

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0217.02 Sarah Lozano x3858

HOUSE BILL 24-1178

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HOUSE SPONSORSHIP

**Kipp and Froelich**, Boesenecker, Brown, Rutinel, Vigil, Weissman, Woodrow, Willford, Joseph

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A BILL FOR AN ACT

101 CONCERNING LOCAL GOVERNMENT AUTHORITY TO REGULATE  
102 PESTICIDES.

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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>.)*

Current law prohibits a local government from creating laws that regulate the use of pesticides by pesticide applicators regulated by state or federal law. The bill allows a local government to create and enforce laws regulating the sale or use of pesticides to protect the health and safety of the community with certain exceptions.

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-20-110, **add** (1.5),  
3 (2)(c), (2)(d), (2)(e), and (2)(f) as follows:

4 **29-20-110. Local government regulation of the sale or use of**  
5 **pesticides - definitions.** (1.5) (a) NOTWITHSTANDING SECTION 35-10-112  
6 (3) OR 35-10-112.5 (2)(b), NOTHING IN SECTION 35-10-112 OR 35-10-112.5  
7 LIMITS THE ABILITY OF A LOCAL GOVERNMENT TO ENACT OR ENFORCE AN  
8 ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW REGULATING THE  
9 SALE OR USE OF PESTICIDES TO PROTECT THE HEALTH AND SAFETY OF THE  
10 COMMUNITY; EXCEPT THAT A LOCAL GOVERNMENT SHALL NOT ENACT OR  
11 ENFORCE AN ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW  
12 PURSUANT TO THIS SECTION THAT LIMITS THE USE OF PESTICIDES:

13 (I) FOR THE PRODUCTION OF AGRICULTURAL PRODUCTS,  
14 INCLUDING THE USE OF PESTICIDES FOR:

15 (A) AGRICULTURAL PRODUCTS GROWN FOR HUMAN CONSUMPTION;

16 (B) GROWING FEED FOR LIVESTOCK;

17 (C) MANAGEMENT OF LIVESTOCK; AND

18 (D) MAINTENANCE OF AGRICULTURAL WATER SUPPLY FACILITIES,  
19 INCLUDING IRRIGATION DITCHES AND OTHER WATER INFRASTRUCTURE;

20 (II) FOR ACCOMPLISHING THE DRY-UP, REVEGETATION, OR  
21 NOXIOUS WEED MANAGEMENT OF LAND THAT IS ENROLLED IN A WATER  
22 CONSERVATION PROGRAM, INCLUDING:

23 (A) A FEDERAL LAND CONSERVATION PROGRAM;

24 (B) A WATER CONSERVATION PROGRAM, INCLUDING A PILOT  
25 PROGRAM, APPROVED IN ADVANCE BY A WATER CONSERVATION DISTRICT,  
26 WATER DISTRICT, WATER AUTHORITY, OR WATER CONSERVANCY DISTRICT

1 FOR LAND THAT IS WITHIN THE ENTITY'S JURISDICTIONAL BOUNDARIES OR  
2 BY A STATE AGENCY WITH EXPLICIT STATUTORY JURISDICTION OVER  
3 WATER CONSERVATION OR WATER RIGHTS;

4 (C) A WATER CONSERVATION PROGRAM, INCLUDING A PILOT  
5 PROGRAM, ESTABLISHED THROUGH FORMAL WRITTEN ACTION OR  
6 ORDINANCE BY A WATER DISTRICT, WATER AUTHORITY, OR MUNICIPALITY,  
7 OR THE MUNICIPALITY'S WATER SUPPLIER, FOR LAND THAT IS WITHIN THE  
8 ENTITY'S JURISDICTIONAL BOUNDARIES;

9 (D) AN APPROVED LAND FALLOWING PROGRAM AS PROVIDED BY  
10 LAW IN ORDER TO CONSERVE WATER OR TO PROVIDE WATER FOR  
11 INTERSTATE COMPACT COMPLIANCE; AND

12 (E) A WATER BANKING PROGRAM AS PROVIDED BY LAW;

13 (III) FOR ACCOMPLISHING THE DRY-UP, REVEGETATION, OR  
14 NOXIOUS WEED MANAGEMENT OF LAND FROM WHICH IRRIGATION WATER  
15 IS REMOVED AS:

16 (A) REQUIRED TO COMPLY WITH A TEMPORARY OR PERMANENT  
17 CHANGE OF WATER RIGHT OR OTHER DECREE OF A WATER COURT; OR

18 (B) DETERMINED BY THE STATE ENGINEER OR A DIVISION  
19 ENGINEER TO BE NECESSARY FOR COMPLIANCE WITH AN INTERSTATE  
20 COMPACT;

21 (IV) BY A PUBLIC UTILITY ON PROPERTY OWNED OR CONTROLLED  
22 BY THE PUBLIC UTILITY TO PROTECT THE PUBLIC UTILITY'S  
23 INFRASTRUCTURE OR TO MANAGE VEGETATION FOR THE OPERATION OF  
24 THE PUBLIC UTILITY'S INFRASTRUCTURE;

25 (V) FOR THE OPERATION AND MAINTENANCE OF A WATER SUPPLY  
26 COLLECTION OR DISTRIBUTION FACILITY OR A WATER SUPPLY  
27 CONVEYANCE THAT WHOLLY OR PARTIALLY SUPPLIES WATER FOR AN

1 AGRICULTURAL, INDUSTRIAL, OR MUNICIPAL USE BY:

2 (A) A WATER CONSERVANCY DISTRICT;

3 (B) A WATER CONSERVATION DISTRICT;

4 (C) A MUNICIPAL WATER SERVICE PROVIDER;

5 (D) AN IRRIGATION DISTRICT CREATED PURSUANT TO ARTICLES 41

6 TO 43 OF TITLE 37;

7 (E) A WATER USERS' ASSOCIATION FORMED PURSUANT TO SECTION

8 7-44-103; OR

9 (F) A DITCH OR RESERVOIR COMPANY; OR

10 (VI) FOR THE CULTIVATION OF MARIJUANA.

11 (b) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE

12 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE AN

13 ORDINANCE, RESOLUTION, REGULATION, OR OTHER LAW REGULATING THE

14 SALE OR USE OF PESTICIDES THAT IS:

15 (I) NOT GUIDED BY PEER-REVIEWED SCIENCE; OR

16 (II) INCONSISTENT WITH FEDERAL LAW OR PART 10 OF ARTICLE 12

17 OF TITLE 38.

18 (c) NOTHING IN SUBSECTION (1.5)(a) OR (1.5)(b) OF THIS SECTION

19 LIMITS THE AUTHORITY OF A LOCAL GOVERNMENT TO TAKE ANY ACTION

20 SPECIFICALLY AUTHORIZED OR REQUIRED BY A FEDERAL OR STATE LAW

21 CONCERNING PESTICIDES.

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

23 (c) "PUBLIC UTILITY" HAS THE MEANING SET FORTH IN SECTION

24 40-1-103 (1)(a)(I).

25 (d) "USE" HAS THE MEANING SET FORTH IN SECTION 35-10-103

26 (18).

27 (e) "WATER CONSERVANCY DISTRICT" MEANS A WATER

1 CONSERVANCY DISTRICT CREATED PURSUANT TO ARTICLE 45 OF TITLE 37.

2 (f) "WATER CONSERVATION DISTRICT" MEANS A WATER  
3 CONSERVATION DISTRICT CREATED PURSUANT TO ARTICLES 46 TO 50 OF  
4 TITLE 37.

5 **SECTION 2.** In Colorado Revised Statutes, 30-11-131, **add** (1.5)  
6 as follows:

7 **30-11-131. Regulation of the sale or use of pesticides -**  
8 **definitions.** (1.5) A BOARD OF COUNTY COMMISSIONERS MAY REGULATE  
9 THE SALE OR USE OF PESTICIDES IN ACCORDANCE WITH SECTION 29-20-110  
10 (1.5).

11 **SECTION 3.** In Colorado Revised Statutes, 31-15-905, **add** (1.5)  
12 as follows:

13 **31-15-905. Regulation of the sale or use of pesticides -**  
14 **definitions.** (1.5) A GOVERNING BODY OF A MUNICIPALITY MAY  
15 REGULATE THE SALE OR USE OF PESTICIDES IN ACCORDANCE WITH SECTION  
16 29-20-110 (1.5).

17 **SECTION 4. Safety clause.** The general assembly finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety or for appropriations for  
20 the support and maintenance of the departments of the state and state  
21 institutions.