

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB23-192 be amended as follows:

1 Amend printed bill, page 5, after line 8 insert:

2 "SECTION 4. In Colorado Revised Statutes, 35-10-112, add
3 (1)(f) as follows:

4 **35-10-112. Notification requirements - registry of**
5 **pesticide-sensitive persons - preemption - rules.** (1) (f) (I) ON OR
6 BEFORE JULY 1, 2024, THE DEPARTMENT SHALL DEVELOP A SEARCHABLE
7 DATABASE OF ALL PROPERTIES THAT ABUT, OR ARE ENTIRELY LOCATED
8 WITHIN TWO HUNDRED FIFTY FEET OF, ANY RESIDENTIAL PROPERTY LISTED
9 IN THE REGISTRY OF PESTICIDE-SENSITIVE PERSONS. IF A PROPERTY IS
10 ONLY PARTIALLY LOCATED WITHIN TWO HUNDRED FIFTY FEET OF A
11 RESIDENTIAL PROPERTY LISTED IN THE REGISTRY, AND DOES NOT ABUT THE
12 RESIDENTIAL PROPERTY, THE DEPARTMENT SHALL NOT INCLUDE THE
13 PROPERTY IN THE SEARCHABLE DATABASE.

14 (II) WHEN DEVELOPING THE SEARCHABLE DATABASE PURSUANT
15 TO THIS SUBSECTION (1)(f), THE DEPARTMENT MUST:

16 (A) THROUGH THE COMMISSIONER, ADOPT RULES REQUIRING A
17 COMMERCIAL, REGISTERED LIMITED COMMERCIAL, OR REGISTERED PUBLIC
18 APPLICATOR TO PROVIDE NOTICE TO A PESTICIDE-SENSITIVE PERSON IF THE
19 COMMERCIAL, REGISTERED LIMITED COMMERCIAL, OR REGISTERED PUBLIC
20 APPLICATOR TREATS A PROPERTY THAT IS LISTED IN THE SEARCHABLE
21 DATABASE AS ABUTTING, OR BEING ENTIRELY LOCATED WITHIN TWO
22 HUNDRED FIFTY FEET OF, THE PESTICIDE SENSITIVE PERSON'S LISTED
23 RESIDENTIAL PROPERTY. A COMMERCIAL, REGISTERED LIMITED
24 COMMERCIAL, OR REGISTERED PUBLIC APPLICATOR IS NOT REQUIRED TO
25 PROVIDE NOTICE PURSUANT TO THIS SUBSECTION (1)(f)(II)(A) UNLESS AND
26 UNTIL THE COMMISSIONER ADOPTS RULES PURSUANT TO THIS SUBSECTION
27 (1)(f)(II)(A).

28 (B) PERIODICALLY UPDATE THE SEARCHABLE DATABASE AS
29 NEEDED; AND

30 (C) PROVIDE ACCESS TO THE SEARCHABLE DATABASE TO ALL
31 COMMERCIAL, REGISTERED LIMITED COMMERCIAL, AND REGISTERED
32 PUBLIC APPLICATORS.

33 (III) IT IS AN AFFIRMATIVE DEFENSE TO AN ALLEGATION THAT A
34 COMMERCIAL, REGISTERED LIMITED COMMERCIAL, OR REGISTERED PUBLIC
35 APPLICATOR VIOLATED RULES ADOPTED PURSUANT TO SUBSECTION
36 (1)(f)(II)(A) OF THIS SECTION IF A FAILURE TO NOTIFY A
37 PESTICIDE-SENSITIVE PERSON OF THE TREATMENT OF A PROPERTY THAT
38 ABUTS, OR IS LOCATED ENTIRELY WITHIN TWO HUNDRED FIFTY FEET OF,
39 THE PESTICIDE-SENSITIVE PERSON'S LISTED RESIDENTIAL PROPERTY
40 RESULTED FROM THE FACT THAT THE TREATED PROPERTY WAS NOT LISTED
41 IN THE SEARCHABLE DATABASE AT THE TIME OF THE TREATMENT."

42 Renumber succeeding sections accordingly.

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