

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1016**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED FEBRUARY 24, 2020

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

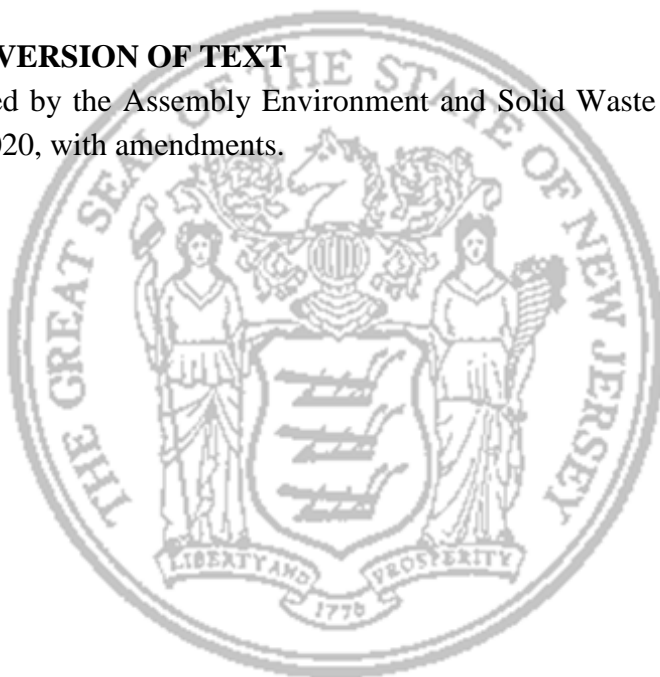
**Senator Turner**

**SYNOPSIS**

Restricts use of neonicotinoid pesticides.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on October 8, 2020, with amendments.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning the use of neonicotinoid pesticides <sup>1</sup>[and other  
2 systemic insecticides]<sup>1</sup> and supplementing P.L.1971, c.176  
3 (C.13:1F-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. As used in sections 1 through 3 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill):

10 “Agricultural plant” means any plant <sup>1</sup>, or part thereof,<sup>1</sup> grown  
11 <sup>1</sup>[or] <sup>1</sup>,<sup>1</sup> maintained <sup>1</sup>, or otherwise produced<sup>1</sup> for commercial <sup>1</sup>[or  
12 research]<sup>1</sup> purposes <sup>1</sup>,<sup>1</sup> including <sup>1</sup>[, but not limited to, food, feed,  
13 fiber plants, trees, turf grass, flowers, shrubs, ornamentals, and  
14 seedlings] any plant grown, maintained, or otherwise produced for  
15 sale or trade, for research or experimental purposes, or for use in part  
16 or their entirety in another location. “Agricultural plant” includes, but  
17 is not limited to, grains, fruits, and vegetables; wood fiber or timber  
18 products; flowering and foliage plants and trees; seedlings and  
19 transplants; and turf grass produced for sod. “Agricultural plant” does  
20 not include pasture or rangeland used for grazing<sup>1</sup> .

21 “Environmental emergency” means an occurrence of any pest  
22 which presents a significant risk of harm or injury to the  
23 environment, <sup>1</sup>or significant harm, injury, or loss to agricultural  
24 crops,<sup>1</sup> including, but not limited to, any exotic or foreign pest  
25 which may need preventative quarantine measures to avert or  
26 prevent that risk, as determined by the <sup>1</sup>[department] Department of  
27 Environmental Protection<sup>1</sup> in consultation with <sup>1</sup>the New Jersey  
28 Department of Agriculture and<sup>1</sup> Rutgers, the State University <sup>1</sup>[,  
29 the Department of Health, and the United States Environmental  
30 Protection Agency]<sup>1</sup> .

31 “Neonicotinoid pesticide” means any pesticide containing a  
32 chemical belonging to the neonicotinoid class of chemicals,  
33 including, but not limited to, acetamiprid, clothianidin, dinotefuran,  
34 <sup>1</sup>flonicamid,<sup>1</sup> imidacloprid, nitenpyram, nithiazine, thiacloprid,  
35 thiamethoxam, or any other chemical designated by the department  
36 as belonging to the neonicotinoid class of chemicals.

37 “Restricted use pesticide” means a pesticide that can be  
38 purchased and used only by a certified and licensed pesticide  
39 applicator, as determined by the department pursuant to the  
40 “Pesticide Control Act of 1971,” P.L.1971, c. 176 (C.13:1F-1 et  
41 seq.), or persons working under the direct supervision of a certified  
42 and licensed pesticide applicator.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AEN committee amendments adopted October 8, 2020.

1       <sup>1</sup>“Systemic insecticide” means any active ingredient intended to  
2 kill or otherwise harm insect or invertebrate wildlife and that  
3 translocates into the tissue of plants, including, but not limited to,  
4 any neonicotinoid pesticide. <sup>1</sup>

5  
6       2. a. No later than <sup>1</sup>[180 days] 12 months<sup>1</sup> after the effective  
7 date of this act, the department shall adopt, pursuant to the  
8 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
9 seq.), rules and regulations classifying neonicotinoid pesticides as  
10 restricted use pesticides.

11       b. No later than <sup>1</sup>[180 days] 12 months<sup>1</sup> after the effective  
12 date of P.L. , c. (C. ) (pending before the Legislature as this  
13 bill), and every three years thereafter, the department shall review  
14 the latest scientific information concerning <sup>1</sup>[systemic insecticides]  
15 neonicotinoid pesticides<sup>1</sup> , and classify as a restricted use pesticide  
16 any <sup>1</sup>[systemic insecticide] neonicotinoid pesticide<sup>1</sup> that the  
17 department determines will cause harm to populations of pollinating  
18 bees, birds, other pollinating wildlife, or aquatic invertebrates. Any  
19 person may petition the department at any time to classify a  
20 pesticide pursuant to this section.

21       c. The provisions of this section shall not apply to <sup>1</sup>: (1)<sup>1</sup>  
22 pet care, veterinary, personal care, or indoor pest control pesticide  
23 product<sup>1</sup>; (2) any pesticide-treated wood product; (3) the  
24 application by a licensed pesticide applicator of a neonicotinoid  
25 pesticide within seven feet of a building foundation perimeter to  
26 manage structural pests provided that the neonicotinoid pesticide is  
27 not applied on any plant; (4) any direct action taken by certified and  
28 licensed responsible pesticide applicators or by persons working  
29 under their direct supervision within the New Jersey Department of  
30 Agriculture or its agents, or within the Department of  
31 Environmental Protection or its agents, against any invasive plant or  
32 pest; or (5) any application to protect agricultural seeds<sup>1</sup> .

33  
34       3. a. No person shall sell, offer for sale, or use within the State  
35 any neonicotinoid pesticide, unless such pesticide is registered <sup>1</sup>[for  
36 use on,]<sup>1</sup> and will only be applied by a licensed pesticide applicator  
37 to, an agricultural plant.

38       b. Notwithstanding the provisions of subsection a. of this  
39 section to the contrary, the commissioner, in consultation with the  
40 <sup>1</sup>New Jersey<sup>1</sup> Department of Agriculture, may, by written order,  
41 permit a licensed pesticide applicator to use a pesticide that is  
42 prohibited under subsection a. of this section if the commissioner  
43 finds that:

- 44       (1) a valid environmental emergency exists;  
45       (2) the pesticide would be effective in addressing the  
46 environmental emergency; and

1 (3) no other, less harmful pesticide or pest management practice  
2 would be effective in addressing the environmental emergency.  
3 c. Any order issued by the commissioner pursuant to  
4 subsection b. of this section shall include the basis for the  
5 commissioner's determination and specify the approved time  
6 period, geographic scope, and purpose of the permitted sale or use  
7 of a pesticide. An order issued pursuant to this section shall be  
8 valid for a period not to exceed one year.  
9 d. The provisions of this section shall not apply to <sup>1</sup>: (1)<sup>1</sup> any  
10 pet care, veterinary, personal care, or indoor pest control pesticide  
11 product <sup>1</sup>; (2) any pesticide-treated wood product; (3) the  
12 application by a licensed pesticide applicator of a neonicotinoid  
13 pesticide within seven feet of a building foundation perimeter to  
14 manage structural pests provided that the neonicotinoid pesticide is  
15 not applied on any plant; (4) any direct action taken by certified and  
16 licensed responsible pesticide applicators or by persons working  
17 under their direct supervision within the New Jersey Department of  
18 Agriculture or its agents, or within the Department of  
19 Environmental Protection or its agents, against any invasive plant or  
20 pest; or (5) any application to protect agricultural seeds<sup>1</sup> .  
21  
22 4. This act shall take effect immediately.