUDY ON NATIVE POLLINATING INSECTS COMMISSIONED BY THE DEPARTMENT OF NATURAL RESOURCES IN 2022 IN RESPONSE TO SENATE BILL 22-199 IDENTIFIED HABITAT LOSS AS A PRIMARY THREAT TO POLLINATOR HEALTH AND THE INSUFFICIENT AVAILABILITY OF NECESSARY NATIVE PLANTS AND SEEDS AS A MAJOR LIMITING FACTOR TO CREATING POLLINATOR HABITATS; AND

(II) THE STUDY ALSO RECOMMENDED THAT THE STATE TAKE ACTION TO ENCOURAGE THE INCREASE OF NATIVE PLANT AND SEED PRODUCTION AND USE STATEWIDE.

(b) THE GENERAL ASSEMBLY ALSO FINDS THAT:

(I) DESPITE GROWING INTEREST IN NATIVE PLANTS, COLORADO LACKS A COMPREHENSIVE, COORDINATED UNDERSTANDING OF STATEWIDE NATIVE PLANT SUPPLY AND DEMAND, INCLUDING AN UNDERSTANDING OF:

(A) BARRIERS FACED BY GROWERS, DISTRIBUTORS, LAND MANAGERS, AND CONSUMERS; AND

(B) OPPORTUNITIES FOR IMPROVING THE SUPPLY OF NATIVE PLANT MATERIAL;

(II) STRATEGIC STATE COORDINATION CAN STRENGTHEN PRIVATE MARKETS, REDUCE RISK FOR GROWERS, SUPPORT CONSERVATION GOALS, AND ENSURE THAT PUBLIC INVESTMENTS IN RESTORATION AND LANDSCAPING ACHIEVE LONG-TERM ECOLOGICAL BENEFITS; AND

(III) THE SERVICE, IN PARTNERSHIP WITH STATE AGENCIES AND STAKEHOLDERS, IS UNIQUELY POSITIONED TO CONDUCT A RIGOROUS, IMPARTIAL, AND APPLIED STUDY TO INFORM MARKET DEVELOPMENT.

(c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IN THE BEST INTERESTS OF THE STATE TO DIRECT THE SERVICE TO PERFORM A STATEWIDE STUDY TO ASSESS THE NATIVE PLANT SUPPLY CHAIN.

(2) **Study - consulting agencies - definition.** THE SERVICE SHALL PERFORM A COLORADO NATIVE PLANT AVAILABILITY STUDY, REFERRED TO IN THIS SECTION AS THE "STUDY". IN PERFORMING THE STUDY, THE SERVICE SHALL CONSULT WITH:

(a) THE DEPARTMENT OF AGRICULTURE;

(b) THE DEPARTMENT OF NATURAL RESOURCES;

(c) THE DEPARTMENT OF TRANSPORTATION;

(d) THE STATE FOREST SERVICE;

(e) SEED AND PLANT WAREHOUSES AND NURSERIES IN THE STATE;

(f) PUBLIC AND PRIVATE NATIVE SEED AND PLANT GROWERS;

(g) LANDSCAPE PROFESSIONALS, RESTORATION CONTRACTORS, AND NURSERY OPERATORS;

(h) TRIBAL GOVERNMENTS, WHERE APPROPRIATE;

(i) LOCAL GOVERNMENTS AND WATER PROVIDERS; AND

(j) CONSERVATION ORGANIZATIONS AND RESEARCHERS.

**(3) Study scope and requirements.**

(a) THE STUDY MUST INCLUDE AN ANALYSIS OF THE SUPPLY OF NATIVE PLANT MATERIAL IN THE STATE, WHICH ANALYSIS INCLUDES:

(I) AN ASSESSMENT OF CURRENT NATIVE PLANT AND SEED PRODUCTION IN COLORADO, INCLUDING:

(A) SPECIES AVAILABILITY;

(B) PRODUCTION CAPACITY;

(C) GEOGRAPHIC DISTRIBUTION OF GROWERS AND SELLERS; AND

(D) CONSTRAINTS, SUCH AS LAND, LABOR, WATER, SOURCE SEED AND PLANT ACCESS, GENETICS, AND REGULATORY BARRIERS;

(II) IDENTIFICATION OF POSSIBLE GROWER CONCERNS, INCLUDING BUT NOT LIMITED TO:

(A) MARKET UNCERTAINTY AND INCONSISTENT DEMAND;

(B) UP-FRONT INVESTMENT RISKS;

(C) SEED AND PLANT SOURCING AND GENETIC INTEGRITY;

(D) CONTRACT RELIABILITY AND PAYMENT TIMING; AND

(E) PROPAGATION COMPLEXITIES AND KNOWLEDGE GAPS CONCERNING NATIVE SPECIES; AND

(III) EVALUATION OF WEAK POINTS IN THE SUPPLY CHAIN, INCLUDING CONSIDERATION OF:

(A) SEED COLLECTION AND STORAGE;

(B) DISTRIBUTION AND TRANSPORTATION CHALLENGES; AND

(C) REGIONAL MISMATCHES BETWEEN PRODUCTION AND DEMAND.

(b) THE STUDY MUST CONSIDER EDUCATION, TECHNICAL ASSISTANCE, AND KNOWLEDGE GAPS, INCLUDING;

(I) IDENTIFICATION OF GAPS IN CURRENT KNOWLEDGE AMONG GROWERS, DESIGNERS, CONTRACTORS, AND CONSUMERS;

(II) EVALUATION OF EXISTING EDUCATION PROGRAMS AND IDENTIFICATION OF UNMET NEEDS; AND

(III) RECOMMENDATIONS FOR TARGETED EDUCATION, TECHNICAL ASSISTANCE, AND WORKFORCE DEVELOPMENT, INCLUDING THE ROLE OF THE SERVICE.

(c) THE STUDY MUST INCLUDE BEST PRACTICES FOR ACQUIRING AND USING NATIVE PLANTS AND SEEDS IN THE STATE, INCLUDING IDENTIFICATION OF:

(I) BEST PRACTICES FROM COLORADO AND OTHER STATES FOR EXPANDING NATIVE PLANT MARKETS;

(II) INCREMENTAL STRATEGIES TO GROW SUPPLY AND DEMAND CONCURRENTLY; AND

(III) POTENTIAL INCENTIVES, INCLUDING CONTRACTING AND INCENTIVE REFORMS, COST-SHARE PROGRAMS, PILOT PURCHASE AGREEMENTS, CERTIFICATION OR LABELING PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS.

**(4) Report.**

(a) ON OR BEFORE AUGUST 1, 2031, THE SERVICE SHALL ISSUE A REPORT SUMMARIZING THE RESULTS OF THE STUDY. THE SERVICE SHALL MAKE THE REPORT PUBLICLY AVAILABLE ON ITS WEBSITE AND PROVIDE COPIES OF THE REPORT TO:

(I) THE GOVERNOR; AND

(II) THE AGRICULTURE, WATER, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES.

(b) THE REPORT MUST INCLUDE RECOMMENDATIONS, INCLUDING:

(I) SHORT-TERM, MEDIUM-TERM, AND LONG-TERM STRATEGIES TO INCREASE SUPPLY OF NATIVE PLANTS AND SEEDS INCREMENTALLY;

(II) OPPORTUNITIES FOR PUBLIC-PRIVATE PARTNERSHIPS; AND

(III) METRICS TO MEASURE PROGRESS AND EFFECTIVENESS OVER TIME.

**(5) Gifts, grants, and donations.**

(a) THE SERVICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF IMPLEMENTING THIS SECTION.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE SERVICE IS NOT REQUIRED TO PERFORM THE DUTIES DESCRIBED IN THIS SECTION

UNLESS AND UNTIL THE SERVICE ACQUIRES SUFFICIENT GIFTS, GRANTS, AND DONATIONS TO PAY FOR THE PERFORMANCE OF SUCH DUTIES ON OR BEFORE AUGUST 1, 2030.

(6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

**SECTION 5. Act subject to petition - effective date.** 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.

Approved: May 26, 2026