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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1818 Session of  
2017

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INTRODUCED BY McCARTER, V. BROWN, D. COSTA, MURT, CALTAGIRONE,  
DeLUCA AND KINSEY, SEPTEMBER 25, 2017

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
SEPTEMBER 25, 2017

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AN ACT

1 Providing for labeling, signage and restrictions on sales and  
2 use relating to neonicotinoid pesticides.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Pollinator  
7 Protection Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Certified applicator." As defined in section 4(6)(A) of the  
13 act of March 1, 1974 (P.L.90, No.24), known as the Pennsylvania  
14 Pesticide Control Act of 1973.

15 "Neonicotinoid pesticide." A pesticide containing a chemical  
16 belonging to the neonicotinoid class of chemicals, including:

17 (1) Imidacloprid.

- 1 (2) Nithiazine.
- 2 (3) Acetamiprid.
- 3 (4) Clothianidin.
- 4 (5) Dinotefuran.
- 5 (6) Thiacloprid.
- 6 (7) Thiamethoxam.
- 7 (8) Any other chemical designated by the Department of
- 8 Agriculture as belonging to the neonicotinoid class of
- 9 chemicals.

10 "Nursery stock." As follows:

11 (1) Any hardy plant or plant that survives Pennsylvania  
12 winters, including a deciduous or evergreen tree, shrub or  
13 woody vine, whether cultivated, native or wild and all viable  
14 parts of the plant.

15 (2) Any nonhardy plant or plant part to be distributed  
16 in another state that requires plant inspection and  
17 certification before entering that state.

18 (3) Any other plant included by the Secretary of  
19 Agriculture, if regulating its movement is necessary to  
20 control any dangerously injurious plant pest.

21 "Restricted use pesticide." A pesticide so classified by the  
22 Federal Government or in accordance with the Pennsylvania  
23 Pesticide Control Act of 1973.

24 Section 3. Retail sales.

25 (a) Required label.--A person may not sell at retail in this  
26 Commonwealth any seed, plant material, nursery stock, annual  
27 plant, bedding plant or other plant that has been treated with a  
28 neonicotinoid pesticide unless the seed, plant material, nursery  
29 stock, annual plant, bedding plant or other plant bears a label  
30 with or is in close proximity to a sign that prominently

1 displays the following statement:

2 Warning: This product has been treated with neonicotinoid  
3 pesticides, found to harm or impair nontarget organisms,  
4 including bees and other pollinators, birds, earthworms and  
5 aquatic invertebrates.

6 (b) Sales restriction.--On or after January 1, 2018, sales  
7 of neonicotinoid pesticides in this Commonwealth may only be  
8 made by a person who also makes available for sale a restricted  
9 use pesticide.

10 (c) Use restriction.--On or after January 1, 2018, a person  
11 may not use a neonicotinoid pesticide unless the person is one  
12 of the following:

13 (1) A certified applicator.

14 (2) A farmer who uses the pesticide for agricultural  
15 purposes, including crop production, livestock, poultry and  
16 noncrop agricultural fields.

17 (3) A veterinarian.

18 (d) Applicability.--This section does not apply to a flea or  
19 tick collar that contains a neonicotinoid pesticide.

20 Section 4. Effective date.

21 This act shall take effect in 60 days.