



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

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**Final Fiscal Note**

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**Drafting Number:** LLS 23-0996      **Date:** June 29, 2023  
**Prime Sponsors:** Sen. Priola; Jaquez Lewis      **Bill Status:** Signed into Law  
Rep. Brown; Kipp      **Fiscal Analyst:** Alexa Kelly | 303-866-3469  
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**Bill Topic:**      **NEONIC PESTICIDES AS LIMITED-USE PESTICIDES**

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires the Commissioner of Agriculture to adopt rules classifying neonicotinoid pesticides as limited-use pesticides. The bill increases workload in the Department of Agriculture on an ongoing basis.

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**Appropriation Summary:**      No appropriation is required.

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**Fiscal Note Status:**      The fiscal note reflects the enacted bill.

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**Summary of Legislation**

The bill requires the Commissioner of Agriculture to adopt rules designating neonicotinoid pesticides as limited-use pesticides. By July 1, 2024, the commissioner must adopt rules requiring neonicotinoid pesticides to be sold only by licensed dealers under the Pesticide Act. The rules must exempt products containing neonicotinoid pesticides when they are used in the following ways:

- as pet care products;
- as a veterinary product used by a licensed veterinarian in a licensed veterinary practice;
- in indoor personal care products used for lice or bedbugs;
- as an indoor pest control product;
- for structural insulation;
- for academic research;
- as a preserved wood product;
- as a bait product; or
- as an insect strip.

## **Comparable Crime Analysis**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data and assumptions.** This bill creates a new factual basis for the existing offense of violating the Pesticide Act by expanding the number of pesticides whose sale and use are limited. From FY 2019-20 to FY 2021-22, one individual has been convicted and sentenced for this offense. Demographically, this person was a white male. Based on the limited number of convictions, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. The impacts to state revenue and expenditures are not discussed further in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Expenditures**

Workload will increase in the Department of Agriculture to adopt rules in FY 2023-24, and on an ongoing basis to enforce its limited use. Ongoing workload will include conducting inspections at retail locations to ensure products are sold by allowable sellers and stored properly; conducting outreach and education informing vendors of the new requirements; and responding to complaints. No change in appropriation is required.

## **Effective Date**

The bill was signed into law by the Governor on May 17, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Agriculture

Law