

AMENDED IN SENATE MAY 31, 2016

SENATE BILL

No. 1282

Introduced by Senators Leno and Allen

February 19, 2016

An act to add Section 12860 to, and to add Article 4.5 (commencing with Section 14085) to Chapter 3 of Division 7 of, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as amended, Leno. Pesticides: neonicotinoids: ~~labeling and restricted material designation:~~ *labeling*.

Existing law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. Existing law requires the department, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified.

~~This bill would require the director, bill, on and after July 1, 2017, to would require labeling labeling, as specified, of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide, and, by regulation, designate neonicotinoid pesticides as restricted materials by January 1, 2018. Because a violation of the regulations adopted pursuant to the bill's provisions would be a misdemeanor, the bill would impose a state-mandated local program. pesticide. The bill, by January 1, 2018, would prohibit the~~

noncommercial use of neonicotinoids, except as provided. The bill would specify that a violation of these requirements is not a crime but would constitute an unfair and unlawful business act or practice.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
 State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
 2 following:

3 (1) Bees and other pollinators are critical to agricultural
 4 production, home gardens, and native ecosystems. Bee populations
 5 have been declining significantly over the past 25 years, and while
 6 there is no single cause of these declines, a substantial and growing
 7 body of evidence points to neonicotinoid pesticides as a key factor.
 8 Neonicotinoid pesticides are taken up by plants, and expressed
 9 through pollen, nectar, and guttation droplets, impacting both target
 10 and nontarget insect species, including honey bees and native bees.

11 (2) The Director of Pesticide Regulation is required, by
 12 regulation, to designate a list of restricted material pesticides that
 13 meet certain criteria, including presenting a hazard to honey bees.

14 (3) Based on data showing a potential hazard to honey bees, in
 15 2009, the Department of Pesticide Regulation initiated reevaluation
 16 of pesticide products containing four neonicotinoid chemicals,
 17 including imidacloprid, thiamethoxam, clothianidin, and
 18 dinotefuran. The department is required to complete its reevaluation
 19 by July 1, 2018, and to adopt necessary control measures for these
 20 pesticides by July 1, 2020.

21 (b) It is the intent of the Legislature to minimize potential harm
 22 to honey bees in the interim while the Department of Pesticide
 23 Regulation continues to study the impacts of neonicotinoids.

24 SEC. 2. Section 12860 is added to the Food and Agricultural
 25 Code, to read:

26 12860. (a) On and after July 1, 2017, ~~the director shall require~~
 27 ~~labeling~~ of all commercially available seeds and plants sold at

1 retail establishments, excluding noxious weed seeds and plants,
2 that have been treated with a neonicotinoid ~~pesticide~~. *pesticide*
3 *shall be labeled*. “Treatment” includes foliar and granular
4 treatments, in addition to seed coatings.

5 (b) The label shall include, clearly visible and prominently
6 placed, the words: “STATE OF CALIFORNIA SAFETY
7 WARNING: MAY HARM BEES” and a ~~logo, as determined by~~
8 ~~the director~~. *logo*. This label shall contrast, by typography, layout,
9 or color, with other printed matter nearby.

10 (c) If the safety warning required in subdivision (b) is affixed
11 rather than printed directly, the safety warning shall be affixed to
12 the product in such a manner that it cannot be removed without a
13 thorough application of water or other solvents.

14 (d) (1) *Notwithstanding any other law, a violation of this section*
15 *is not a crime.*

16 (2) *A violation of this section constitutes an unfair and unlawful*
17 *business act or practice under Section 17200 of the Business and*
18 *Professions Code and subject to enforcement pursuant to Chapter*
19 *5 (commencing with Section 17200) of Part 2 of Division 7 of the*
20 *Business and Professions Code.*

21 SEC. 3. Article 4.5 (commencing with Section 14085) is added
22 to Chapter 3 of Division 7 of the Food and Agricultural Code, to
23 read:

24
25 Article 4.5. Neonicotinoids

26
27 14085. As used in this article, “neonicotinoid” means
28 imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,
29 thiacloprid, thiamethoxam, or any other chemical designated by
30 the department as belonging to the neonicotinoid class of
31 chemicals.

32 14086. (a) By January 1, 2018, ~~the director shall, by regulation~~
33 ~~pursuant to Section 14004.5, designate neonicotinoid pesticides~~
34 ~~as restricted materials~~. *noncommercial use of neonicotinoids shall*
35 *be prohibited.*

36 (b) ~~The director may exempt products sold or applied by~~
37 ~~veterinarians from the restrictions and requirements governing the~~
38 ~~use and possession of neonicotinoid pesticides.~~

1 (b) *The restrictions and requirements of this section governing*
2 *the use and possession of neonicotinoid pesticide do not apply to*
3 *the following:*

- 4 (1) *Products sold or applied by veterinarians.*
- 5 (2) *Pet care products used to mitigate fleas, mites, ticks,*
6 *heartworms, or other animals that are harmful to the health of a*
7 *domesticated animal.*
- 8 (3) *Pet care products use to mitigate lice and bedbugs.*
- 9 (4) *Indoor pest control products used to mitigate insects indoors,*
10 *including ant bait.*

11 (c) (1) *Notwithstanding other law, a violation of this section is*
12 *not a crime.*

13 (2) *A violation of this section constitutes an unfair and unlawful*
14 *business act or practice under Section 17200 of the Business and*
15 *Professions Code and subject to enforcement pursuant to Chapter*
16 *5 (commencing with Section 17200) of Part 2 of Division 7 of the*
17 *Business and Professions Code.*

18 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
23 ~~for a crime or infraction, within the meaning of Section 17556 of~~
24 ~~the Government Code, or changes the definition of a crime within~~
25 ~~the meaning of Section 6 of Article XIII B of the California~~
26 ~~Constitution.~~