

BILL AS INTRODUCED H.205  
WITH PROPOSED AMENDMENTS BY THE VERMONT BEEKEEPERS ASSOCIATION

H.205

2019

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1 H.205  
2 Introduced by Representatives Troiano of Stannard, Sheldon of Middlebury,  
3 Ancel of Calais, Anthony of Barre City, Austin of Colchester,  
4 Bartholomew of Hartland, Birong of Vergennes, Bock of  
5 Chester, Briglin of Thetford, Browning of Arlington, Brumsted  
6 of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury,  
7 Carroll of Bennington, Chesnut-Tangerman of Middletown  
8 Springs, Christensen of Weathersfield, Christie of Hartford,  
9 Cina of Burlington, Coffey of Guilford, Colburn of Burlington,  
10 Colston of Winooski, Conlon of Cornwall, Cordes of Lincoln,  
11 Dolan of Waitsfield, Donovan of Burlington, Durfee of  
12 Shaftsbury, Forguites of Springfield, Gannon of Wilmington,  
13 Gardner of Richmond, Gonzalez of Winooski, Haas of  
14 Rochester, Hill of Wolcott, Hooper of Randolph, Hooper of  
15 Burlington, Houghton of Essex, Howard of Rutland City,  
16 Jessup of Middlesex, Killacky of South Burlington, LaLonde of  
17 South Burlington, Lanpher of Vergennes, Lefebvre of Newark,  
18 Macaig of Williston, Masland of Thetford, McCarthy of St.  
19 Albans City, McCormack of Burlington, McCullough of  
20 Williston, Mrowicki of Putney, Noyes of Wolcott, O'Brien of  
21 Tunbridge, Ode of Burlington, Pajala of Londonderry, Patt of

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1 Worcester, Potter of Clarendon, Ralph of Hartland, Redmond of  
2 Essex, Rogers of Waterville, Scheu of Middlebury, Squirrell of  
3 Underhill, Sullivan of Burlington, Till of Jericho, Townsend of  
4 South Burlington, Walz of Barre City, White of Hartford,  
5 Yacovone of Morristown, and Yantachka of Charlotte  
6 Referred to Committee on  
7 Date:  
8 Subject: Agriculture; pollinator protection; neonicotinoid pesticides  
9 Statement of purpose of bill as introduced: This bill proposes to regulate the  
10 sale and application of neonicotinoid pesticides in order to protect pollinator  
11 populations. The bill requires the Secretary of Agriculture, Food and Markets  
12 to register as a restricted use pesticide any neonicotinoid pesticide labeled as  
13 approved for outdoor use that is distributed, sold, or offered for sale in the  
14 State. Certain products, ~~including treated article seed~~ and pet products, would  
15 be exempt from the requirement to register as a restricted use pesticide. The  
16 registration fees for a neonicotinoid pesticide would be used to provide  
17 educational services, technical assistance, and increased inspection services  
18 related to neonicotinoid pesticides and pollinator health. The bill would also  
19 require owners of bees, apiaries, colonies, or hives to register with the  
20 Secretary of Agriculture, Food and Markets annually. ~~In addition, new owners~~

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1 ~~of bees, apiaries, colonies, or hives would be required to be certified by the~~  
2 ~~Secretary of Agriculture, Food and Markets.~~

3 An act relating to the regulation of neonicotinoid pesticides

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

5 Sec. 1. 6 V.S.A. § 911 is amended to read:

6 § 911. DEFINITIONS

7 As used in this chapter:

8 \* \* \*

9 (4) “Secretary” means the Secretary of Agriculture, Food and Markets.

10 (5) “Economic poison” means:

11 (A) any substance produced, distributed, or used for preventing,

12 destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other

13 forms of plant or animal life or viruses, except viruses on or in living ~~man~~

14 humans or other animals, which the Secretary shall declare to be a pest;

15 (B) any substance produced, distributed, or used as a plant regulator,

16 defoliant, or desiccant.

17 \* \* \*

18 (7) “Fungicide” means any substance or mixture of substances intended

19 for preventing, destroying, repelling, or mitigating any fungi.

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1 (8) "Herbicide" means any substance or mixture of substances intended  
2 for preventing, destroying, repelling, or mitigating any weed.

3 \* \* \*

4 (13) "Insecticide" means any substance or mixture of substances  
5 intended for preventing, destroying, repelling, or mitigating any insects ~~which~~  
6 that may be present in any environment whatsoever.

7 \* \* \*

8 (16) "Person" means any individual, partnership, association,  
9 corporation, or organized group of persons whether incorporated or not.

10 (17) "Registrant" means the person registering any economic poison  
11 pursuant to the provisions of this chapter.

12 (18) "Rodenticide" means any substance or mixture of substances  
13 intended for preventing, destroying, repelling, or mitigating rodents or any  
14 other vertebrate animal ~~which~~ that the Secretary shall declare to be a pest.

15 (19) "Weed" means any plant which that grows where not wanted.

16 (20) "Nematocide" means any substance produced, distributed, or used  
17 for preventing, destroying, or repelling nematodes.

18 (21) "Plant regulator" means any substance produced, distributed, or  
19 used for the purposes of accelerating or retarding the rate of growth or rate of  
20 maturation, or otherwise altering the behavior of plants but shall not include

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1 substances produced, distributed, or used for plant nutrients, trace elements,  
2 nutritional chemicals, plant inoculants, and soil amendments.

3 (22) “Defoliant” means any substance produced, distributed, or used for  
4 causing the foliage to drop from a plant, with or without causing abscission.

5 (23) “Desiccant” means any substance produced, distributed, or used for  
6 artificially accelerating the drying of plant tissues.

7 \* \* \*

8 (25) “Agricultural seed” has the same meaning as in section 641 of this  
9 title.

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

13 (A) imidacloprid;

13 (B) nithiazine;

14 (C) acetamiprid;

15 (D) clothianidin;

16 (E) dinotefuran;

17 (F) thiacloprid;

18 (G) thiamethoxam; and

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

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

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1 ~~(28) "Treated article seed" means an agricultural seed, flower seed, or~~  
2 ~~vegetable seed that is a treated article pesticide.~~

3 Sec. 2. 6 V.S.A. § 918 is amended to read:

4 § 918. REGISTRATION

5 (a) Every economic poison ~~which~~ that is distributed, sold, or offered for  
6 sale within this State or delivered for transportation or transported in intrastate  
7 commerce or between points within this State through any point outside this  
8 State shall be registered in the Office of the Secretary, and such registration  
9 shall be renewed annually; provided that products ~~which~~ that have the same  
10 formula are manufactured by the same person, the labeling of which contains  
11 the same claims, and the labels of which bear a designation identifying the  
12 product as the same economic poison may be registered as a single economic  
13 poison; and additional names and labels shall be added by ~~supplement~~  
14 supplemental statements during the current period of registration. It is further  
15 provided that any economic poison imported into this State, which is subject to  
16 the provisions of any federal act providing for the registration of economic  
17 poisons and which has been duly registered under the provisions of this  
18 chapter, may, in the discretion of the Secretary, be exempted from registration  
19 under this chapter, when sold or distributed in the unbroken immediate  
20 container in which it was originally shipped. The registrant shall file with the  
21 Secretary a statement including:

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1 (1) The name and address of the registrant and the name and address of  
2 the person whose name will appear on the label, if other than the registrant.  
3 (2) The name of the economic poison.  
4 (3) A complete copy of the labeling accompanying the economic poison  
5 and a statement of all claims to be made for it, including directions for use.  
6 (4) If requested by the Secretary, a full description of the tests made and  
7 the results thereof upon which the claims are based. In the case of renewal of  
8 registration, a statement shall be required only with respect to information  
9 ~~which~~ that is different from that furnished when the economic poison was  
10 registered or last reregistered.  
11 (b) The registrant shall pay an annual fee of ~~\$175.00~~ \$200.00 for each  
12 product registered, and \$160.00 of that amount shall be deposited in the special  
13 fund created in section 929 of this title, of which \$5.00 from each product  
14 registration shall be used for an educational program related to the proper  
15 purchase, application, and disposal of household pesticides, and \$5.00 from  
16 each product registration shall be used to collect and dispose of obsolete and  
17 unwanted pesticides. Of the registration fees collected under this subsection,  
18 \$15.00 of the amount collected shall be deposited in the Agricultural Water  
19 Quality Special Fund under section 4803 of this title. Of the registration fees  
20 collected under this subsection, \$25.00 of the amount collected shall be dedicated to the  
21 the State Apiary Program and shall be used to offset the additional costs of inspection  
22 and to provide educational services and

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1 technical assistance to the general public and beekeepers in the State. The  
2 annual registration year shall be from December 1 to November 30 of the  
3 following year.

4 \* \* \*

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

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

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

16 (3) indoor pest control products used for preventing, destroying,  
17 repelling, or mitigating insects indoors; and

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



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1 Sec. 3. 6 V.S.A. § 3023 is amended to read:

2 § 3023. ~~DUTIES TO REGISTRATION; REPORT~~

3 (a) It shall be the duty of any Registration. A person who is the owner of  
4 any bees, apiary, colony, or hive ~~to report to~~ in the State shall register with the  
5 Secretary in writing.

6 (b) Report. Annually the owner of any bees, apiary, colony, or hive  
7 registered under subsection (a) of this section shall submit a report to the  
8 Secretary that includes all of the following information:

9 (1) ~~the~~ The location of all ~~such~~ apiaries and number of colonies that the  
10 person owns. The location of an apiary shall become its registered location;

11 (2) ~~the change of~~ Whether the location of any apiary will change within  
12 two weeks of the date that the report is submitted unless the change of location  
13 is to provide pollination services and the colonies will be returned to a  
14 registered apiary. Hives from a registered apiary may be moved to another  
15 registered apiary without reregistering;

16 (3) ~~the discovery of~~ Whether a serious disease was discovered within  
17 any ~~of his or her colonies;~~ registered colony.

18 (4) ~~the transportation~~ Whether the owner transported into ~~this~~ the State  
19 of any colonies or used equipment, except as noted in authorized under  
20 subsection 3032(c) of this title; ~~and~~.

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1 (5) ~~the fact that he or she~~ Whether the owner is engaged in the rearing of  
2 queen bees or any other bees for sale, if applicable.

3 ~~(6) A current varroa mite and pest mitigation plan for each registered~~  
4 ~~colony.~~

5 ~~(7) Proof of certification, if required, under section 3023a of this title.~~

6 Sec. 4. 6 V.S.A. § 3023a is added to read:

7 § 3023a. CERTIFIED BEEKEEPER POLLINATOR PROTECTION SPECIALIST

8 ~~(a) The Secretary shall establish by procedure requirements for the training~~  
9 ~~of a person to own bees, apiaries, colonies, or hives in the State. The~~  
10 ~~requirements shall address the requirements for competent beekeeping,~~  
11 ~~including:~~

13 ~~(1) bee health;~~

13 ~~(2) varroa mite identification and control;~~

14 ~~(3) identification of common diseases or pests;~~

15 ~~(4) proper maintenance of hives;~~

16 ~~(5) State laws regarding beekeeping and pesticide application; and~~

17 ~~(6) continued education requirements.~~

18 ~~(b) A person who completes the training required under subsection (a) shall~~  
19 ~~be certified by the Secretary as a Vermont certified beekeeper.~~

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1 ~~(c) A person registered with the Secretary on July 1, 2019 as the owner of~~  
2 ~~any bees, apiary, colony, or hive is exempt from the certification required by~~  
3 ~~this section.~~

4 (a) The Secretary shall establish a new position of Pollinator Protection Specialist, to be  
5 funded by fees collected pursuant to section 3023, to aid the state Apiculturist and the  
6 the Vermont Beekeepers Association, and local beekeeping clubs with public and  
7 beekeeper education including:

8 (1) bee health;

9 (2) identification and control of pollinator diseases or pests;

10 (3) proper maintenance of hives;

11 (4) State laws regarding beekeeping and pesticide application,

13 (6) work with the public and farmers to help them understand and minimize their negative  
14 impacts on pollinators and promote actions that support pollinators.

4 Sec. 5. 6 V.S.A. § 3032 is amended to read:

5 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT

6 INTO THE STATE

7 (a) No bees, used equipment or colonies shall be brought into the State of

8 Vermont unless approved by the Secretary by permit. The Secretary shall not

9 approve the import of bees, used equipment, or colonies from out of state

10 unless accompanied by a valid certificate of health inspection within the previous ten-

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11 ~~months~~ 60 days from the state or country of origin stating that the bees, used  
13 equipment, ~~or~~ and bee colonies are free from bee disease.

13 (b) Any person, other than a common carrier, who knowingly transports or  
14 causes to be transported used equipment, bees, or colonies to a point within  
15 this State shall provide the ~~secretary~~ Secretary with a copy of the certificate of inspection  
16 not more than 72 hours after entry into this State.

17 (c) This section shall not apply to a shipment of bees, equipment, or  
18 colonies which originated outside the ~~state~~ State and is destined for another  
19 point that is also located outside this State.

20 (d) All honey bee colonies brought into the State shall be made available for inspection  
21 by the State Apiculturist prior to distribution or establishment. If colonies are inspected,  
a  
22 fee of \$5 shall be levied on each honey bee colony inspected. This fee shall be dedicated  
23 for use by the State Apiary Program and shall support the cost of inspection of such  
24 colonies and to further beekeeper and public educational efforts.

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1 Sec. 6. 6 V.S.A. § 3030 is amended to read:

2 § 3030. RULES

3 The Secretary ~~may~~ shall adopt and enforce such rules or standards ~~which may provide for~~  
4 to implement the requirements of this chapter, including rules regarding:

5 (1) inspection, disinfection, seizure, destruction, or other disposition of

6 bees, equipment, or bee products colonies capable of carrying or transmitting any  
7 disease;

8 (2) importation of bees, equipment, or bee products colonies capable of carrying  
9 or transmitting any disease;

10 ~~(3) certification of beekeepers; or~~

11 (4) registration and reporting by persons owning bees, an apiary, a  
12 colony, or a hive.

13 Sec. 7. EFFECTIVE DATE

14 This act shall take effect on July 1, 2019.