

ASSEMBLY, No. 2094

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 38 (Bergen and Passaic)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

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District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Space, Assemblywomen Lopez, Downey and Assemblyman Calabrese

SYNOPSIS

Establishes “pollinator-friendly” label for plants.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing a “pollinator-friendly” label for plants and
2 amending P.L.1971, c.176.

3

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

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7 1. Section 4 of P.L.1971, c.176 (C.13:1F-4) is amended to read as
8 follows:

9 4. a. The commissioner shall have the power to formulate and
10 promulgate, amend and repeal orders, rules, and regulations
11 prohibiting, conditioning, and controlling the sale, purchase,
12 transportation, labeling, use and application, or any thereof, of
13 pesticides which cause or may tend to cause adverse effects on man or
14 the environment by any person within this State. State rules and
15 regulations with respect to the labeling of any pesticide, the labeling of
16 which is prescribed by Federal law and regulations, shall to the extent
17 practicable conform to the Federal requirements.

18 b. In addition to any other training and licensing requirements
19 established by the commissioner pursuant to P.L.1971, c.176
20 (C.13:1F-1 et seq.), a person seeking certification and licensing as a
21 pesticide applicator or a commercial pesticide operator shall be
22 required to complete a continuing education or training course,
23 approved by the department, concerning the impact of pesticides on
24 pollinating bees.

25 For the purposes of this subsection, "pollinating bee" means any
26 bee that causes a plant to make fruits or seeds by transferring pollen
27 from a plant anther to a plant stigma, resulting in fertilization.

28 c. (1) The commissioner, in consultation with the Secretary of
29 Agriculture, shall establish (a) standards for designating native, non-
30 invasive plants as friendly to animal pollinators, which shall include
31 but need not be limited to standards prohibiting or restricting the
32 application or treatment of plants to be sold with pesticides or other
33 chemicals deemed harmful or potentially harmful to animal
34 pollinators, and (b) a “pollinator-friendly” label that a distributor or
35 retail seller of plants may use to indicate that the plant to be sold is
36 friendly to animal pollinators.

37 (2) No person may distribute or sell at retail a plant labeled as
38 pollinator friendly or otherwise advertised or labeled as not harmful to
39 animal pollinators except in compliance with this section.

40 (3) For the purposes of this subsection, “ animal pollinator” means
41 any bee, butterfly, moth, wasp, fly, beetle, ant, hummingbird, bat, or
42 other animal that is known to pollinate plants.

43 (cf: P.L.2017, c.296, s.1)

44

45 2. This act shall take effect on the first day of the seventh month
46 following the date of enactment, but the Commissioner of

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.

1 Environmental Protection may take any anticipatory administrative
2 action in advance thereof as shall be necessary for the implementation
3 of this act.

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STATEMENT

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8 This bill would require the Commissioner of Environmental
9 Protection, in consultation with the Secretary of Agriculture, to
10 establish:

11 (1) standards for designating native, non-invasive plants as
12 friendly to animal pollinators, which are required to include, but
13 need not be limited to, standards prohibiting or restricting the
14 application or treatment of plants to be sold with pesticides or other
15 chemicals deemed harmful or potentially harmful to animal
16 pollinators; and

17 (2) a “pollinator-friendly” label that a distributor or retail seller
18 of plants may use to indicate that the plant to be sold is friendly to
19 animal pollinators.

20 The bill requires a person must be in compliance with the
21 requirements of this bill in order to distribute or sell at retail a plant
22 labeled as pollinator friendly or otherwise advertised or labeled as
23 not harmful to animal pollinators.

24 As defined in this bill, an “animal pollinator” means any bee,
25 butterfly, moth, wasp, fly, beetle, ant, hummingbird, bat, or other
26 animal that is known to pollinate plants.