ASSEMBLY, No. 4349

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED SEPTEMBER 9, 2013

Sponsored by:
Assemblywoman  LINDA STENDER
District 22 (Middlesex, Somerset and Union)

SYNOPSIS
Prohibits use or sale of neonicotinoid pesticides.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning certain pesticides and supplementing P.L.1971, c.176.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. No person shall use, sell, offer for sale or promotional purposes, or distribute any neonicotinoid pesticide.
   
b. The Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations, as appropriate, to implement the provisions of this section, including, but not limited to, rules and regulations establishing a list of chemicals that belong to the neonicotinoid class of chemicals.
   
c. (1) Notwithstanding the provisions of section 10 of P.L.1971, c.176, any person who violates this section shall be subject to a civil penalty of up to $500 for the first offense and up to $1,000 for the second or subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.
   
   (2) The department may institute a civil action for injunctive relief to enforce this section and to prohibit and prevent a violation of this section, and the court may proceed in the action in a summary manner.
   
d. As used in this section, “neonicotinoid pesticide” means any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including, but not limited to, imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, thiamethoxam, or any other chemical designated by the department pursuant to subsection a. of this section as belonging to the neonicotinoid class of chemicals.

2. This act shall take effect on the 180th day after the date of enactment.

STATEMENT

This bill would prohibit the use, sale, offer for sale or promotional purposes, or distribution of any neonicotinoid pesticide. Neonicotinoid pesticides are suspected of having adverse effects on pollinating insects and may contribute to the disappearance of bee populations, commonly referred to as “colony collapse disorder.”

The bill defines a “neonicotinoid pesticide” as any pesticide containing a chemical belonging to the neonicotinoid class of chemicals.
chemicals, including, but not limited to, imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, thiamethoxam, or any other chemical designated by the Department of Environmental Protection (department), through rules and regulations, as belonging to the neonicotinoid class of chemicals.

Any person in violation of the provisions of the bill would be subject to a civil penalty of $500 for the first offense and $1,000 for the second or subsequent offense and the department would be authorized to institute a civil action for injunctive relief in order to enforce the provisions of the bill. The bill would take effect on the 180th day after the date of enactment.