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H.268

Introduced by Representatives Cina of Burlington, Browning of Arlington,
Colburn of Burlington, Ralph of Hartland, and Troiano of
Stannard

Referred to Committee on

Date:

Subject: Agriculture, pesticides, neonicotinoid pesticides; retail sale

Statement of purpose of bill as introduced: This bill proposes to ban the retail sale of neonicotinoid pesticides in the State beginning on January 1, 2020, except for: pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms; personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs; and indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors. The bill would also ban the use, sale, and application of the herbicides atrazine and glyphosate.

An act relating to prohibiting the retail sale of neonicotinoid pesticides

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter unless the context clearly requires otherwise:

1 (1) “Secretary” shall have the meaning stated in subdivision 911(4) of
2 this title.

3 (2) “Cumulative” when used in reference to a substance means that the
4 substance so designated has been demonstrated to increase twofold or more in
5 concentration if ingested or absorbed by successive life forms.

6 (3) “Dealer or pesticide dealer” means any person who regularly sells
7 pesticides in the course of business, but not including a casual sale.

8 (4) “Economic poison” shall have the meaning stated in subdivision
9 911(5) of this title.

10 (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any
11 other form of terrestrial or aquatic plant or animal life or virus, bacteria, or
12 other microorganisms, ~~which~~ that the Secretary declares as being injurious to
13 health or environment. Pest shall not mean any viruses, bacteria, or other
14 microorganisms on or in living humans or other living animals.

15 (6) “Pesticide” for the purposes of this chapter shall be used
16 interchangeably with “economic poison.”

17 * * *

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

20 (A) imidacloprid;

21 (B) nithiazine;

- 1 (C) acetamiprid;
2 (D) clothianidin;
3 (E) dinotefuran;
4 (F) thiacloprid;
5 (G) thiamethoxam; and
6 (H) any other chemical designated by the Secretary by rule.

7 Sec. 2. 6 V.S.A. § 1105b is added to read:

8 § 1105b. RETAIL SALE OF NEONICOTINOID PESTICIDES

9 A person shall not sell a neonicotinoid pesticide at retail in the State except
10 for the following products:

11 (1) pet care products used for preventing, destroying, repelling, or
12 mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

13 (2) personal care products used for preventing, destroying, repelling, or
14 mitigating lice or bedbugs; and

15 (3) indoor pest control products used for preventing, destroying,
16 repelling, or mitigating insects indoors.

17 Sec. 3. 6 V.S.A. § 1105c is added to read

18 1105c. AUTHORIZED USE OF NEONICOTINOID PESTICIDES

19 Notwithstanding the prohibition on retail sale under section 1105b of this
20 title, the Secretary of Agriculture, Food and Markets may authorize the retail
21 sale of a neonicotinoid pesticide in the State upon a determination that a threat

1 to human health, natural resources, biota, or crops exists that requires the use
2 or application of a neonicotinoid pesticide and no other pesticide or class of
3 pesticides would be effective in addressing the threat.

4 Sec. 4. 6 V.S.A. § 1114 is added to read:

5 § 1114. USE, SALE, AND APPLICATION OF ATRAZINE

6 (a) Definition. As used in this section, “atrazine” means an herbicide of the
7 triazine class with the chemical name C₈H₁₄ClNP and the Chemical Abstracts
8 Service (CAS) registry number of 1912-24-9.

9 (b) Prohibition. No person shall sell, use, or apply atrazine except when
10 authorized by the Secretary of Agriculture, Food and Markets under
11 subsection (c) of this section.

12 (c) Authorized use. The Secretary of Agriculture, Food and Markets may
13 authorize the use or application of atrazine upon a determination under
14 section 1033 of this title that a plant pest exists that requires suppression or
15 eradication due to the threat posed to Vermont crops and no other herbicide or
16 class of herbicides would be effective in addressing the threat.

17 Sec. 5. 6 V.S.A. § 1115 is added to read:

18 § 1115. USE, SALE, AND APPLICATION OF GLYPHOSATE

19 (a) Definition. As used in this section, “glyphosate” means a systemic
20 organophosphate herbicide with the chemical name C₃H₈NO₅P and the
21 Chemical Abstracts Service (CAS) registry number of 1071-83-6.

1 (b) Prohibition. No person shall sell, use, or apply glyphosate except when
2 authorized by the Secretary of Agriculture, Food and Markets under subsection
3 (c) of this section.

4 (c) Authorized use. The Secretary of Agriculture, Food and Markets may
5 authorize the use or application of glyphosate upon a determination that a
6 threat to Vermont crops exists that requires the use of glyphosate and no other
7 herbicide or class of herbicides would be effective in addressing the threat.

8 Sec. 6. EFFECTIVE DATE

9 This act shall take effect on January 1, 2020.