

AMENDED IN SENATE APRIL 6, 2017

SENATE BILL

No. 602

Introduced by Senators Allen and Wiener

February 17, 2017

An act to add Section 12860 to, and to add Article 4.5 (commencing with Section 14085) to Chapter 3 of Division 7 of, to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 602, as amended, Allen. Pesticides: neonicotinoids: labeling.

Existing law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. Existing law requires the department, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified.

This bill, on and after July 1, 2018, would require labeling, as specified, of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide. ~~The bill, by January 1, 2019, would prohibit the noncommercial use of neonicotinoids, except as provided.~~ The bill would specify that a violation of ~~these requirements~~ *this requirement* is not a crime but would constitute an unfair and unlawful business act or practice.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Bees and other pollinators are critical to agricultural
4 production, home gardens, and native ecosystems. Bee populations
5 have been declining significantly over the past 25 years, and while
6 there is no single cause of these declines, a substantial and growing
7 body of evidence points to neonicotinoid pesticides as a key factor.
8 Neonicotinoid pesticides are taken up by plants, and expressed
9 through pollen, nectar, and guttation droplets, impacting both target
10 and nontarget insect species, including ~~honey bees~~ *honeybees* and
11 native bees.

12 (2) The Director of Pesticide Regulation is required, by
13 regulation, to designate a list of restricted material pesticides that
14 meet certain criteria, including presenting a hazard to ~~honey bees~~.
15 *honeybees*.

16 (3) Based on data showing a potential hazard to ~~honey bees~~,
17 *honeybees*, in 2009, the Department of Pesticide Regulation
18 initiated reevaluation of pesticide products containing four
19 neonicotinoid ~~chemicals, including~~ *chemicals*: imidacloprid,
20 thiamethoxam, clothianidin, and dinotefuran. The department is
21 required to complete its reevaluation by July 1, 2018, and to adopt
22 necessary control measures for these pesticides by July 1, 2020.

23 (b) It is the intent of the Legislature to minimize potential harm
24 to ~~honey bees~~ *honeybees* in the interim while the Department of
25 Pesticide Regulation continues to study the impacts of
26 neonicotinoids.

27 SEC. 2. Section 12860 is added to the Food and Agricultural
28 Code, to read:

29 12860. (a) On and after July 1, 2018, all commercially
30 available seeds and plants sold at retail establishments, excluding
31 noxious weed seeds and plants, that have been treated with a
32 neonicotinoid pesticide shall be labeled. “Treatment” includes
33 foliar and granular treatments, in addition to seed coatings.

34 (b) The label shall include, clearly visible and prominently
35 placed, the words: “STATE OF CALIFORNIA SAFETY
36 WARNING: MAY HARM BEES” and a logo. This label shall
37 contrast, by typography, layout, or color, with other printed matter
38 nearby.

1 (c) If the safety warning required in subdivision (b) is affixed
2 rather than printed directly, the safety warning shall be affixed to
3 the product in such a manner that it cannot be removed without a
4 thorough application of water or other solvents.

5 (d) (1) Notwithstanding any other law, a violation of this section
6 is not a crime.

7 (2) A violation of this section constitutes an unfair and unlawful
8 business act or practice under Section 17200 of the Business and
9 Professions Code and *is* subject to enforcement pursuant to Chapter
10 5 (commencing with Section 17200) of Part 2 of Division 7 of the
11 Business and Professions Code.

12 (e) *For purposes of this section, “neonicotinoid” means*
13 *imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,*
14 *thiacloprid, thiamethoxam, or any other chemical designated by*
15 *the department as belonging to the neonicotinoid class of*
16 *chemicals.*

17 ~~SEC. 3. Article 4.5 (commencing with Section 14085) is added~~
18 ~~to Chapter 3 of Division 7 of the Food and Agricultural Code, to~~
19 ~~read:~~

20
21 ~~Article 4.5. Neonicotinoids~~

22
23 ~~14085. As used in this article, “neonicotinoid” means~~
24 ~~imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,~~
25 ~~thiacloprid, thiamethoxam, or any other chemical designated by~~
26 ~~the department as belonging to the neonicotinoid class of~~
27 ~~chemicals.~~

28 ~~14086. (a) By January 1, 2019, noncommercial use of~~
29 ~~neonicotinoids shall be prohibited.~~

30 ~~(b) The restrictions and requirements of this section governing~~
31 ~~the use and possession of neonicotinoid pesticide do not apply to~~
32 ~~the following:~~

33 ~~(1) Products sold or applied by veterinarians.~~

34 ~~(2) Pet care products used to mitigate fleas, mites, ticks,~~
35 ~~heartworms, or other animals that are harmful to the health of a~~
36 ~~domesticated animal.~~

37 ~~(3) Pet care products use to mitigate lice and bedbugs.~~

38 ~~(4) Indoor pest control products used to mitigate insects indoors,~~
39 ~~including ant bait.~~

1 ~~(e) (1) Notwithstanding any other law, a violation of this section~~
2 ~~is not a crime.~~

3 ~~(2) A violation of this section constitutes an unfair and unlawful~~
4 ~~business act or practice under Section 17200 of the Business and~~
5 ~~Professions Code and subject to enforcement pursuant to Chapter~~
6 ~~5 (commencing with Section 17200) of Part 2 of Division 7 of the~~
7 ~~Business and Professions Code.~~