

H.915 Side by Side of House Passed and Senate Proposal

H.915 As Passed the House	H.915 As Proposed by the Senate
<p data-bbox="168 254 789 285">* * * Treated Article Seed; Untreated Seed * * *</p> <p data-bbox="159 308 711 340">Sec. 1. 6 V.S.A. § 641 is amended to read:</p> <p data-bbox="112 363 407 394">§ 641. DEFINITIONS</p> <p data-bbox="151 417 451 449">As used in this chapter:</p> <p data-bbox="112 472 797 646">(1) “Agricultural seed” includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized as agricultural seeds, lawn seeds, and combinations of such seeds, and may include noxious weed seeds used as agricultural seed.</p> <p data-bbox="112 669 695 772">(2) “Secretary” means the Secretary of Agriculture, Food and Markets or his or her designee.</p> <p data-bbox="112 795 651 858">(3) “Agency” means the Agency of Agriculture, Food and Markets.</p> <p data-bbox="112 882 792 1020">(4) “Flower seed” includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seed.</p> <p data-bbox="423 1043 488 1064">* * *</p> <p data-bbox="112 1094 781 1234">(7) “Vegetable seeds” include the seeds of those crops which <u>that</u> are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this State.</p> <p data-bbox="423 1257 488 1278">* * *</p> <p data-bbox="112 1308 781 1411">(11) “Treated article pesticide” shall have the same meaning as “treated article” in section 1101 of <u>this title.</u></p>	<p data-bbox="824 308 1380 340">Sec. 1. 6 V.S.A. § 641 is amended to read:</p> <p data-bbox="824 363 1120 394">§ 641. DEFINITIONS</p> <p data-bbox="863 417 1164 449">As used in this chapter:</p> <p data-bbox="824 472 1510 646">(1) “Agricultural seed” includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized as agricultural seeds, lawn seeds, and combinations of such seeds, and may include noxious weed seeds used as agricultural seed.</p> <p data-bbox="824 669 1404 772">(2) “Secretary” means the Secretary of Agriculture, Food and Markets or his or her designee.</p> <p data-bbox="824 795 1360 858">(3) “Agency” means the Agency of Agriculture, Food and Markets.</p> <p data-bbox="824 882 1502 1020">(4) “Flower seed” includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seed.</p> <p data-bbox="1130 1043 1195 1064">* * *</p> <p data-bbox="824 1094 1490 1234">(7) “Vegetable seeds” include the seeds of those crops which <u>that</u> are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this State.</p> <p data-bbox="1130 1257 1195 1278">* * *</p> <p data-bbox="824 1308 1484 1371">(11) “Economic poison” shall have the same meaning as in section 911 of this title.</p> <p data-bbox="824 1394 1503 1497">(12) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:</p> <ul data-bbox="943 1520 1479 1959" style="list-style-type: none"><li data-bbox="943 1520 1175 1551">(A) <u>imidacloprid;</u><li data-bbox="943 1575 1138 1606">(B) <u>nithiazine;</u><li data-bbox="943 1629 1162 1661">(C) <u>acetamiprid;</u><li data-bbox="943 1684 1166 1715">(D) <u>clothianidin;</u><li data-bbox="943 1738 1157 1770">(E) <u>dinotefuran;</u><li data-bbox="943 1793 1146 1824">(F) <u>thiacloprid;</u><li data-bbox="943 1848 1248 1879">(G) <u>thiamethoxam; and</u><li data-bbox="824 1902 1479 1959">(H) <u>any other chemical designated by the Secretary by rule.</u>

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<p>(12) “Treated article corn or soybean seed” means a corn or soybean seed that is a treated article pesticide.</p>	<p>(13) “Treated corn or soybean seed” means a corn or soybean seed that is treated or covered with a neonicotinoid pesticide.</p>
<p>(13) “Untreated corn or soybean seed” means corn or soybean seed that is not a treated article pesticide.</p>	<p>(14) “Untreated corn or soybean seed” means corn or soybean seed that is not treated with a neonicotinoid pesticide.</p>
<p>Sec. 2. 6 V.S.A. ch. 35, subchap. 3 is added to read:</p>	<p>Sec. 2. 6 V.S.A. ch. 35, subchap. 3 is added to read:</p>
<p style="text-align: center;"><u>Subchapter 3. Seed Supply; Untreated Corn or Soybean Seed</u></p>	<p style="text-align: center;"><u>Subchapter 3. Seed Supply; Untreated Corn or Soybean Seed</u></p>
<p><u>§ 650. SEED SUPPLY; UNTREATED CORN OR SOYBEAN SEED</u></p>	<p><u>§ 650. SEED SUPPLY; UNTREATED CORN OR SOYBEAN SEED</u></p>
<p><u>A person who sells treated article corn or soybean seed in the State shall offer for sale untreated corn or soybean seed. As used in this section, “offer for sale” includes arranging for or taking orders for the delivery of untreated corn or soybean seed.</u></p>	<p><u>A person who sells treated corn or soybean seed in the State shall offer for sale untreated corn or soybean seed. As used in this section, “offer for sale” includes arranging for or taking orders for the delivery of untreated corn or soybean seed.</u></p>
<p>Sec. 3. IMPLEMENTATION OF REQUIREMENT TO OFFER UNTREATED CORN OR SOYBEAN SEED</p>	<p>Sec. 3. IMPLEMENTATION OF REQUIREMENT TO OFFER UNTREATED CORN OR SOYBEAN SEED</p>
<p><u>A person shall be required to offer untreated corn or soybean seed for sale under 6 V.S.A. § 650 beginning on July 1, 2018 for the purpose of use during the planting season in 2019.</u></p>	<p><u>A person shall be required to offer untreated corn or soybean seed for sale under 6 V.S.A. § 650 beginning on July 1, 2018 for the purpose of use during the planting season in 2019.</u></p>
<p>Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS REPORT ON IMPACT OF NEONICOTINOID-TREATED SEEDS ON POLLINATORS</p>	<p>Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS REPORT ON IMPACT OF NEONICOTINOID-TREATED SEEDS ON POLLINATORS</p>
<p><u>(a) The Secretary of Agriculture, Food and Markets (Secretary) shall assess the effect of neonicotinoid-treated seeds on the loss of pollinator populations in Vermont by independently reviewing claims of pollinator losses by beekeepers. On or before January 15, 2019, the Secretary shall submit to the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture the results of the assessment of pollinator losses. The report shall include:</u></p>	<p><u>(a) The Secretary of Agriculture, Food and Markets (Secretary) shall assess the effect of neonicotinoid-treated seeds on the loss of pollinator populations in Vermont by independently reviewing claims of pollinator losses by beekeepers. As part of the assessment, the Secretary shall review the recommendations of the Pollinator Protection Committee for reducing pollinator losses that were submitted to the General Assembly in February of 2017 in the report required under 2016 Acts and Resolves No. 83. On or before January 15, 2019, the Secretary shall submit to the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture the results of the assessment of pollinator losses. The report shall include:</u></p>

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<p><u>(1) data collected by the Secretary regarding pollinator losses in the State, provided that the data shall be provided in an aggregated form that does not disclose the identity of individual persons, households, or businesses from whom the data were obtained;</u></p> <p><u>(2) the causes of pollinator losses;</u></p> <p><u>(3) an assessment of whether neonicotinoid-treated seeds caused or contributed to any pollinator losses in Vermont; and</u></p> <p><u>(4) recommendations, if any, for preventing pollinator losses in Vermont.</u></p> <p><u>(b) As used in this section:</u></p> <p><u>(1) “Economic poison” shall have the same meaning as in 6 V.S.A. § 911.</u></p> <p><u>(2) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals.</u></p> <p><u>(3) “Neonicotinoid-treated seed” means agricultural seed treated with a neonicotinoid pesticide.</u></p> <p>Sec. 5. EDUCATIONAL CAMPAIGN; PESTICIDES AND POLLINATORS</p> <p><u>The Secretary of Agriculture, Food and Markets shall develop and implement an educational program to inform users of pesticides in the State of the effects of pesticides on pollinators and methods or techniques for mitigating the effects of pesticides on pollinators. The Secretary of Agriculture, Food and Markets shall conduct the educational program at least until July 1, 2020.</u></p>	<p><u>(1) data collected by the Secretary regarding pollinator losses in the State, provided that the data shall be provided in an aggregated form that does not disclose the identity of individual persons, households, or businesses from whom the data were obtained;</u></p> <p><u>(2) the causes of pollinator losses;</u></p> <p><u>(3) an assessment of whether neonicotinoid-treated seeds caused or contributed to any pollinator losses in Vermont;</u></p> <p><u>(4) a State pollinator protection plan as required by 2016 Acts and Resolves No. 83; and</u></p> <p><u>(5) recommendations for preventing pollinator losses in Vermont.</u></p> <p><u>(b) As used in this section:</u></p> <p><u>(1) “Economic poison” shall have the same meaning as in 6 V.S.A. § 911.</u></p> <p><u>(2) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals.</u></p> <p><u>(3) “Neonicotinoid-treated seed” means agricultural seed treated with a neonicotinoid pesticide.</u></p> <p>Sec. 5. EDUCATIONAL CAMPAIGN; PESTICIDES AND POLLINATORS</p> <p><u>The Secretary of Agriculture, Food and Markets shall develop and implement an educational program to inform users of pesticides in the State of the effects of pesticides on pollinators and methods or techniques for mitigating the effects of pesticides on pollinators. The Secretary of Agriculture, Food and Markets shall conduct the educational program at least until July 1, 2020.</u></p> <p>Sec. 6. 6 V.S.A. § 1101 is amended to read:</p> <p>§ 1101. DEFINITIONS</p> <p><u>As used in this chapter unless the context clearly requires otherwise:</u></p> <p style="text-align: center;">* * *</p> <p><u>(4) “Economic poison” shall have the meaning stated in subdivision 911(5) of this title.</u></p>

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(6) "Pesticide" for the purposes of this chapter shall be used interchangeably with "economic poison."

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(8) "Neonicotinoid pesticide" means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(9) "Ornamental plants" means any shrub, bush, tree, or other plant used or intended for a use other than farming as that term is defined in 10 V.S.A. § 6001.

Sec. 7. 6 V.S.A. § 1105b is added to read:

§ 1105b. APPLICATION OF NEONICOTINOID PESTICIDES

A person shall not apply neonicotinoid pesticides to ornamental plants in the State, except:

(1) as authorized by the Secretary of Agriculture, Food and Markets under a right-of-way permit for the application of pesticides; or

(2) as authorized for application on a golf course regulated by the Secretary of Agriculture, Food and Markets.

Sec. 8. EFFECTIVE DATES

This act shall take effect passage, except that Secs. 6 and 7 (neonicotinoid pesticide application to ornamental plants) shall take effect January 1, 2021.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2018.