

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

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

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:**

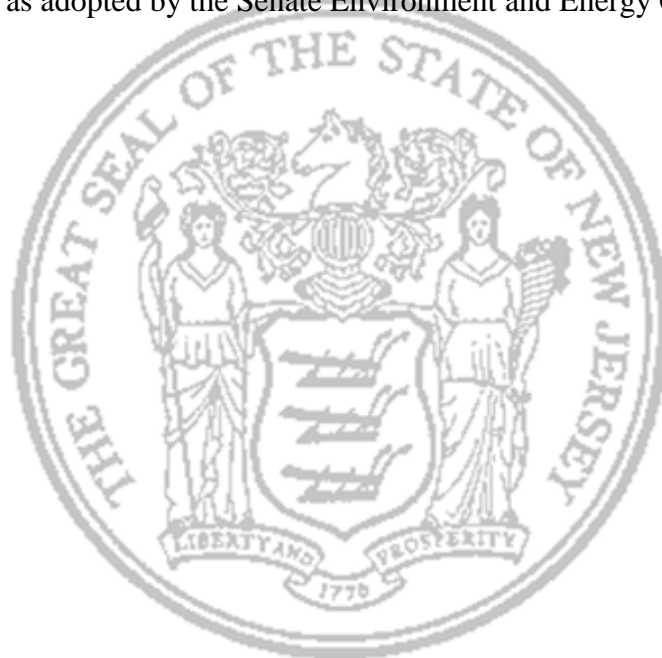
**Senator Turner**

**SYNOPSIS**

Restricts use of neonicotinoid pesticides; directs DEP to study, and authorizes DEP to restrict, systemic insecticides.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Environment and Energy Committee.



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

1 AN ACT concerning the use of neonicotinoid pesticides and other  
2 systemic insecticides 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. ,  
9 c. (C. ) (pending before the Legislature as this bill):

10 “Agricultural plant” means any plant grown or maintained for  
11 commercial or research purposes including, but not limited to, food,  
12 feed, fiber plants, trees, turf grass, flowers, shrubs, ornamentals,  
13 and seedlings.

14 “Environmental emergency” means an occurrence of any pest  
15 which presents a significant risk of harm or injury to the  
16 environment, including, but not limited to, any exotic or foreign  
17 pest which may need preventative quarantine measures to avert or  
18 prevent that risk, as determined by the department in consultation  
19 with Rutgers, the State University, the Department of Health, and  
20 the United States Environmental Protection Agency.

21 “Neonicotinoid pesticide” means any pesticide containing a  
22 chemical belonging to the neonicotinoid class of chemicals,  
23 including, but not limited to, acetamiprid, clothianidin, dinotefuran,  
24 imidacloprid, nitenpyram, nithiazine, thiacloprid, thiamethoxam, or  
25 any other chemical designated by the department as belonging to  
26 the neonicotinoid class of chemicals.

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

33 “Systemic insecticide” means any active ingredient intended to  
34 kill or otherwise harm insect or invertebrate wildlife and that  
35 translocates into the tissue of plants, including, but not limited to,  
36 any neonicotinoid pesticide.  
37

38 2. a. No later than 180 days after the effective date of this act,  
39 the department shall adopt, pursuant to the “Administrative  
40 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
41 regulations classifying neonicotinoid pesticides as restricted use  
42 pesticides.

43 b. No later than 180 days after the effective date of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill), and every  
45 three years thereafter, the department shall review the latest  
46 scientific information concerning systemic insecticides, and classify  
47 as a restricted use pesticide any systemic insecticide that the  
48 department determines will cause harm to populations of pollinating

1 bees, birds, other pollinating wildlife, or aquatic invertebrates. Any  
2 person may petition the department at any time to classify a  
3 pesticide pursuant to this section.

4 c. The provisions of this section shall not apply to any pet care,  
5 veterinary, personal care, or indoor pest control pesticide product.  
6

7 3. a. No person shall sell, offer for sale, or use within the State  
8 any neonicotinoid pesticide, unless such pesticide is registered for  
9 use on, and will only be applied by a licensed pesticide applicator  
10 to, an agricultural plant.

11 b. Notwithstanding the provisions of subsection a. of this  
12 section to the contrary, the commissioner, in consultation with the  
13 Department of Agriculture, may, by written order, permit a licensed  
14 pesticide applicator to use a pesticide that is prohibited under  
15 subsection a. of this section if the commissioner finds that:

16 (1) a valid environmental emergency exists;

17 (2) the pesticide would be effective in addressing the  
18 environmental emergency; and

19 (3) no other, less harmful pesticide or pest management practice  
20 would be effective in addressing the environmental emergency.

21 c. Any order issued by the commissioner pursuant to  
22 subsection b. of this section shall include the basis for the  
23 commissioner's determination and specify the approved time  
24 period, geographic scope, and purpose of the permitted sale or use  
25 of a pesticide. An order issued pursuant to this section shall be  
26 valid for a period not to exceed one year.

27 d. The provisions of this section shall not apply to any pet care,  
28 veterinary, personal care, or indoor pest control pesticide product.  
29

30 4. This act shall take effect immediately.