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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2805

03/09/2023   Authored by Hansen, R.,
              The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1   A bill for an act

1.2   relating to agriculture; adding terms to pesticide control definitions; restricting
1.3   neonicotinoid pesticides; amending Minnesota Statutes 2022, section 18B.01, by
1.4   adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter
1.5   18B.

1.6   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7   Section 1. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision

1.8   to read:

1.9   Subd. 33. **Agricultural plant.** "Agricultural plant" means any plant, or part of a plant

1.10   grown or otherwise produced for commercial purposes, including any plant grown or

1.11   otherwise produced for sale or trade, for research or experimental purposes, or for use in

1.12   part or entirely in another location. Agricultural plant includes but is not limited to grains,

1.13   fruits, and vegetables; oil and seed crops; wood fiber or timber products; horticultural or

1.14   nursery stock; seedlings and transplants; and turf grass produced for sod. Agricultural plant

1.15   does not include pasture or rangeland used for grazing.

1.16   **EFFECTIVE DATE.** This section is effective January 1, 2024.

1.17   Sec. 2. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to

1.18   read:

1.19   Subd. 34. **Neonicotinoid.** "Neonicotinoid" means acetamiprid, clothianidin, dinotefuran,

1.20   imidacloprid, thiamethoxam, and any other chemical designated by the commissioner as

1.21   belonging to the neonicotinoid class of chemicals.

1.22   **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.1   Sec. 3. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to

2.2   read:

2.3   Subd. 35. **Urgent pest threat.** "Urgent pest threat" means an occurrence of a pest that

2.4   presents a significant risk of harm or injury to the environment or human health or significant

2.5   harm, injury, or loss to agricultural crops, including but not limited to an exotic or foreign

2.6   pest that may need preventative quarantine measures to avert or prevent that risk, as

2.7   determined by the commissioner.

2.8   **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.9   Sec. 4. **[18B.112] SALE OR USE OF NEONICOTINOIDS.**

2.10   (a) A person shall not sell, possess, or use a nonagricultural pesticide that (1) contains

2.11   a neonicotinoid, and (2) is registered for use on outdoor plants.

2.12   (b) A person shall not use a pesticide containing a neonicotinoid on any outdoor plant

2.13   except in the production of an agricultural plant.

2.14   (c) Notwithstanding paragraphs (a) and (b), the commissioner may authorize by written

2.15   order the sale, possession, or use of a pesticide that is prohibited under paragraphs (a) and

2.16   (b) if the commissioner finds all of the following:

2.17   (1) a valid urgent pest threat exists;

2.18   (2) the neonicotinoid pesticide would be effective in addressing the urgent pest threat;

2.19   and

2.20   (3) there are no other, less-harmful pesticides or pest management practices that would

2.21   be effective in addressing the urgent pest threat.

2.22   (d) An order issued by the commissioner pursuant to paragraph (c) shall include the

2.23   basis for the commissioner's determination and specify the approved time period, geographic

2.24   scope, and purpose of the permitted sale, possession, or use of the pesticide; shall be valid

2.25   for a period not to exceed one year; and shall only authorize use of the pesticide by or under

2.26   the supervision of a licensed applicator.

2.27   (e) The commissioner shall make reasonable efforts to inform the public of an urgent

2.28   pest threat finding pursuant to paragraph (c).

2.29   **EFFECTIVE DATE.** This section is effective January 1, 2024.