

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB26-062 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that:

5 (a) The use of second-generation anticoagulant rodenticides,
6 referred to as "SGARs", should be restricted to licensed applicators to
7 safeguard public health, nontarget wildlife and domestic animals, and the
8 environment;

9 (b) Despite prior proposals and actions by the United States
10 environmental protection agency, SGARs remain widely accessible to the
11 general public;

12 (c) Statistics from America's Poison Centers indicate that children
13 5 years old and younger account for 75% of the approximately 3,100
14 annual human exposures to SGARs reported from 2019 to 2023;

15 (d) Preventive, permanent, or nonstructure-associated baiting with
16 SGARs prolongs the environmental presence of toxic chemicals and
17 increases the likelihood of primary and secondary exposure to companion
18 animals and wildlife, including birds of prey and mammalian carnivores;

19 (e) Integrated pest management strategies, which emphasize
20 exclusion, proper sanitation, and targeted removal, minimize harm and
21 constitute a humane, science-driven, and effective approach to rodent
22 control;

23 (f) In conjunction with using integrated pest management
24 strategies, limiting the use SGARs to circumstances that involve
25 documented and persistent rodent activity, as verified by means such as
26 electronic rodent monitoring and as only a "last resort" could reduce
27 unnecessary exposure risks and cascading household, property, and
28 environmental impacts; and

29 (g) The department of agriculture's broad rule-making authority
30 includes the authority to adopt rules consistent with state and federal law
31 to further reduce the unintended exposure to SGARs, including the
32 adoption of rules that reflect the risk-reduction principles described in this
33 section.

34 (2) The general assembly therefore declares that restricting the use
35 of SGARs, while promoting integrated pest management strategies and
36 encouraging the targeted, structure-associated use of SGARs, will protect
37 Colorado's wildlife, children, and pets; will safeguard human health; and
38 will support humane, science-driven, and effective rodent control.

39 **SECTION 2.** In Colorado Revised Statutes, 35-9-103, **add** (13)
40 as follows:

1 **35-9-103. Definitions.**
2 As used in this article 9, unless the context otherwise requires:
3 (13) "SECOND-GENERATION ANTICOAGULANT RODENTICIDE"
4 MEANS A PESTICIDE CONTAINING ANY OF THE FOLLOWING ACTIVE
5 INGREDIENTS:
6 (a) BRODIFACOUM;
7 (b) BROMADIOLONE;
8 (c) DIFENACOUM; OR
9 (d) DIFETHIALONE.
10 **SECTION 3.** In Colorado Revised Statutes, **add** 35-9-118.5 as
11 follows:
12 **35-9-118.5. Second-generation anticoagulant rodenticides**
13 **designated as restricted-use pesticides.**
14 ON AND AFTER JULY 1, 2027, SECOND-GENERATION
15 ANTICOAGULANT RODENTICIDES ARE DESIGNATED AS RESTRICTED-USE
16 PESTICIDES AND THE COMMISSIONER SHALL RESTRICT THE DISTRIBUTION
17 AND USE OF THE PESTICIDES PURSUANT TO SECTION 35-9-108 (5).
18 **SECTION 4.** In Colorado Revised Statutes, 35-9-120, **amend**
19 (1)(j.5) and (1)(k); and **add** (1)(l) as follows:
20 **35-9-120. Prohibited acts - deceptive trade practice.**
21 (1) It is unlawful and a violation of this ~~article~~ ARTICLE 9 for any
22 person:
23 (j.5) To make a false statement in any invoice, record, report, or
24 application required under this ~~article~~ ARTICLE 9 or any rule ~~promulgated~~
25 ADOPTED under this ~~article~~; or ARTICLE 9;
26 (k) To make any fraudulent statements in any confidentiality
27 agreement authorized pursuant to section 35-9-109 or to violate any of the
28 provisions of ~~said~~ THE agreement; OR
29 (l) TO DISTRIBUTE OR USE SECOND-GENERATION ANTICOAGULANT
30 RODENTICIDES IN VIOLATION OF SECTION 35-9-118.5.
31 **SECTION 5. Safety clause.** The general assembly finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, or safety or for appropriations for
34 the support and maintenance of the departments of the state and state
35 institutions."

36 Page 1, line 101, strike "CERTAIN RODENT CONTROL PRODUCTS" and
37 substitute "DESIGNATING SECOND-GENERATION ANTICOAGULANT
38 RODENTICIDES AS RESTRICTED-USE PESTICIDES FOR THE PURPOSE OF
39 RETAIL SALES".

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