



Legislative Council Staff  
Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated April 10, 2023)

Drafting Number: LLS 23-0996 Date: April 15, 2023  
Prime Sponsors: Sen. Priola Bill Status: Senate Appropriations  
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Bill Topic: NEONIC PESTICIDES AS LIMITED-USE PESTICIDES

Summary of Fiscal Impact:  State Revenue  TABOR Refund  
 State Expenditure  Local Government  
 State Transfer  Statutory Public Entity

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

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the Senate Agriculture and Natural Resources Committee.

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 a preserved wood product;
- for structural insulation;
- for academic research; or
- as a wood coating product.

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 takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Agriculture

Law