

Amendment to HB 1431-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Subdivision; Neonicotinoid Pesticides. Amend RSA 430 by inserting after section 58 the
4 following new subdivision:

5

Neonicotinoid Pesticides

6

430:59 Definitions. In this subdivision:

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I. "Bloom" means appeared from the onset of flowering or inflorescence until the petal fall is
8 complete.

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10 II. "Neonicotinoid pesticide" means any pesticide containing one or more of the following
11 active ingredients: acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, nithiazine,
12 thiacloprid, or thiamethoxam.

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14 III. "Ornamental plants" means perennials, annuals, and ground cover purposefully planted
15 for aesthetic reasons.

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17 IV. "Structural pest control" means wood preservative pesticide applications of
18 neonicotinoids conducted within enclosed structures, or for remedial treatment, foundation
19 treatments applied directly to a structure's foundation, or limited exterior perimeter applications
20 confined to within 5 feet of the building foundation perimeter, when performed by a certified
21 applicator and applied in a manner that prevents unreasonable risk to pollinators, flowering plants,
22 and surrounding soils.

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430:60 Neonicotinoid Pesticide Use Restricted.

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I. The pesticide control board shall adopt rules under RSA 541-A relative to the re-
25 classification of certain neonicotinoid pesticides as "restricted use" and shall make rules regarding
26 neonicotinoid pesticide application which may include but are not limited to the following provisions:

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(a) The pesticide control board may ban the use of any neonicotinoid pesticide for a non-
28 agricultural purpose, non-forestry landscape, lawn, turf, or ornamental garden except to control
29 invasive species or as authorized in RSA 430:61.

30

(b) The pesticide control board may authorize the use of certain neonicotinoid pesticides
31 by state certified applicators when such use and application is conducted in accordance with best
management practices established by the department of agriculture, markets, and food.

32

(c) The pesticide control board may authorize the use of certain neonicotinoid pesticides
for:

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1 (1) Products used for the prevention or treatment of fleas, ticks, or heartworm in
2 companion animals or livestock.

3 (2) Products intended for the treatment of lice and bedbugs and any other indoor
4 use.

5 (3) Application of neonicotinoid pesticides indoors, provided such application does
6 not result in exposure to pollinators.

7 (4) Application of neonicotinoid pesticides by a state certified applicator for wood
8 preservation and foundation treatments applied within a specified building foundation perimeter to
9 manage structural pests.

10 (5) Application of neonicotinoid pesticides for invasive species management.

11 (6) Use of neonicotinoid pesticides for bonafide academic, governmental, or scientific
12 research purposes, including field trials, provided such use complies with all applicable state and
13 federal requirements.

14 (7) Products labeled and intended solely for aquarium use or contained aquatic
15 systems to control aquatic pests.

16 (8) Application to plants grown in enclosed greenhouses or controlled environments
17 that are inaccessible to pollinators.

18 (9) Application to fruit tree orchards so long as:

19 (A) The state certified applicator documents that pest pressure cannot be
20 reasonably managed through integrated pest management or other less harmful pesticides;

21 (B) Application is performed by a state certified applicator and occurs outside of
22 any bloom period of the treated plant; and

23 (C) For any aerial or airborne application as per recommended usage.

24 II. With regard to neonicotinoid use on state property the pesticide control board may
25 determine that no neonicotinoid pesticides shall be used on any property owned, leased, or managed
26 by the state of New Hampshire, including but not limited to state parks, forests, recreational areas,
27 highway rights-of-way, leased lands, and grounds surrounding state buildings, except:

28 (a) For control of invasive species;

29 (b) For structural pest control within state buildings when applied by licensed pest
30 control operators; or

31 (c) Exemptions approved by the pesticide division of the department of agriculture on an
32 “as needed” basis meeting the following conditions:

33 (1) The state certified applicator documents that pest pressure cannot be reasonably
34 managed through integrated pest management or other less harmful pesticides;

35 (2) Application is performed by a state certified applicator and occurs outside of any
36 bloom period of the treated plant; and

37 (3) For any aerial or airborne application as per recommended usage.

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1 III. The pesticide control board shall devise a plan to notify apiaries registered with the
2 department of agriculture, markets, and food when neonicotinoid pesticides will be applied in areas
3 that may affect their hives.

4 IV. The pesticide control board shall have all plans for restricted use of neonicotinoid
5 pesticides in place by January 1, 2027.

6 2 Effective Date. This act shall take effect upon passage.

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AMENDED ANALYSIS

This bill restricts the use of neonicotinoid pesticides and requires the pesticide control board to develop rules about the proper application of neonicotinoid pesticides.