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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2798

- 03/06/2014 Authored by Hansen, Wagenius, Winkler, Hornstein, Simonson and others  
The bill was read for the first time and referred to the Committee on Agriculture Policy
- 03/20/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time
- 04/29/2014 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act  
 1.2 relating to environment; prohibiting plants treated with pollinator lethal  
 1.3 insecticide from being labeled or advertised as beneficial to pollinators; amending  
 1.4 Minnesota Statutes 2012, sections 18H.02, by adding a subdivision; 18H.14.

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

1.6 Section 1. Minnesota Statutes 2012, section 18H.02, is amended by adding a  
 1.7 subdivision to read:

1.8 Subd. 28a. **Pollinator lethal insecticide.** "Pollinator lethal insecticide" means an  
 1.9 insecticide absorbed by a plant that makes the plant lethal to pollinators. Pollinator lethal  
 1.10 insecticide includes, but is not limited to, the neonicotinoid class of insecticides that affect  
 1.11 the central nervous system of pollinators and may cause pollinator paralysis or death.

1.12 Sec. 2. Minnesota Statutes 2012, section 18H.14, is amended to read:

1.13 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

1.14 (a) Plants, plant materials, or nursery stock must not be labeled or advertised with  
 1.15 false or misleading information including, but not limited to, scientific name, variety,  
 1.16 place of origin, hardiness zone as defined by the United States Department of Agriculture,  
 1.17 and growth habit.

1.18 (b) All nonhardy nursery stock as designated by the commissioner must be labeled  
 1.19 "nonhardy" in Minnesota.

1.20 (c) A person may not offer for distribution plants, plant materials, or nursery stock,  
 1.21 represented by some specific or special form of notation, including, but not limited to,  
 1.22 "free from" or "grown free of," unless the plants are produced under a specific program

2.1 approved by the commissioner to address the specific plant properties addressed in the  
2.2 special notation claim.

2.3 (d) Nursery stock collected from the wild state must be inspected and certified  
2.4 prior to sale and at the time of sale must be labeled "Collected from the Wild." The label  
2.5 must remain on each plant or clump of plants while it is offered for sale and during the  
2.6 distribution process. The collected stock may be grown in nursery rows at least two years,  
2.7 after which the plants may be sold without the labeling required by this paragraph.

2.8 (e) A person may not label or advertise an annual, bedding plant, or other plant, plant  
2.9 material, or nursery stock as beneficial to pollinators if it: (1) has been treated with and  
2.10 has a detectable level of a pollinator lethal insecticide; (2) has a pollinator protection box  
2.11 on the insecticide product label; or (3) has a pollinator, bee, or honey bee precautionary  
2.12 statement in the environmental hazards section of the insecticide product label. The  
2.13 commissioner of agriculture must develop a list of pesticide active ingredients that are  
2.14 lethal to pollinators. The commissioner may consult with interested parties in developing  
2.15 the list. The commissioner shall enforce this paragraph as provided in chapter 18J.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2014.