

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 205  
3 entitled “An act relating to the regulation of neonicotinoid pesticides”  
4 respectfully reports that it has considered the same and recommends that the  
5 Senate propose to the House that the bill be amended by striking out all after  
6 the enacting 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 (8) “Herbicide” means any substance or mixture of substances intended  
2 for preventing, destroying, repelling, or mitigating any weed.

3 \* \* \*

4 (12) “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

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~~ \$185.00 of that amount shall be deposited in  
13 the special fund created in section 929 of this title, ~~of which \$5.00 from each~~  
14 ~~product registration shall be used for an educational program related to the~~  
15 ~~proper purchase, application, and disposal of household pesticides, and \$5.00~~  
16 ~~from each product registration shall be used to collect and dispose of obsolete~~  
17 ~~and unwanted pesticides.~~ Of the registration fees collected under this  
18 subsection, \$15.00 of the amount collected shall be deposited in the  
19 Agricultural Water Quality Special Fund under section 4803 of this title. Of  
20 the registration fees collected under this subsection, \$25.00 of the amount  
21 collected shall be used to offset the additional costs of inspection of economic

1 poison products and to provide educational services, training, and technical  
2 assistance to pesticide applicators, beekeepers, and the general public  
3 regarding the effects of pesticides on pollinators and the methods or best  
4 management practices to reduce the impacts of pesticides on pollinators. The  
5 annual registration year shall be from December 1 to November 30 of the  
6 following year.

7 \* \* \*

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

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

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

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

21 (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 on a form provided by the Secretary.

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; hive or colony in a registered apiary.

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 apiary.

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

6 § 3023a. VERMONT BEEKEEPER EDUCATIONAL PROGRAM

7           (a) The Secretary, in cooperation with the Vermont Beekeepers  
8 Association, shall establish a voluntary 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~~ 60 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. 6 V.S.A. § 3022 is amended to read:

17          § 3022. ENFORCEMENT; INSPECTION

18          (a) The Secretary shall enforce the provisions of this chapter.

19          (b) Any person who is the owner of any bees, apiary, colony, or hive shall  
20          pay a \$10.00 annual registration fee for each ~~location of hives~~ apiary. The fee  
21          revenue shall be collected by the Secretary and credited to the ~~Weights and~~

1 ~~Measures Testing Fund~~ Pesticide Monitoring Revolving Fund under section  
2 929 of this title to be used to offset the costs of inspection services and to  
3 provide educational services and technical assistance to beekeepers in the  
4 State.

5 Sec. 8. POSITIONS; POLLINATOR SPECIALIST; PESTICIDE

6 ENFORCEMENT

7 The establishment of the following new classified, full-time positions  
8 funded from fees collected under 6 V.S.A. § 918 is authorized in fiscal year  
9 2020:

10 (1) In the Agency of Agriculture, Food and Markets – pollinator  
11 specialist.

12 (2) In the Agency of Agriculture, Food and Markets – enforcement  
13 specialist.

14 Sec. 9. EFFECTIVE DATE

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

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19 (Committee vote: \_\_\_\_\_)

20

21

\_\_\_\_\_

Senator \_\_\_\_\_

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FOR THE COMMITTEE