

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0996.01 Jennifer Berman x3286

SENATE BILL 23-266

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Brown and Kipp,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE COMMISSIONER OF**
102 **AGRICULTURE DESIGNATE NEONICOTINOID PESTICIDES AS**
103 **LIMITED-USE PESTICIDES.**

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 requires that, on or before January 1, 2024, the commissioner of agriculture adopt rules designating neonicotinoid pesticides as limited-use pesticides, limiting their use to licensed pesticide applicators, and authorizing only licensed dealers to sell them. The commissioner's rules must exempt certain products that contain

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.*

neonicotinoid pesticides from the limited-use pesticide designation, including products intended for use:

- As pet care products;
- By licensed veterinarians;
- As indoor personal care products related to lice or bedbugs;
- As agricultural products;
- For academic research; and
- As wood coating products.

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

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

4 (a) Colorado hosts nine hundred forty-six native bee species,
5 ranking fifth in the nation for bee diversity;

6 (b) Bees and pollinators are critical for our food system. One in
7 every three bites of food we eat depends on pollinators. This includes
8 apples, blueberries, blackberries, cherries, strawberries, cucumbers, pears,
9 peppermint, potatoes, pumpkins, tomatoes, Palisade peaches, Rocky Ford
10 melons, and the alfalfa needed to feed our dairy cattle.

11 (c) In the United States alone, honey bees pollinate an estimated
12 fifteen billion dollars worth of crops every year, and pollinators provide
13 two hundred billion dollars annually in ecological services;

14 (d) Neonicotinoids (neonics) are a class of insecticide that can be
15 harmful to bees and other pollinators. These chemicals mimic the
16 acetylcholine neurotransmitter and are highly neurotoxic to insects.
17 Sublethal doses in bees cause immune deficiencies and disorientation,
18 making it hard to forage, fly, return to their hive, and complete other
19 essential tasks like ridding themselves of parasitic varroa mites.

20 (e) In biological evaluations of three kinds of neonics published
21 in June 2022, the federal environmental protection agency (EPA)

1 determined that the three kinds of neonics, clothianidin, imidacloprid, and
2 thiamethoxam, are "likely to adversely affect" more than sixty-seven
3 percent of the one thousand seven hundred species studied and more than
4 fifty percent of the eight hundred critical habitats studied;

5 (f) Given the dangers of neonics to pollinators, in 2020 the EPA
6 proposed restrictions on when pesticides can be applied to blooming
7 crops in order to limit exposure to bees and proposed language on labels
8 to advise homeowners not to use neonic products;

9 (g) New data shows that the once-common western bumble bee
10 has declined in Colorado's southern Rocky Mountain ecoregion by
11 seventy-two percent over the last two decades due to climate change,
12 drought, and increased use of pesticides like neonics; and

13 (h) Colorado has a limited-use pesticide system that provides a
14 way to ensure that certain pesticides can only be used under certain
15 conditions.

16 **SECTION 2.** In Colorado Revised Statutes, 35-9-103, **amend** the
17 introductory portion; and **add** (9.5) as follows:

18 **35-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless
19 the context otherwise requires:

20 (9.5) "NEONICOTINOID PESTICIDE" MEANS ANY PESTICIDE
21 CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF
22 CHEMICALS, INCLUDING:

- 23 (a) ACETAMIPRID;
- 24 (b) CLOTHIANIDIN;
- 25 (c) DINOTEFURAN;
- 26 (d) IMIDACLOPRID;
- 27 (e) NITENPYRAM;

- 1 (f) NITHIAZINE;
- 2 (g) THIACTOPRID;
- 3 (h) THIAMETHOXAM; OR
- 4 (i) ANY OTHER CHEMICAL THAT THE COMMISSIONER DESIGNATES
- 5 BY RULE AS BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.

6 **SECTION 3.** In Colorado Revised Statutes, 35-9-118, **add** (7) as
7 follows:

8 **35-9-118. Powers and duties of the commissioner - rules.**

9 (7) (a) ON OR BEFORE JANUARY 1, 2024, THE COMMISSIONER SHALL
10 ADOPT RULES DESIGNATING NEONICOTINOID PESTICIDES AS LIMITED-USE
11 PESTICIDES AND REQUIRING THAT:

12 (I) ONLY PESTICIDE APPLICATORS LICENSED UNDER ARTICLE 10 OF
13 THIS TITLE 35 MAY USE NEONICOTINOID PESTICIDES IN THE STATE; AND

14 (II) ONLY PESTICIDE DEALERS LICENSED PURSUANT TO SECTION
15 35-9-114 MAY SELL NEONICOTINOID PESTICIDES IN THE STATE.

16 (b) THE COMMISSIONER'S RULES MUST EXEMPT FROM THE
17 CLASSIFICATION OF LIMITED-USE PESTICIDES ANY PRODUCT THAT
18 CONTAINS NEONICOTINOID PESTICIDES AND THAT HAS AN INTENDED USE:

19 (I) AS A PET CARE PRODUCT;

20 (II) AS A VETERINARY PRODUCT USED BY A VETERINARIAN
21 LICENSED PURSUANT TO ARTICLE 315 OF TITLE 12 AS PART OF THE
22 VETERINARIAN'S LICENSED PRACTICE;

23 (III) AS AN INDOOR PERSONAL CARE PRODUCT RELATED TO LICE OR
24 BEDBUGS;

25 (IV) AS A PRODUCT OF AGRICULTURE, AS DEFINED IN SECTION
26 35-1-102 (1);

27 (V) FOR ACADEMIC RESEARCH; AND

1 (VI) AS A WOOD COATING PRODUCT.

2 **SECTION 4. Act subject to petition - effective date -**
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly; except that, if a referendum petition is filed pursuant
6 to section 1 (3) of article V of the state constitution against this act or an
7 item, section, or part of this act within such period, then the act, item,
8 section, or part will not take effect unless approved by the people at the
9 general election to be held in November 2024 and, in such case, will take
10 effect on the date of the official declaration of the vote thereon by the
11 governor.

12 (2) This act applies to conduct occurring on or after the applicable
13 effective date of this act.