A BILL FOR AN ACT

CONCERNING MEASURES TO IMPROVE POLLINATOR HABITATS FOR THE PROTECTION OF THE ENVIRONMENT.

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 implements a number of measures to protect pollinators and people throughout the state. Section 1 of the bill makes legislative findings.

Section 2 restricts the use of pesticides on the grounds of a school, preschool program, child care center, or children's resident camp and requires that notification be sent when a pesticide is used at such a
location. The executive director of the department of public health and environment may adopt rules to implement section 2.

Section 3 requires the executive director of the department of natural resources or the executive director's designee (DNR executive director) to conduct a study on how to address pollinator decline and increase pollinator health in the state. In conducting the study, the DNR executive director shall consult with other state agencies and with scientists with expertise in pollinator health, ecological processes, biodiversity, native plants, and ecological land management. The DNR executive director shall submit a report of the study to the general assembly and the governor on or before January 1, 2024.

Section 4 creates a pilot grant program in the department of agriculture to provide financial grants to agricultural producers to test the use of noncoated seed-applied systemic insecticide on their crops.

Sections 5 and 6 require the commissioner of agriculture to adopt rules designating as restricted-use certain pesticides that contain an active ingredient belonging to the neonicotinoid class of insecticides or the sulfoximine class of insecticides, but allowing the use of such pesticides in pet care, personal care, wood preservatives, and indoor pest-control products and products used on golf courses. The commissioner's rules will not affect the use of the restricted-use pesticides for agricultural purposes.

Sections 7 through 10 authorize local governments to regulate pesticide use and remove certain preemptions regarding local government regulation of pesticide use.

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

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

(a) Pollinators are vital to ecosystem health and are essential in producing much of our food supply;

(b) Pollination supports the state's agriculture and the state's overall economy;

(c) Pollinators provide critical ecosystem benefits that are essential to maintaining the diversity of the state's native flowering plants and the state's biodiversity;

(d) The decline in pollinator populations has implications for the
state's food supply, the resilience of the state's ecosystems, and the health
of the state's citizens; and

(e) The protection of healthy and diverse habitats in the state
protects the health of its pollinators and people alike.

(2) The general assembly declares that the state should establish
a comprehensive framework for the protection of both pollinators and
people through the creation of programs that:

(a) Build healthy, diverse, and sustainable habitats for pollinators;
(b) Improve agricultural practices;
(c) Promote the protection of safe and healthy ecosystems that
support both pollinator and human health;
(d) Grant local governments the authority to protect local
resources and public health; and
(e) Raise awareness throughout the state of the need to protect
pollinators.

SECTION 2. In Colorado Revised Statutes, add part 14 to article
5 of title 25 as follows:

PART 14
REDUCTION OF CHILDREN'S
EXPOSURE TO PESTICIDES

25-5-1401. Definitions. As used in this part 14, unless the
context otherwise requires:

(1) "Child care center" means a facility required to be
licensed under the "Child Care Licensing Act", part 1 of article
6 of title 26.

(2) "Children's resident camp" means a facility:

(a) Operating for three or more consecutive
TWENTY-FOUR-HOUR DAYS DURING ONE OR MORE SEASONS OF THE YEAR FOR THE CARE OF FIVE OR MORE CHILDREN; AND

(b) THE PURPOSE OF WHICH IS TO PROVIDE A GROUP LIVING EXPERIENCE OFFERING EDUCATION AND RECREATIONAL ACTIVITIES IN AN OUTDOOR ENVIRONMENT, REGARDLESS OF WHETHER THE RECREATIONAL ACTIVITIES OCCUR AT THE PERMANENT CAMP PREMISES OR ON TRIPS OFF THE PREMISES.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT APPOINTED PURSUANT TO SECTION 25-1-102 (1) OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(4) "GUARDIAN" MEANS A GUARDIAN OF ANY CHILD OR CHILDREN ATTENDING A SPECIFIC SCHOOL, PRESCHOOL PROGRAM, CHILD CARE CENTER, OR CHILDREN'S RESIDENTIAL CAMP.

(5) (a) "PESTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED:

(I) TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY PEST; OR

(II) FOR USE AS A PLANT REGULATOR, DEFOILANT, OR DESICCANT.

(b) "PESTICIDE" DOES NOT INCLUDE AN ARTICLE THAT THE UNITED STATES FOOD AND DRUG ADMINISTRATION DESIGNATES AS A "NEW ANIMAL DRUG".

(6) "PRESCHOOL PROGRAM" MEANS A DISTRICT PRESCHOOL PROGRAM ESTABLISHED PURSUANT TO SECTION 22-28-107 OR A SIMILAR PREKINDERGARTEN PROGRAM FOR CHILDREN.

(7) "PROPERTY" MEANS ALL PROPERTY THAT IS OWNED, LEASED, RENTED, OR OTHERWISE USED BY A CHILD CARE CENTER, CHILDREN'S RESIDENT CAMP, PRESCHOOL PROGRAM, OR SCHOOL, INCLUDING ANY
PLAYGROUND, ATHLETIC FIELD, RECREATIONAL AREA, PARKING AREA, AND
THE GROUNDS SURROUNDING ANY BUILDING.

(8) "School" means:
(a) A public school maintained and operated by a school
   district for the education of some or all grades between
   kindergarten and twelfth grade;
(b) A district charter school as defined in section 22-11-103 (12);
(c) An institute charter school as defined in section 22-11-103 (17); or
(d) A private school as defined in section 22-30.5-103 (6.5).

25-5-1402. Prohibit use of pesticides on grounds of children's
education, care, and recreational facilities - exemptions - rules.
(1) On and after January 1, 2026, and except as provided in
subsections (2) and (3) of this section, it is unlawful to use a
pesticide on the grounds of a school, preschool program, child
care center, or children's resident camp property.
(2) A pesticide may be used on the property of a school,
preschool program, child care center, or children's resident
camp if:
   (a) The pesticide is a disinfectant;
   (b) The pesticide is applied inside of or on the exterior of
       a building on the property; or
   (c) The pesticide is used on the grounds of a property on an
       emergency basis based on the determination by the head
       administrator of the school, preschool program, child care
       center, or children's resident camp that use of the pesticide is
FOR THE PURPOSE OF ELIMINATING AN IMMEDIATE THREAT TO HUMAN
HEALTH, SUCH AS FOR THE PURPOSE OF ELIMINATING TICKS, STinging
INSECTS, POISON IVY, POISON OAK, OR POISON SUMAC.

(3) (a) (I) THE FOLLOWING PESTICIDES MAY BE USED ON THE
GROUNDS OF A SCHOOL, PRESCHOOL PROGRAM, CHILD CARE CENTER, OR
CHILDREN’S RESIDENT CAMP WITHOUT REQUIRING NOTIFICATION TO
GUARDIANS PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION:

(A) A PESTICIDE OR SOIL FERTILITY PRODUCT FOR WHICH THE
ACTIVE INGREDIENTS ARE RECOMMENDED BY THE NATIONAL ORGANIC
STANDARDS BOARD ESTABLISHED PURSUANT TO 7 U.S.C. SEC. 6518, AS
AMENDED, FOR INCLUSION IN THE NATIONAL LIST OF PRODUCTS ALLOWED
AS INGREDIENTS IN PRODUCTS LABELED "ORGANIC" OR "MADE WITH
ORGANIC", WHICH LIST IS PUBLISHED BY THE UNITED STATES DEPARTMENT
OF AGRICULTURE UNDER 7 CFR 205.601 AND 205.602; AND

(B) A PESTICIDE THAT IS DESIGNATED AS A MINIMUM RISK
PESTICIDE UNDER THE "FEDERAL INSECTICIDE, FUNGICIDE, AND
RODENTICIDE ACT", 7 U.S.C. SEC. 136 ET SEQ., AS AMENDED, AND LISTED
IN UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGULATIONS
IN 40 CFR 152.25 (f).

(II) EXCEPT WITH RESPECT TO EMERGENCY PESTICIDE USE
PERFORMED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION OR USE OF
PESTICIDES IN ACCORDANCE WITH SUBSECTION (3)(a)(I)(A) OR (3)(a)(I)(B)
OF THIS SECTION, BEFORE USING ANY PESTICIDES ON THE GROUNDS OF A
PROPERTY, A SCHOOL, PRESCHOOL PROGRAM, CHILD CARE CENTER, OR
CHILDREN’S RESIDENT CAMP SHALL NOTIFY GUARDIANS AT LEAST
FORTY-EIGHT HOURS BEFORE THE PESTICIDE USE.

(III) WITH REGARD TO EMERGENCY PESTICIDE USE PURSUANT TO
SUBSECTION (2)(c) OF THIS SECTION, A SCHOOL, PRESCHOOL PROGRAM, CHILD CARE CENTER, OR CHILDREN'S RESIDENTIAL CAMP MUST NOTIFY GUARDIANS WITHIN FORTY-EIGHT HOURS AFTER THE EMERGENCY PESTICIDE USE.

(b) A NOTIFICATION SENT PURSUANT TO SUBSECTION (3)(a)(II) OR (3)(a)(III) OF THIS SECTION MUST INCLUDE THE FOLLOWING INFORMATION:

(I) INFORMATION IDENTIFYING EACH PESTICIDE USED OR THAT WILL BE USED, INCLUDING:

(A) THE NAME OF THE PESTICIDE PRODUCT; AND

(B) A WEBSITE LINK TO THE PRODUCT LABEL FOR THE PESTICIDE, IF AVAILABLE ONLINE, OR A WEBSITE LINK FOR THE PRODUCT, OR BOTH;

(II) THE DATE AND TIME OF DAY THAT EACH PESTICIDE WAS USED OR WILL BE USED; AND

(III) THE LOCATION ON THE GROUNDS OF THE PROPERTY WHERE EACH PESTICIDE WAS USED OR WILL BE USED AND THE REASON FOR APPLICATION OF THE PESTICIDE.

(4) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT THIS PART 14.

SECTION 3. In Colorado Revised Statutes, add 24-33-118 as follows:

24-33-118. Pollinator health study - reporting. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, REFERRED TO IN THIS SECTION AS THE "EXECUTIVE DIRECTOR", OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL CONDUCT A STUDY AND DEVELOP RECOMMENDATIONS ON HOW TO ADDRESS THE CHALLENGES ASSOCIATED WITH POLLINATOR DECLINE AND INCREASE POLLINATOR HEALTH IN THE STATE. AT A MINIMUM, THE STUDY MUST:
(a) Identify the significance of healthy pollinator communities and the role of native pollinators in supporting healthy ecosystems and human well-being;

(b) Summarize current knowledge of pollinator health based on existing research and data;

(c) Identify factors that, whether individually or combined, negatively affect pollinator communities, including:
   (I) Changes in land use;
   (II) Habitat loss and fragmentation;
   (III) Land-management practices;
   (IV) Food and nutrition;
   (V) Pesticides;
   (VI) Parasites and pathogens; and
   (VII) Climate change;

(d) Identify existing pollinator conservation projects in the state and any public-private partnership and funding opportunities for pollinator conservation;

(e) Identify any gaps in knowledge regarding pollinator health, including wild bee distributions and population dynamics, pollinator species that are at risk of decline, and best practices for land managers to promote healthy and diverse pollinator communities;

(f) Identify opportunities for:
   (I) Pollinator protection and recovery efforts through the development of programs that mitigate factors that negatively affect pollinator communities; and
   (II) The development of ecological land-management
PRACTICES THAT RESTORE HABITAT FUNCTIONALITY;

(g) RECOMMEND HOW TO DEVELOP AN EDUCATION AND OUTREACH PROGRAM TO RAISE AWARENESS AND PUBLIC ENGAGEMENT REGARDING, AND TO INCENTIVIZE ACTION TO BENEFIT, POLLINATOR HEALTH; AND

(h) RECOMMEND HOW BEST TO ENGAGE WITH, AND WORK ACROSS, STATE AGENCIES WHEN DEVELOPING AND IMPLEMENTING POLICIES ABOUT POLLINATORS.

(2) IN CONDUCTING THE STUDY, THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL CONSULT WITH:

(a) OTHER STATE AGENCIES, INCLUDING THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF AGRICULTURE, AND DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; AND

(b) INDEPENDENT SCIENTISTS WITH EXPERTISE IN POLLINATOR HEALTH, ECOLOGICAL PROCESSES, BIODIVERSITY, NATIVE PLANTS, AND ECOLOGICAL LAND MANAGEMENT.

(3) ON OR BEFORE JANUARY 1, 2024, THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT OF THE STUDY TO THE GENERAL ASSEMBLY AND THE GOVERNOR.

SECTION 4. In Colorado Revised Statutes, add 35-1-116 as follows:


(1) THERE IS CREATED IN THE DEPARTMENT THE NONCOATED SEED-APPLIED SYSTEMIC INSECTICIDE PILOT GRANT PROGRAM. THE COMMISSIONER SHALL ADMINISTER THE GRANT PROGRAM TO AWARD MONEY TO AGRICULTURAL PRODUCERS THAT PLANT SEEDS THAT ARE NOT COATED WITH SEED-APPLIED SYSTEMIC INSECTICIDES AND, AS THE
COMMISSIONER DEEMS NECESSARY, PROVIDE TECHNICAL ASSISTANCE TO AGRICULTURAL PRODUCERS AWARDED GRANT MONEY.

(2) (a) TO BE ELIGIBLE FOR AN AWARD UNDER THE GRANT PROGRAM, AN AGRICULTURAL PRODUCER MUST:

(I) BE AN AGRICULTURAL PRODUCER IN THE STATE THAT, IN THE GRANT YEAR IMMEDIATELY PRECEDING THE APPLICANT'S INITIAL APPLICATION FOR GRANT MONEY, PLANTED ONLY SEEDS COATED WITH SEED-APPLIED SYSTEMIC INSECTICIDES ON THE PORTION OF THE AGRICULTURAL PRODUCER'S LAND THAT THE AGRICULTURAL PRODUCER IDENTIFIES IN THE GRANT APPLICATION PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION;

(II) NOT HAVE RECEIVED AN AWARD UNDER THIS GRANT PROGRAM; EXCEPT THAT A GRANT APPLICANT MAY SUBMIT A RENEWAL APPLICATION; AND

(III) IDENTIFY AS PART OF THE GRANT APPLICATION AT LEAST FORTY ACRES, BUT NOT MORE THAN EIGHT HUNDRED ACRES, ON THE AGRICULTURAL PRODUCER'S LAND ON WHICH THE AGRICULTURAL PRODUCER INTENDS TO PLANT SEEDS NOT COATED WITH SEED-APPLIED SYSTEMIC INSECTICIDES UNDER THE GRANT PROGRAM.

(b) (I) THE COMMISSIONER SHALL ESTABLISH THE FORM AND MANNER FOR SUBMITTING AN APPLICATION OR A RENEWAL APPLICATION FOR THE GRANT PROGRAM, INCLUDING ANY APPLICABLE DEADLINES, AND THE RELEVANT TIMELINES FOR THE COMMISSIONER TO REVIEW APPLICATIONS AND AWARD GRANT MONEY FOR THE APPLICABLE GRANT YEAR. THE COMMISSIONER SHALL POST THE APPLICATION, RENEWAL APPLICATION, AND TIMELINE INFORMATION ON THE DEPARTMENT'S WEBSITE.
(II) The commissioner shall prioritize awarding money for renewal applications over initial applications, but among initial applications, the commissioner shall award money in the order in which applications are received.

(3) An agricultural producer awarded money under the grant program must commit to the commissioner, before receiving the money, that the agricultural producer will:

(a) Plant only seeds that are not coated with any seed-applied systemic insecticide on the agricultural producer's land identified pursuant to subsection (2)(a)(III) of this section during the grant year for which the money is awarded;

(b) Not use any systemic insecticide on the land identified pursuant to subsection (2)(a)(III) of this section for at least three weeks following planting of the seeds;

(c) Maintain records demonstrating compliance with subsections (3)(a) and (3)(b) of this section in the form and manner determined by the commissioner, which records must include:

(I) Copies or photographs of seed labels;

(II) Receipts of seed purchases with the purchase dates clearly indicated;

(III) Dates of planting; and

(IV) Maps identifying the acreage on which the seeds were planted;

(d) Allow the commissioner to inspect records maintained pursuant to subsection (3)(c) of this section upon the commissioner's request; and
(e) Comply with any reporting requirements that the Commissioner establishes for grantees.

(4) (a) An agricultural producer awarded money under the grant program shall reimburse the Commissioner for any money received under the grant program with respect to any acres identified pursuant to subsection (2)(a)(III) of this section for which the agricultural producer did not comply with the planting and systemic insecticide use requirements set forth in subsections (3)(a) and (3)(b) of this section.

(b) An agricultural producer that is required to reimburse the Commissioner under subsection (4)(a) of this section may not submit a renewal application. The Commissioner may likewise prohibit an agricultural producer from submitting a renewal application for any violation of subsections (3)(c) to (3)(e) of this section.

(5) The Commissioner shall award an agricultural producer participating in the grant program fifteen dollars for each acre of corn and ten dollars for each acre of wheat that the agricultural producer identifies pursuant to subsection (2)(a)(III) of this section.

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

(a) "Agricultural producer" means a person engaged in growing commodities or engaged in growing or producing farm products, as those terms are defined in section 35-36-102.

(b) "Commissioner" means the Commissioner or the Commissioner's designee.
(c) "GRANT PROGRAM" MEANS THE NONCOATED SEED-APPLIED
SYSTEMIC INSECTICIDE PILOT GRANT PROGRAM CREATED IN SUBSECTION
(1) OF THIS SECTION.

(d) "GRANT YEAR" MEANS THE YEAR OF THE GROWING SEASON IN
WHICH AN AGRICULTURAL PRODUCER AWARDED A GRANT WILL PLANT
SEEDS THAT ARE NOT COATED WITH SEED-APPLIED SYSTEMIC INSECTICIDES
AS PART OF THE GRANT PROGRAM.

(e) "RENEWAL APPLICATION" MEANS AN AGRICULTURAL
PRODUCER'S APPLICATION FOR AN ADDITIONAL AWARD OF MONEY UNDER
THE GRANT PROGRAM FOR A GRANT YEAR FOLLOWING THE GRANT YEAR
IN WHICH THE APPLICANT WAS PREVIOUSLY AWARDED MONEY UNDER THE
GRANT PROGRAM.

(f) (I) "SYSTEMIC INSECTICIDE" MEANS ANY CHEMICAL ACTIVE
INGREDIENT INTENDED TO KILL OR OTHERWISE HARM INSECTS OR
INVERTEBRATE WILDLIFE AND INTENDED TO TRANSLOCATE INTO THE
TISSUE OF PLANTS.

(II) "SYSTEMIC INSECTICIDE" INCLUDES THE FOLLOWING:

(A) ACETAMIPRID;
(B) CLOTHIANIDIN;
(C) DINOTEFURAN;
(D) FIPRONIL;
(E) IMIDACLOPRID;
(F) NITENPYRAM;
(G) SULFOXAFLOR;
(H) THIACLOPRID; AND
(I) THIAMETHOXAM.

(7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.
SECTION 5. In Colorado Revised Statutes, 35-9-103, amend the introductory portion and (12); and add (9.5) and (13) as follows:

35-9-103. Definitions. As used in this article ARTICLE 9, unless the context otherwise requires:

(9.5) "NEONICOTINOID PESTICIDE" MEANS A PESTICIDE CONTAINING AN ACTIVE INGREDIENT BELONGING TO THE NEONICOTINOID CLASS OF INSECTICIDES.

(12) "Restricted-use pesticide" means any pesticide designated that the commissioner or the administrator of the EPA designates as a restricted-use pesticide, by the commissioner or the administrator of the environmental protection agency.

(13) "SULFOXIMINE PESTICIDE" MEANS A PESTICIDE CONTAINING AN ACTIVE INGREDIENT BELONGING TO THE SULFOXIMINE CLASS OF INSECTICIDES.

SECTION 6. In Colorado Revised Statutes, 35-9-118, add (3.5) as follows:

35-9-118. Powers and duties of the commissioner - legislative declaration - rules. (3.5) (a) The general assembly declares that the purpose of this subsection (3.5) is to prohibit the application to, or treatment of, outdoor, ornamental plants and turf with neonicotinoid and sulfoximine pesticides, except:

(I) As used for agricultural purposes;

(II) As used in pet-care, personal-care, and indoor pest-control products;

(III) As used in preserved wood products and products used in the manufacture of wood preservatives; and

(IV) As products used on golf courses.
(b) On or before March 1, 2023, the commissioner shall adopt rules that identify the following as restricted-use pesticides:

(I) Pesticides containing any of the following active ingredients:

(A) Imidacloprid;

(B) Nithiazine;

(C) Acetamiprid;

(D) Clothianidin;

(E) Dinotefuran;

(F) Thiacloprid; and

(G) Thiamethoxam; and

(II) Sulfoximine pesticides.

(c) The commissioner shall promulgate rules to establish an exemption from the restricted use of pesticides pursuant to subsection (3.5)(b) of this section for the use of a product containing one or more of the active ingredients listed in subsection (3.5)(b)(I) of this section if the product is used in accordance with the directions on the product's label and as a:

(I) Pet-care product;

(II) Personal-care product;

(III) Indoor pest-control product;

(IV) Preserved wood product or product used in the manufacture of wood preservatives; or

(V) Product used on golf courses.

(d) Nothing in this subsection (3.5):

(I) Prevents the commissioner from identifying other
NEONICOTINOID PESTICIDES OR SULFOXIMINE PESTICIDES AS
RESTRICTED-USE PESTICIDES IF RESTRICTING THEIR USE IS DONE IN
ACCORDANCE WITH THE COMMISSIONER'S AUTHORITY UNDER THIS ARTICLE
9;

(II) ALTERS, LIMITS, OR EXPANDS THE COMMISSIONER'S EXISTING
AUTHORITY TO DESIGNATE A PESTICIDE THAT IS NOT A NEONICOTINOID
PESTICIDE OR SULFOXIMINE PESTICIDE AS A STATE RESTRICTED-USE OR
LIMITED-USE PESTICIDE UNDER THIS ARTICLE 9; OR

(III) ALTERS OR LIMITS THE APPLICATION OF PESTICIDES FOR
AGRICULTURAL USE.

SECTION 7. In Colorado Revised Statutes, 35-10-112, repeal (3)
as follows:

35-10-112. Notification requirements - registry of
pesticide-sensitive persons - rules. (3) No county, city and county,
municipality, home rule county, home rule city and county, or home rule
municipality shall enact or impose any notification requirements upon
commercial applicators which are more stringent than those imposed by
this article; except that each county, city and county, municipality, home
rule county, home rule city and county, and home rule municipality shall
retain the authority to impose any notification requirements upon private
individuals, property owners, and the general public. Any such
notification requirement imposed by any county, city and county,
municipality, home rule county, home rule city and county, or home rule
municipality on private individuals, property owners, or the general
public shall not be held to be applicable to any commercial applicator, nor
shall any commercial applicator be exposed to any liability for a failure
to comply with any such notification requirement:
SECTION 8. In Colorado Revised Statutes, amend 35-10-112.5 as follows:

35-10-112.5. Statewide uniformity of pesticide control and regulation - exceptions. (1) The general assembly hereby determines that:

(a) The citizens of this state benefit from a system of safe, effective, and scientifically sound pesticide regulation;

(b) It is essential to the public health, safety, and welfare that the citizens of the state have a system of pesticide regulation that:

(I) Is consistent, transparent and coordinated; that

(II) Creates statewide uniform baseline standards; and that

(III) Conforms with both state and federal baseline technical standards and requirements; is essential to the public health, safety, and welfare, and finds that local regulation of pesticides that is inconsistent with and adopts different standards from federal and state requirements does not assist in achieving these benefits; AND

(IV) Enables local governments to address the needs of their residents and the needs of the local environment;

(c) (I) Through statute and regulation rules, the state has created a system of pesticide regulation based upon scientific standards that protects the citizens of this state;

(II) The state has primary enforcement responsibility for pesticide violations under 7 U.S.C. sec. 136w-1, and 7 U.S.C. sec. 136w-5 authorizes states to develop licensing, certification, and training programs for pesticide use and applications; and

(III) Although the state has primary enforcement
RESPONSIBILITY, LOCAL GOVERNMENTS MAY REGULATE THE USE AND APPLICATION OF A PESTICIDE IN THE INTEREST OF PUBLIC HEALTH, PUBLIC SAFETY, AND ENVIRONMENTAL PROTECTION IF THE REGULATION MEETS THE REQUIREMENTS OF BOTH STATE AND FEDERAL LAW AND IF THE USE IS NOT FOR THE PRODUCTION OF AGRICULTURAL PRODUCTS;

(d) Although the cultivation of marijuana is illegal under federal law and so the use of pesticides in cultivating marijuana is not specifically allowed by any pesticide's label, the cultivation of marijuana is specifically allowed and regulated by Colorado law, and the use of pesticides should be regulated pursuant to this article ARTICLE 10 and rules promulgated pursuant to this article ARTICLE 10 rather than pursuant to local laws; and

(e) Pesticide regulation is a matter of BOTH statewide AND LOCAL concern; and

(f) THIS SECTION DOES NOT AFFECT ANY DUTY IMPOSED UNDER ARTICLE 4, 5.5, 7, OR 9 OF THIS TITLE 35.

(2) A local government shall not adopt or continue in effect any ordinance, rule, resolution, OR chartier provision or statute regarding the use of any pesticide by persons regulated by this article ARTICLE 10 or federal law and pertaining to:

(a) Any labeling or registration requirements for pesticides, including requirements regarding the name of the product, the name and address of the manufacturer, and any applicable registration numbers;

(b) The use and application of pesticides IN CONNECTION WITH THE CULTIVATION OF MARIJUANA by persons regulated by this article ARTICLE 10 or federal law; including but not limited to, directions for use, classification of pesticides as general or restricted use, mixing and
loading, site of application, target pest, dosage rate, method of
application, application equipment, frequency and timing of applications;
application rate, reentry intervals, worker specifications, container storage
and disposal, required intervals between application and harvest of food
or feed crops, rotational crop restrictions, and warnings against use on
certain crops, animals, or objects or against use in or adjacent to certain
areas.

(II) Subparagraph (I) of this paragraph (b) applies to the use and
application of pesticides by persons regulated by this article or federal law
in connection with the cultivation of marijuana:

(e) Except as specifically provided in this article, any warnings
and precautionary statements, notifications, or statements of practical
treatment; or

(d) (c) Licensure, training, or certification requirements for
persons regulated under this article ARTICLE 10, including any insurance
and record-keeping requirements; OR

(d) THE USE OF PESTICIDES IN THE PRODUCTION OF AGRICULTURAL
PRODUCTS, INCLUDING:

(I) GROWING FEED FOR LIVESTOCK;

(II) MANAGING LIVESTOCK; OR

(III) MAINTAINING AGRICULTURAL WATER SUPPLY FACILITIES,
INCLUDING IRRIGATION DITCHES AND OTHER WATER INFRASTRUCTURE.

(3) (a) Nothing in This article may be construed to ARTICLE 10
does not limit the authority of a local government as defined by state law
to:

(I) (A) Zone for the sale or storage of any pesticide;

(B) Provide or designate sites for disposal of any pesticide or
(C) Adopt or enforce building and fire code requirements;

(D) Regulate the transportation of pesticides consistently with and in no more strict of a manner than state and federal law;

(E) Adopt regulations pursuant to a storm water management program that is consistent with or more restrictive than federal or state law; or

(F) Adopt regulations to protect surface or groundwater drinking water supplies consistent with or more restrictive than state or federal law concerning the protection of drinking water supplies;

(II) IN ORDER TO COMPLY WITH ANY SPECIFIC FEDERAL OR STATE REQUIREMENT OR AVOID A FINE OR OTHER PENALTY UNDER FEDERAL OR STATE LAW, take any action:

(A) Specifically authorized or required by any federal or state law or regulation with respect to pesticides; or take any action

(B) Otherwise prohibited by this article in order to comply with any specific federal or state requirement or in order to avoid a fine or other penalty under federal or state law ARTICLE 10;

(III) Regulate the use of pesticides on property owned or leased by the local government;

(IV) Issue local general occupational licenses to persons regulated by this article: ARTICLE 10; OR

(V) ADOPT ANY ORDINANCE, REGULATION, RESOLUTION, OR CHARTER PROVISION CONCERNING THE USE AND APPLICATION OF A PESTICIDE THAT IS ADOPTED IN THE INTEREST OF PUBLIC HEALTH, PUBLIC SAFETY, AND ENVIRONMENTAL PROTECTION.

(b) This subsection (3) does not authorize a local government to
utilize the police power or the authority to zone, to provide or designate
disposal sites, to adopt and enforce building and fire codes, or to regulate
the transportation of pesticides as described in paragraph (a) of this
subsection (3) to directly or indirectly regulate or prohibit the application
of pesticides by persons regulated by this article or by federal law,
including in connection with the cultivation of marijuana:

(e) Nothing in this article shall be construed to be an implicit grant
of authority to a local government that is not otherwise granted by state
law.

(b) This section does not affect a local government's
obligation to meet the requirements of state and federal law.

(4) Any local government, that promulgates in promulgating
an ordinance, regulation, resolution, or charter provision that
concerns pesticides or that is promulgated pursuant to section 31-15-707
(1)(b), C.R.S., or that is promulgated pursuant to any authority described
in paragraph (a) of subsection (3) of this section concerning pesticides
shall file the following with the department of agriculture:

(a) A certified copy of the ordinance, regulation, resolution,
or charter provision; and

(b) A map or legal description of the geographic area that the local
government intends to regulate under the ordinance, regulation,
resolution, or charter provision.

SECTION 9. In Colorado Revised Statutes, add 35-10-112.6 as
follows:

35-10-112.6. Judicial review of local government ordinances,
regulations, resolutions, or charter provisions. State courts have
exclusive jurisdiction to review local pesticide ordinances,
SECTION 10. In Colorado Revised Statutes, 30-11-107, add (1)(mm) as follows:

30-11-107. Powers of the board. (1) The board of county commissioners of each county has power at any meeting:

(mm) TO REGULATE THE USE AND APPLICATION OF PESTICIDES IN ACCORDANCE WITH ARTICLE 10 OF TITLE 35.

SECTION 11. Act subject to petition - effective date. Sections 7, 8, and 10 of this act take effect March 1, 2023, and the remainder of 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that sections 7, 8, and 10 of this act take effect March 1, 2023.