

[Second 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:**

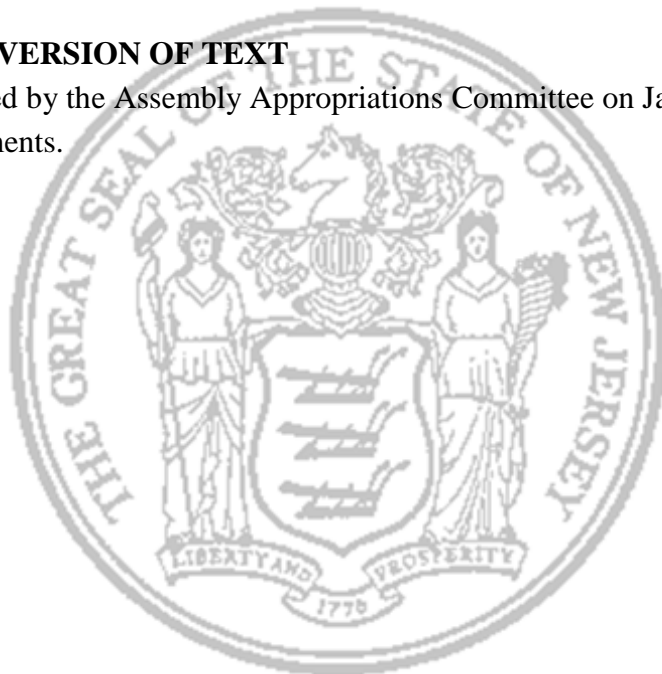
**Senator Turner**

**SYNOPSIS**

Restricts use of neonicotinoid pesticides.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on January 7, 2021,  
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> 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.

43 <sup>1</sup>**[**“Systemic insecticide” means any active ingredient intended to  
44 kill or otherwise harm insect or invertebrate wildlife and that

**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.

<sup>2</sup>Assembly AAP committee amendments adopted January 7, 2021.

1 translocates into the tissue of plants, including, but not limited to,  
2 any neonicotinoid pesticide.】<sup>1</sup>

3

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

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

19 c. The provisions of this section shall not apply to <sup>1</sup>:

20 (1)<sup>1</sup> any pet care, veterinary, personal care, or indoor pest control  
21 pesticide product <sup>1</sup>;

22 (2) any pesticide-treated wood product;

23 (3) the application by a licensed pesticide applicator of a  
24 neonicotinoid pesticide within <sup>2</sup>【seven feet】 one foot<sup>2</sup> of a building  
25 foundation perimeter to manage structural pests provided that the  
26 neonicotinoid pesticide is not applied on any plant;

27 (4) any direct action taken by certified and licensed responsible  
28 pesticide applicators or by persons working under their direct  
29 supervision within the New Jersey Department of Agriculture or its  
30 agents, or within the Department of Environmental Protection or its  
31 agents, against any invasive plant or pest; or

32 (5) any application to protect agricultural seeds<sup>1</sup> .

33 <sup>2</sup>Notwithstanding the provisions of paragraph (3) of this  
34 subsection to the contrary, the application by a licensed pesticide  
35 applicator of a neonicotinoid pesticide adjacent to a building  
36 foundation perimeter to manage structural pests may be extended by  
37 an additional four feet, if such additional area is necessary to treat  
38 the source of the infestation and the application is limited to a spot  
39 targeted treatment of the source of the infestation only.

40 d. Nothing in this section shall be construed to impose liability  
41 on any news media that accept or publish advertising for any  
42 product or activity that would otherwise be subject to the provisions  
43 of this section.<sup>2</sup>

44

45 3. a. No person shall sell, offer for sale, or use within the State  
46 any neonicotinoid pesticide, unless such pesticide is registered <sup>1</sup>【for

1 use on,<sup>1</sup> and will only be applied by a licensed pesticide applicator  
2 to, an agricultural plant.

3 b. Notwithstanding the provisions of subsection a. of this  
4 section to the contrary, the commissioner, in consultation with the  
5 <sup>1</sup>New Jersey<sup>1</sup> Department of Agriculture, may, by written order,  
6 permit a licensed pesticide applicator to use a pesticide that is  
7 prohibited under subsection a. of this section if the commissioner  
8 finds that:

- 9 (1) a valid environmental emergency exists;  
10 (2) the pesticide would be effective in addressing the  
11 environmental emergency; and  
12 (3) no other, less harmful pesticide or pest management practice  
13 would be effective in addressing the environmental emergency.

14 c. Any order issued by the commissioner pursuant to  
15 subsection b. of this section shall include the basis for the  
16 commissioner's determination and specify the approved time  
17 period, geographic scope, and purpose of the permitted sale or use  
18 of a pesticide. An order issued pursuant to this section shall be  
19 valid for a period not to exceed one year.

20 d. The provisions of this section shall not apply to <sup>1</sup>:

21 (1)<sup>1</sup> any pet care, veterinary, personal care, or indoor pest control  
22 pesticide product <sup>1</sup>;

23 (2) any pesticide-treated wood product;

24 (3) the application by a licensed pesticide applicator of a  
25 neonicotinoid pesticide within <sup>2</sup>[seven feet] one foot<sup>2</sup> of a building  
26 foundation perimeter to manage structural pests provided that the  
27 neonicotinoid pesticide is not applied on any plant;

28 (4) any direct action taken by certified and licensed responsible  
29 pesticide applicators or by persons working under their direct  
30 supervision within the New Jersey Department of Agriculture or its  
31 agents, or within the Department of Environmental Protection or its  
32 agents, against any invasive plant or pest; or

33 (5) any application to protect agricultural seeds<sup>1</sup> .

34 <sup>2</sup>Notwithstanding the provisions of paragraph (3) of this  
35 subsection to the contrary, the application by a licensed pesticide  
36 applicator of a neonicotinoid pesticide adjacent to a building  
37 foundation perimeter to manage structural pests may be extended by  
38 an additional four feet, if such additional area is necessary to treat  
39 the source of the infestation and the application is limited to a spot  
40 targeted treatment of the source of the infestation only.

41 e. Nothing in this section shall be construed to impose liability  
42 on any news media that accept or publish advertising for any  
43 product or activity that would otherwise be subject to the provisions  
44 of this section.<sup>2</sup>

45

46 4. This act shall take effect immediately.