

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB26-062 be amended as follows:

1 Amend printed bill, page 5, line 14, strike "(8.2),".

2 Page 5, strike lines 23 through 27.

3 Page 6, strike line 1.

4 Page 6, strike lines 13 through 27.

5 Strike pages 7 through 11.

6 Page 12, strike lines 1 through 10 and substitute:

7 "SECTION 3. In Colorado Revised Statutes, 35-9-118, **add** (8)
8 as follows:

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

11 (8) ON OR BEFORE JULY 1, 2027, THE COMMISSIONER SHALL ADOPT
12 RULES REQUIRING FIRST-GENERATION ANTICOAGULANT RODENTICIDES,
13 SECOND-GENERATION ANTICOAGULANT RODENTICIDES, AND
14 NONANTICOAGULANT RODENTICIDES TO BE DESIGNATED AS
15 RESTRICTED-USE PESTICIDES AND LIMITED-USE PESTICIDES. THE
16 COMMISSIONER SHALL DETERMINE THE LIMITED USES OF THE
17 RODENTICIDES BY RULE IN ACCORDANCE WITH SECTION 35-10-116.5.

18 **SECTION 4.** In Colorado Revised Statutes, 35-10-103, **amend**
19 (1); and **add** (1.2), (1.8), (14.5), and (14.7) as follows:

20 **35-10-103. Definitions.**

21 As used in this article 10, unless the context otherwise requires:

22 (1) ~~"Certified operator" means an individual who applies any~~
23 ~~restricted-use pesticides for a commercial applicator, registered limited~~
24 ~~commercial applicator, or registered public applicator, without the on-site~~
25 ~~supervision of a qualified supervisor and that should be licensed pursuant~~
26 ~~to section 35-10-114~~ "AGRICULTURAL OPERATION" MEANS A COMMERCIAL

27 ENTERPRISE ENGAGED IN THE PRODUCTION OF CROPS OR LIVESTOCK,
28 INCLUDING A RANCH, FARM, DAIRY, FEEDLOT, ORCHARD OPERATION, AND
29 ASSOCIATED FEED STORAGE OR PROCESSING FACILITY.

30 (1.2) "AUTHORIZED APPLICATOR" MEANS:

31 (a) A QUALIFIED SUPERVISOR, CERTIFIED OPERATOR, OR PRIVATE
32 APPLICATOR LICENSED UNDER THIS ARTICLE 10;

33 (b) A TECHNICIAN REGISTERED UNDER THIS ARTICLE 10; OR

34 (c) AN AGRICULTURAL OPERATION ACTING THROUGH A QUALIFIED
35 PRIVATE APPLICATOR OR OTHER PERSON AUTHORIZED BY LAW TO APPLY

1 RESTRICTED-USE PESTICIDES.

2 (1.8) "CERTIFIED OPERATOR" MEANS AN INDIVIDUAL WHO APPLIES

3 ANY RESTRICTED-USE PESTICIDES FOR A COMMERCIAL APPLICATOR,

4 REGISTERED LIMITED COMMERCIAL APPLICATOR, OR REGISTERED PUBLIC

5 APPLICATOR, WITHOUT THE ON-SITE SUPERVISION OF A QUALIFIED

6 SUPERVISOR AND THAT SHOULD BE LICENSED PURSUANT TO SECTION

7 35-10-114.

8 (14.5) (a) "SINGLE-FAMILY RESIDENCE" MEANS A DETACHED OR

9 ATTACHED RESIDENTIAL STRUCTURE DESIGNED FOR OCCUPANCY BY ONE

10 HOUSEHOLD.

11 (b) "SINGLE-FAMILY RESIDENCE" DOES NOT INCLUDE MULTIUNIT

12 RESIDENTIAL BUILDINGS, MIXED-USE BUILDINGS, OR COMMERCIAL

13 STRUCTURES.

14 (14.7) (a) "STRUCTURE" MEANS A PERMANENT, ENCLOSED,

15 HUMAN-MADE BUILDING WITH WALLS AND A ROOF THAT IS DESIGNED FOR

16 HUMAN OCCUPANCY, ANIMAL HOUSING, FOOD STORAGE, OR PROTECTION

17 OF EQUIPMENT.

18 (b) "STRUCTURE" INCLUDES UTILITY, MECHANICAL, OR SERVICE

19 ENCLOSURES.

20 (c) "STRUCTURE" DOES NOT INCLUDE SHEDS LESS THAN ONE

21 HUNDRED TWENTY SQUARE FEET, OPEN OR PARTIALLY OPEN SHELTERS,

22 CARPORTS, KIOSKS, PUMP HOUSES OR PUMP HOUSING, UTILITY CABINETS,

23 OR SIMILAR SMALL OR TEMPORARY ENCLOSURES.

24 **SECTION 5.** In Colorado Revised Statutes, **add** 35-10-116.5 as

25 follows:

26 **35-10-116.5. Limited use of rodenticides - prohibitions on**

27 **nonapplicator use of glue boards - exemptions - rules.**

28 (1) ON OR BEFORE JULY 1, 2027, THE COMMISSIONER SHALL ADOPT

29 RULES REGARDING SECOND-GENERATION ANTICOAGULANT RODENTICIDES,

30 INCLUDING:

31 (a) LIMITING THE USE OF SECOND-GENERATION ANTICOAGULANT

32 RODENTICIDES TO CIRCUMSTANCES IN WHICH RODENT ACTIVITY IS

33 PRESENT AND NONCHEMICAL MEASURES HAVE BEEN IMPLEMENTED,

34 UNLESS SUCH IMPLEMENTATION IS NOT FEASIBLE DUE TO:

35 (I) THE CONDITIONS OF THE SITE OF THE RODENT ACTIVITY;

36 (II) AN IMMINENT PUBLIC HEALTH RISK;

37 (III) A STRUCTURAL SAFETY HAZARD; OR

38 (IV) THE IMMEDIATE PROTECTION OF FOOD SAFETY OR CRITICAL

39 INFRASTRUCTURE;

40 (b) PROHIBITING PREVENTIVE, ROUTINE, OR INDEFINITE

41 DEPLOYMENT OF SECOND-GENERATION ANTICOAGULANT RODENTICIDES;

42 (c) RESTRICTING OUTDOOR OR OPEN-AREA USE OF

43 SECOND-GENERATION ANTICOAGULANT RODENTICIDES TO

1 STRUCTURE-ASSOCIATED LOCATIONS WHERE THERE HAVE BEEN
2 DOCUMENTED RODENT ACTIVITY;
3 (d) PROHIBITING THE USE OF SECOND-GENERATION
4 ANTICOAGULANT RODENTICIDES IN AND ADJACENT TO SINGLE-FAMILY
5 RESIDENCES;
6 (e) REQUIRING REMOVAL OF SECOND-GENERATION
7 ANTICOAGULANT RODENTICIDES OR RENDERING THEM INACCESSIBLE
8 WHEN VERIFIABLE MONITORING CONFIRMS A CESSATION OF RODENT
9 ACTIVITY; AND
10 (f) REQUIRING ELECTRONIC MONITORING BY OR UNDER THE
11 AUTHORITY OF AN AUTHORIZED APPLICATOR, INCLUDING THROUGH USE OF
12 AN AUTOMATED SYSTEM, TO CONFIRM DOCUMENTED RODENT ACTIVITY
13 BEFORE USING BAIT FOR RODENTS.
14 (2) THE RULES THAT THE COMMISSIONER ADOPTS PURSUANT TO
15 SUBSECTION (1) OF THIS SECTION MUST:
16 (a) PRIORITIZE THE PROTECTION OF PEOPLE, PET ANIMALS,
17 LIVESTOCK, WILDLIFE, AND THE ENVIRONMENT FROM PRIMARY AND
18 SECONDARY EXPOSURE TO RODENTICIDES AND REFLECT THE
19 COMMISSIONER'S CONSIDERATION OF ANY UNREASONABLE ADVERSE
20 EFFECTS ON THE ENVIRONMENT, CONSISTENT WITH THE "FEDERAL
21 INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT", 7 U.S.C. SEC. 136 (bb);
22 (b) NOT PROHIBIT THE USE OF A RODENTICIDE THAT IS OTHERWISE
23 REQUIRED BY ANY FEDERAL OR STATE LAW, REGULATION, RULE, OR
24 ORDER; AND
25 (c) ESTABLISH A PROCESS THAT ALLOWS THE COMMISSIONER TO
26 ISSUE AN ORDER OF TEMPORARY SUSPENSION OF ANY OF THE PROHIBITIONS
27 OR REQUIREMENTS SET FORTH IN THE RULES IF THE COMMISSIONER
28 DETERMINES THAT THE USE OF RODENTICIDES IS NECESSARY TO PROTECT
29 PUBLIC HEALTH, FOOD SAFETY, HOUSING CONDITIONS, LIVESTOCK,
30 AGRICULTURAL RESOURCES, PET ANIMALS, WILDLIFE, OR THE
31 ENVIRONMENT. THE RULES MUST REQUIRE THAT A TEMPORARY
32 SUSPENSION ORDER ISSUED BY THE COMMISSIONER:
33 (I) BE MADE IN WRITING, STATING THE SPECIFIC PROVISIONS
34 SUSPENDED AND THE FACTUAL BASIS FOR THEIR SUSPENSION;
35 (II) BE LIMITED TO THE MINIMUM SCOPE AND DURATION
36 NECESSARY;
37 (III) EXPIRES WITHIN THIRTY DAYS AFTER IT IS ISSUED, UNLESS IT
38 IS RENEWED IN WRITING AND BASED ON ADDITIONAL FINDINGS; AND
39 (IV) BE PUBLISHED ON THE DEPARTMENT'S PUBLIC-FACING
40 WEBSITE IMMEDIATELY AFTER THE ORDER IS ISSUED. THE COMMISSIONER
41 SHALL REPORT THE TEMPORARY SUSPENSION ORDER TO THE HOUSE OF
42 REPRESENTATIVES AGRICULTURE, WATER, AND NATURAL RESOURCES
43 COMMITTEE AND THE SENATE AGRICULTURE AND NATURAL RESOURCES

1 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, WITHIN FOURTEEN DAYS
2 AFTER ISSUING THE ORDER.

3 (3) THE COMMISSIONER MAY ADOPT ADDITIONAL RULES LIMITING
4 THE USE OF RODENTICIDES FOR THE PURPOSE OF PROTECTING PUBLIC
5 HEALTH, FOOD SAFETY, HOUSING CONDITIONS, LIVESTOCK, AGRICULTURAL
6 RESOURCES, PET ANIMALS, WILDLIFE, OR THE ENVIRONMENT.

7 (4) GLUE BOARDS USED ONLY FOR RODENT CONTROL SHALL NOT
8 BE SOLD OR USED BY ANY PERSON OTHER THAN AN AUTHORIZED
9 APPLICATOR. AN AUTHORIZED APPLICATOR MAY USE GLUE BOARDS ONLY
10 IN INDOOR LOCATIONS THAT ARE INACCESSIBLE BY NONTARGET
11 VERTEBRATE SPECIES."

12 Renumber succeeding sections accordingly.

13 Strike "traps" and substitute "boards" on: **Page 2**, line 6; **Page 4**, lines 19,
14 22, and 24; and **Page 5**, lines 1 and 8.

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