AN ACT relating to pesticides; prohibiting the use of neonicotinoid pesticides for certain purposes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Nevada Pesticides Act to regulate the use of pesticides in this State. (Chapter 586 of NRS) Section 1.6 of this bill prohibits the purchase or use of neonicotinoid pesticides on plants in this State except for commercial agricultural use. Section 1.6 further requires any person seeking to use neonicotinoid pesticides for commercial agricultural purposes to obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.

Sections 1.3 and 7 of this bill define “neonicotinoid pesticide.” Sections 2 and 8 of this bill make conforming changes to incorporate these definitions into the Nevada Revised Statutes.

Sections 6 and 10 of this bill prohibit the application of neonicotinoid pesticides in violation of the requirements of section 1.6.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 586 of NRS is hereby amended by adding
thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. “Neonicotinoid pesticide” means any pesticide
containing a chemical belonging to the neonicotinoid class of
chemicals, including, without limitation:

1. Acetamiprid;
2. Clothianidin;
3. Dinotefuran;
4. Imidacloprid;
5. Nithiazine;
6. Thiacloprid; and
7. Thiamethoxam.

Sec. 1.6. 1. A person shall not purchase or use
neonicotinoid pesticides on plants in this State, except for
commercial agricultural purposes.

2. Neonicotinoid pesticides may be purchased and used in
this State for purposes other than for use on plants, including,
without limitation:

(a) Pet care.
(b) Veterinary treatment.
(c) Personal care products.
(d) Pest control pesticides that are for indoor use.
(e) Outdoor items and structures, other than plants. This
paragraph does not authorize the spraying or application of a
neonicotinoid pesticide on any plant.
(f) Pesticides that are intended to act as a wood preservative
and pesticide-treated wood products.
(g) Structural insulation.

Any purchase or use of neonicotinoid pesticides pursuant to
this section must be in accordance with the on-label use of such
neonicotinoid pesticide and as directed by the instructions.

3. The Director shall make available on the Internet website
of the State Department of Agriculture an application for a
certificate of commercial agricultural use. The certificate must,
without limitation:

(a) State that the use of neonicotinoid pesticides is limited to
commercial agricultural purposes; and
(b) Include a space for the business identification number of
the person seeking a certificate of commercial agricultural use.

4. Any person seeking to apply neonicotinoid pesticides for
commercial agricultural purposes must obtain a certificate of

[Signature]
commercial agricultural use from the Internet website of the State Department of Agriculture.

5. The Director may adopt regulations to carry out the provisions of this section.

6. As used in this section, “commercial agricultural purposes” means the cultivation of plants or the use of farm and agricultural land to produce an agricultural product to be sold in commerce.

Sec. 2. NRS 586.020 is hereby amended to read as follows:

586.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 586.030 to 586.220, inclusive, and section 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 586.945 is hereby amended to read as follows:

586.945 It shall be unlawful for any person to apply [any]:

1. Any restricted-use pesticide for which regulations have been adopted, except as provided in such regulations [1]; and

2. Any neonicotinoid pesticide in violation of the requirements of section 1.6 of this act.

Sec. 7. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

“Neonicotinoid pesticide” has the meaning ascribed to it in section 1.3 of this act.

Sec. 8. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, and section 7 of this act have the meanings ascribed to them in those sections.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 555.351 is hereby amended to read as follows:

555.351 1. Except as otherwise provided in subsection 3, a person shall not use [any]:

(a) Any restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of an authorized commercial applicator who complies with the provisions of subsection 3, certified non-private applicator or private applicator [1]; or

(b) Any neonicotinoid pesticide in violation of the requirements of section 1.6 of this act. Any person seeking to apply a neonicotinoid pesticide for commercial agricultural
purposes must obtain a certificate of commercial agricultural use pursuant to section 1.6 of this act.

2. If the Director has adopted regulations requiring:
   (a) A permit pursuant to NRS 586.403; or
   (b) A special use permit pursuant to NRS 586.405,
   for a restricted-use pesticide, a person shall not use that pesticide without obtaining the required permit.

3. A person licensed as a commercial applicator and authorized to engage in pest control is authorized to use or supervise the use of a restricted-use pesticide without obtaining a certificate issued by the Director pursuant to NRS 555.357, if the person:
   (a) Demonstrates that he or she satisfies the standards set forth in 40 C.F.R. § 171.103; and
   (b) Otherwise complies with the provisions of this chapter and any regulations adopted pursuant to this chapter governing the use of restricted-use pesticides.

4. As used in this section, “commercial agricultural purposes” has the meaning ascribed to it in section 1.6 of this act.

Sec. 11. (Deleted by amendment.)

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:
   (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
   (b) On January 1, 2024, for all other purposes.