

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0481.02 Jennifer Berman x3286

HOUSE BILL 20-1180

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HOUSE SPONSORSHIP

**Kipp and Jaquez Lewis**, Duran, Bird, Caraveo, Cutter, Gonzales-Gutierrez, Hooton, Kennedy, Mullica, Singer, Sirota, Snyder, Titone, Valdez A.

SENATE SPONSORSHIP

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**House Committees**  
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A BILL FOR AN ACT

101 CONCERNING THE PROTECTION OF POLLINATORS BY RESTRICTING THE  
102 USE OF CERTAIN 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>.)*

To protect bee and other pollinator populations throughout the state, the bill requires the commissioner of agriculture (commissioner), on or before March 1, 2021, to adopt rules to regulate the use of neonicotinoid pesticides and sulfoximine pesticides by classifying specific neonicotinoid pesticides and sulfoximine pesticides as restricted-use pesticides. The commissioner's rules must exempt from the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

restricted use of the pesticides their use as indoor pest control, personal care, and pet care products; however, the commissioner, thereafter, may amend the rules to disallow their use as indoor pest control, personal care, or pet care products if the commissioner determines that another commercially available product that is not a neonicotinoid pesticide or a sulfoximine pesticide is as or more effective than a neonicotinoid pesticide or a sulfoximine pesticide when used in accordance with the product's label directions for the same indoor pest control, personal care, or pet care use or uses.

The commissioner's rules regarding the restricted use of neonicotinoid pesticides and sulfoximine pesticides must not apply to commercial applicators, limited commercial applicators, public applicators, qualified supervisors, certified operators, and private applicators.

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

2           **SECTION 1. Short title.** The short title of this act is the  
3 "Pollinator Protection Act of 2020".

4           **SECTION 2.** In Colorado Revised Statutes, 35-9-103, **amend** the  
5 introductory portion; and **add** (9.5) and (13) as follows:

6           **35-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless  
7 the context otherwise requires:

8           (9.5) "NEONICOTINOID PESTICIDE" MEANS A PESTICIDE  
9 CONTAINING AN ACTIVE INGREDIENT BELONGING TO THE NEONICOTINOID  
10 CLASS OF INSECTICIDES.

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

14           **SECTION 3.** In Colorado Revised Statutes, 35-9-118, **add** (3.5)  
15 as follows:

16           **35-9-118. Powers and duties of the commissioner - rules.**  
17 (3.5) (a) ON OR BEFORE MARCH 1, 2021, THE COMMISSIONER SHALL

1 ADOPT RULES TO IDENTIFY THE FOLLOWING AS RESTRICTED-USE  
2 PESTICIDES:

3 (I) PESTICIDES CONTAINING THE FOLLOWING ACTIVE INGREDIENTS:

4 (A) IMIDACLOPRID;

5 (B) NITHIAZINE;

6 (C) ACETAMIPRID;

7 (D) CLOTHIANIDIN;

8 (E) DINOTEFURAN;

9 (F) THIAACLOPRID; AND

10 (G) THIAMETHOXAM; AND

11 (II) SULFOXIMINE PESTICIDES CONTAINING THE ACTIVE  
12 INGREDIENT SULFOXAFLOR.

13 (b) NOTWITHSTANDING SUBSECTION (3.5)(a) OF THIS SECTION AND  
14 SUBJECT TO SUBSECTION (3.5)(c)(I) OF THIS SECTION, THE  
15 COMMISSIONER'S RULES MUST ESTABLISH AN EXEMPTION FROM THE  
16 RESTRICTED USE OF PESTICIDES CONTAINING THE ACTIVE INGREDIENTS  
17 LISTED IN SUBSECTION (3.5)(a) OF THIS SECTION FOR THE USE OF A  
18 PRODUCT CONTAINING ONE OR MORE OF THE ACTIVE INGREDIENTS IF THE  
19 PRODUCT IS USED:

20 (I) IN ACCORDANCE WITH THE PRODUCT'S LABEL DIRECTIONS; AND

21 (II) AS A:

22 (A) PET CARE PRODUCT;

23 (B) PERSONAL CARE PRODUCT; OR

24 (C) INDOOR PEST CONTROL PRODUCT.

25 (c) (I) IN CONSULTATION WITH THE PESTICIDE ADVISORY  
26 COMMITTEE CREATED IN SECTION 35-10-125, THE COMMISSIONER MAY  
27 AMEND THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (3.5)

1 TO:

2 (A) DISALLOW A RESTRICTED-USE PESTICIDE'S PERMITTED USE  
3 PURSUANT TO RULES PROMULGATED UNDER SUBSECTION (3.5)(b) OF THIS  
4 SECTION IF THE COMMISSIONER IS SATISFIED THAT ANOTHER  
5 COMMERCIALY AVAILABLE PRODUCT THAT IS REGISTERED UNDER THIS  
6 ARTICLE 9 AND IS NOT A NEONICOTINOID PESTICIDE AND NOT A  
7 SULFOXIMINE PESTICIDE IS AS OR MORE EFFECTIVE THAN A NEONICOTINOID  
8 PESTICIDE OR A SULFOXIMINE PESTICIDE FOR THE SAME USE OR USES  
9 LISTED IN SUBSECTION (3.5)(b)(II) OF THIS SECTION; AND

10 (B) PROTECT THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT.

11 (II) NOTHING IN THIS SUBSECTION (3.5):

12 (A) PREVENTS THE COMMISSIONER FROM RESTRICTING THE USE OF  
13 OTHER NEONICOTINOID PESTICIDES OR SULFOXIMINE PESTICIDES IF  
14 RESTRICTING THEIR USE IS DONE IN ACCORDANCE WITH THE  
15 COMMISSIONER'S AUTHORITY UNDER THIS ARTICLE 9;

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

20 (C) ALTERS OR LIMITS THE OBLIGATIONS OF A COMMERCIAL  
21 APPLICATOR, REGISTERED LIMITED COMMERCIAL APPLICATOR OR HIS OR  
22 HER EMPLOYEE, REGISTERED PUBLIC APPLICATOR OR HIS OR HER  
23 EMPLOYEE, QUALIFIED SUPERVISOR, CERTIFIED OPERATOR, OR PRIVATE  
24 APPLICATOR, AS THOSE TERMS ARE DEFINED IN SECTION 35-10-103, TO  
25 COMPLY WITH THE LICENSE OR REGISTRATION REQUIREMENTS IMPOSED ON  
26 THEM PURSUANT TO ARTICLE 10 OF THIS TITLE 35.

27 (d) EXCEPT AS SPECIFIED IN SUBSECTION (3.5)(c)(II)(C) OF THIS

1 SECTION, THE FOLLOWING PERSONS ARE EXEMPT FROM ANY LICENSURE  
2 REQUIREMENTS FOR USE OF A PESTICIDE DESIGNATED AS A STATE  
3 RESTRICTED-USE PESTICIDE PURSUANT TO THIS SUBSECTION (3.5):

4 (I) A COMMERCIAL APPLICATOR, AS DEFINED IN SECTION 35-10-103  
5 (2), OR AN EMPLOYEE WORKING UNDER THE COMMERCIAL APPLICATOR'S  
6 SUPERVISION;

7 (II) A REGISTERED LIMITED COMMERCIAL APPLICATOR, AS DEFINED  
8 IN SECTION 35-10-103 (8), OR AN EMPLOYEE WORKING UNDER THE LIMITED  
9 COMMERCIAL APPLICATOR'S SUPERVISION;

10 (III) A REGISTERED PUBLIC APPLICATOR, AS DEFINED IN SECTION  
11 35-10-103 (12), OR AN EMPLOYEE WORKING UNDER THE PUBLIC  
12 APPLICATOR'S SUPERVISION;

13 (IV) A QUALIFIED SUPERVISOR, AS DEFINED IN SECTION 35-10-103  
14 (13);

15 (V) A CERTIFIED OPERATOR, AS DEFINED IN SECTION 35-10-103  
16 (1); AND

17 (VI) A PRIVATE APPLICATOR, AS DEFINED IN SECTION 35-10-103  
18 (11.5).

19 **SECTION 4. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part will not take effect  
26 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.