

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0968.01 Pam Cybyske

**SENATE BILL 01-215**

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**SENATE SPONSORSHIP**

**Dyer (Durango)**

**HOUSE SPONSORSHIP**

**(None)**

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**Senate Committees**

Agriculture and Natural Resources  
Health, Environment, Children & Families

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE AUTHORITY OF THE COMMISSIONER OF**  
102             **AGRICULTURE TO ALLOW CLAIMS OF SAFETY ON CERTAIN**  
103             **PESTICIDE PRODUCTS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Allows the commissioner of agriculture to permit claims of safety on pesticides if such pesticides qualify for an exemption as minimum-risk pesticides under federal law.

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

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

1           **SECTION 1.** 35-9-120 (1) (g) (II), Colorado Revised Statutes, is  
2 amended to read:

3           **35-9-120. Prohibited acts.** (1) It is unlawful and a violation of  
4 this article for any person:

5           (g) (II) It is a false representation to make claims as to the safety  
6 of any pesticide or device or their components or ingredients, including,  
7 but not limited to, such claims as "safe", "noninjurious", "harmless", or  
8 "nontoxic to humans and pets", with or without such qualifying phrases  
9 as "when used as directed" and "when properly applied"; EXCEPT THAT  
10 THE COMMISSIONER MAY ALLOW CLAIMS OF SAFETY ON PESTICIDES IF SUCH  
11 PESTICIDES POSE MINIMAL RISK AND THEREFORE QUALIFY FOR EXEMPTION  
12 UNDER SECTION 25 (b) OF THE "FEDERAL INSECTICIDE, FUNGICIDE, AND  
13 RODENTICIDE ACT", 7 U.S.C. SEC. 136w (b), AS AMENDED.

14           **SECTION 2. Effective date.** This act shall take effect at 12:01  
15 a.m. on the day following the expiration of the ninety-day period after  
16 final adjournment of the general assembly that is allowed for submitting  
17 a referendum petition pursuant to article V, section 1 (3) of the state  
18 constitution; except that, if a referendum petition is filed against this act  
19 or an item, section, or part of this act within such period, then the act,  
20 item, section, or part, if approved by the people, shall take effect on the  
21 date of the official declaration of the vote thereon by proclamation of the  
22 governor.