

Agriculture

Summary of Legislation 2023

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During the 2023 legislative session, the Colorado General Assembly considered a variety of measures related to agriculture, including pesticides, livestock health, industry, and wildlife.

Pesticides & Weeds

The legislature considered and adopted multiple bills that regulate pesticides in Colorado.

Sunset Reviews. The Colorado Department of Regulatory Agencies conducted sunset reviews of the regulation of pesticide applicators and the State Noxious Weed Advisory Committee in the Colorado Department of Agriculture (CDA). The sunset review made a variety of recommendations to the General Assembly for the extension of the Pesticide Applicators' Act. *Senate Bill 23-192* continues the regulation of pesticide applicators through September 1, 2034. The bill also updates definitions, makes changes to the pesticide-sensitive registry, and increases civil penalty fines.

The Colorado Noxious Weed Advisory Committee connects citizens of Colorado with CDA. The committee solicits input from stakeholders and communicates recommendations to CDA regarding the designation, classification, and management of state noxious weeds. *Senate Bill 23-185* continues the committee through September 1, 2034.

Neonicotinoids. *Senate Bill 23-266* requires the Commissioner of Agriculture to adopt rules classifying neonicotinoid pesticides as limited-use pesticides. This requires that only licensed dealers sell this classification of pesticide products. Certain products are exempt from the rules, including, indoor pest control, bed bug or lice treatment, structural insulation, and others.

Livestock

In response to the Avian Influenza outbreak in Colorado, the General Assembly passed *House Bill 23-1264*. The bill removes the requirement that inspection, testing, and quarantine of livestock occur under the rules from the Commissioner of Agriculture. The bill instead gives the Commissioner of Agriculture authority to conduct investigations to ensure compliance with the Livestock Health Act.



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Wildlife

Lively and lengthy debate in the legislature resulted in the passage, or failure, of a variety of bills related specifically to wolves and horses.

Wolves. The General Assembly considered and passed two bills related to Proposition 114 (2020), the initiative requiring Colorado Parks and Wildlife (CPW) to reintroduce grey wolves.

Senate Bill 23-255 created the Wolf Depredation Compensation Fund. Money in the fund is to be used to compensate landowners and agricultural producers that suffer damages when a wolf causes the death or injury of livestock or a working animal, and to implement the Gray Wolf Restoration and Management Plan.

In addition, *Senate Bill 23-256* was passed by the General Assembly, but was vetoed by the Governor on May 16, 2023. The bill would have prohibited the CPW from restoring gray wolves without a 10(j) waiver under the federal Endangered Species Act, which would classify the gray wolf population as a nonessential experimental population.

Horses. The General Assembly established the Wild Horse Management Project with *Senate Bill 23-275*. The project will manage the Wild Horse Stewardship Program and the Wild Horse Working Group established in the bill. These entities are tasked with aiding in the management of wild horses in Colorado.



The Senate also considered *Senate Bill 23-038*, which would have established the crime of unlawful equine slaughter. However, the bill died on a Committee of the Whole amendment during the introduced bill's second reading.

Industry

The General Assembly passed some industry-related bills, including regarding right to repair agricultural equipment, agrivoltaics, and veterinary education.

Right to Repair. Colorado became the first state to pass right-to-repair legislation focused on agricultural equipment. In passing *House Bill 23-1011*, agricultural equipment was added to the existing consumer right-to-repair statutes. The bill requires a manufacturer to provide necessary parts, software, firmware, tools, or documentation to independent repair providers and owners for repairing agricultural equipment. The agricultural equipment may not be modified in a way that permanently deactivates safety systems; evades applicable emissions, copyright, trademark, or patent laws; or engages in illegal equipment modification.

Agrivoltaics. *Senate Bill 23-092* expanded the eligibility requirements for grand awards made by the Agricultural Drought and Climate Resilience office in the Department of Agriculture (CDA) to include the use or study of agrivoltaics. Agrivoltaics involves utilizing solar energy generation facilities integrated with agricultural activities. In

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In addition, the bill requires that CDA conduct a study examining greenhouse gas emissions mitigation and carbon sequestration in the agricultural sector, including soil health management practices, the use of dry digesters, and the potential for creating a greenhouse gas offset program. The Department of Natural Resources is also required to conduct a feasibility study regarding aquavoltaics, which involves solar energy generation facilities placed over or floating on irrigation canals or reservoirs.

Rural Veterinary Medicine. Many rural counties in Colorado suffer from veterinary shortages. In an effort to address this, the General Assembly passed *Senate Bill 23-044*, which makes changes to the Veterinary Education Repayment Program administered by Colorado State University. The bill increases the number of applicants that can be selected and the loan amounts that are available.

