

1 S.266

2 Introduced by Senator Pollina

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; pesticides; treated article seed; neonicotinoid pesticides

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
7 sale, offer for sale, distribution, or use of neonicotinoid-treated article seeds in  
8 the State beginning July 1, 2023.

9 An act relating to prohibiting the use of neonicotinoid-treated article seed

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

11 Sec. 1. 6 V.S.A. chapter 35, subchapter 3 is added to read:

12 Subchapter 3. Neonicotinoid-Treated Article Seed

13 § 661. DEFINITIONS

14 As used in this subchapter:

15 (1) “Neonicotinoid pesticide” or “neonicotinoid” has the same meaning  
16 as in section 911 of this title.

17 (2) “Neonicotinoid-treated article seed” means an agricultural seed,  
18 flower seed, or vegetable seed that is a treated article pesticide and that has  
19 been treated with a neonicotinoid pesticide.

1           (3) “Treated article” or “treated article pesticide” shall have the same  
2           meaning as “treated article” in section 1101 of this title.

3           § 662. PROHIBITION

4           Except as provided for in section 663 of this title, a person shall not sell,  
5           offer for sale, distribute, or use a neonicotinoid-treated article seed in the State.

6           § 663. AUTHORIZED EMERGENCY USE

7           The Secretary of Agriculture, Food and Markets may authorize the sale,  
8           offer for sale, distribution, or use of a treated article seed upon a determination  
9           that a threat to Vermont crops exists that requires the use of a neonicotinoid-  
10          treated article seed and no other pesticide or class of pesticides would be  
11          effective in addressing the threat.

12          Sec. 2. 6 V.S.A. § 911 is amended to read:

13          § 911. DEFINITIONS

14          As used in this chapter:

15    \* \* \*

16                   (26) “Neonicotinoid pesticide” means any economic poison containing a  
17                   chemical belonging to the neonicotinoid class of chemicals, including:

- 18                   (A) imidacloprid;
- 19                   (B) nithiazine;
- 20                   (C) acetamiprid;
- 21                   (D) clothianidin;
- 22                   (E) dinotefuran;

- 1 (F) thiacloprid;
- 2 (G) thiamethoxam; and
- 3 (H) any other chemical designated by the Secretary by rule.

4 ~~(27) “Treated article” or “treated article pesticide” shall have the same~~  
5 ~~meaning as “treated article” in section 1101 of this title.~~

6 ~~(28) “Treated article seed” means an agricultural seed, flower seed, or~~  
7 ~~vegetable seed that is a treated article pesticide.~~

8 Sec. 3. 6 V.S.A. § 918(f) is amended to read:

9 (f)(1) The Secretary shall register as a restricted use pesticide any  
10 neonicotinoid pesticide labeled as approved for outdoor use that is distributed,  
11 sold, sold into, or offered for sale within the State or delivered for  
12 transportation or transported in intrastate commerce or between points within  
13 this State through any point outside this State, provided that the Secretary shall  
14 not register the following products as restricted use pesticides, unless classified  
15 under federal law as restricted use products:

16 ~~(1)~~(A) pet care products used for preventing, destroying, repelling, or  
17 mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

18 ~~(2)~~(B) personal care products used for preventing, destroying, repelling,  
19 or mitigating lice or bedbugs; and

20 ~~(3)~~(C) indoor pest control products used for preventing, destroying,  
21 repelling, or mitigating insects indoors; ~~and~~

22 ~~(4) treated article seed.~~

1           (2) The Secretary shall not register a neonicotinoid-treated article seed,  
2           as that term is defined under section 661 of this title, as a restricted use  
3           pesticide or as an otherwise approved pesticide in the State unless authorized  
4           under section 663 of this title.

5           Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS; REPORT

6           On or before January 15, 2021, the Secretary of Agriculture, Food and  
7           Markets shall report to the Senate Committee on Agriculture and the House  
8           Committee on Agriculture and Forestry regarding the availability and supply to  
9           farmers in the State of seed that is not a neonicotinoid-treated article seed.

10          Sec. 5. EFFECTIVE DATE

11          This act shall take effect on July 1, 2023.