

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House
3 Bill No. 205 entitled “An act relating to relating to the regulation of
4 neonicotinoid pesticides” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 911. DEFINITIONS

9 As used in this chapter:

10 * * *

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

12 (5) “Economic poison” means:

13 (A) any substance produced, distributed, or used for preventing,
14 destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other
15 forms of plant or animal life or viruses, except viruses on or in living ~~man~~

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

17 (B) any substance produced, distributed, or used as a plant regulator,
18 defoliant, or desiccant.

19 * * *

20 (7) “Fungicide” means any substance or mixture of substances intended
21 for preventing, destroying, repelling, or mitigating any fungi.

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:

12 (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.

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:

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 used to
21 offset the additional costs of inspection and to provide educational services and

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:

12 (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.

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.~~

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. VERMONT BEEKEEPER CERTIFICATE

8 (a) The Secretary shall establish an educational program to train a person
9 who owns bees, apiaries, colonies, or hives in the State. The educational
10 program shall address:

11 (1) bee health;

12 (2) varroa mite identification and control;

13 (3) identification of common diseases or pests;

14 (4) proper maintenance of hives;

15 (5) State laws regarding beekeeping and pesticide application; and

16 (6) continued education opportunities.

17 (b) The Secretary shall award a certificate to a person who completes the
18 Vermont beekeeper training program under subsection (a) of this section.

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

2 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
3 THE STATE

4 (a) ~~No~~ Except as provided under subsections (c) and (d) of this section,
5 bees, used equipment, or colonies shall not be brought into the State of
6 Vermont unless approved by the Secretary by permit. The Secretary shall not
7 approve the import of bees, used equipment, or colonies from out of state
8 unless accompanied by a valid certificate of inspection within the previous
9 ~~ten months~~ 90 days from the state or country of origin stating that the bees,
10 used equipment, or bee colonies are free from bee disease.

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

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

18 (d) The Secretary shall not require an import permit or a valid certificate of
19 inspection under subsection (a) for bees, used equipment, or colonies that:

20 (1) are registered in Vermont;

1 (2) were transported no more than 75 miles from the registered location
2 of the owner of the bees or colonies; and

3 (3) are imported back into the State within 90 days of the date of
4 original transport.

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

6 § 3030. RULES

7 The Secretary may adopt and enforce ~~such rules which may provide for to~~
8 implement the requirements of this chapter, including rules regarding:

9 (1) inspection, disinfection, seizure, destruction, or other disposition of
10 bees, equipment, or bee products capable of carrying or transmitting any
11 disease;

12 (2) importation of bees, equipment, or bee products capable of carrying
13 or transmitting any disease; or

14 (3) registration and reporting by persons owning bees, an apiary, a
15 colony, or a hive.

16 Sec. 7. EFFECTIVE DATE

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

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3 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE