

REFERENCE TITLE: pesticides; restricted sale and use

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1289

Introduced by
Senators Dalessandro: Alston, Bradley, Contreras, Gonzales, Mendez,
Navarrete, Peshlakai, Quezada, Rios, Steele; Representative Salman

AN ACT

AMENDING TITLE 3, CHAPTER 2, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 3-342; AMENDING SECTION 3-362, ARIZONA REVISED STATUTES;
RELATING TO PESTICIDES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 3, chapter 2, article 5, Arizona Revised Statutes,
3 is amended by adding section 3-342, to read:

4 3-342. Neonicotinoid pesticides; sale and use; violation;
5 classification; exceptions; definitions

6 A. A PERSON MAY NOT SELL A NEONICOTINOID PESTICIDE IN THIS STATE
7 UNLESS THE PERSON IS LICENSED TO SELL A RESTRICTED USE PESTICIDE.

8 B. A PERSON MAY NOT USE A NEONICOTINOID PESTICIDE IN THIS STATE
9 UNLESS THE PERSON IS:

10 1. A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE SUPERVISION
11 OF A CERTIFIED APPLICATOR.

12 2. A FARMER, OR A PERSON WORKING UNDER THE SUPERVISION OF A FARMER,
13 THAT USES A NEONICOTINOID PESTICIDE FOR AGRICULTURAL PURPOSES, INCLUDING
14 PRODUCING CROPS, LIVESTOCK, POULTRY, EQUINE OR NONCROP AGRICULTURAL
15 FIELDS.

16 3. A VETERINARIAN.

17 C. A VIOLATION OF THIS SECTION IS A CLASS 3 MISDEMEANOR.

18 D. THIS SECTION DOES NOT APPLY TO:

19 1. PET CARE PRODUCTS USED TO MITIGATE FLEAS, MITES, TICKS,
20 HEARTWORMS OR OTHER PESTS THAT ARE HARMFUL TO THE HEALTH OF A DOMESTICATED
21 ANIMAL.

22 2. PERSONAL CARE PRODUCTS USED TO MITIGATE LICE AND BEDBUGS.

23 3. INDOOR PEST CONTROL PRODUCTS USED TO MITIGATE INSECTS INDOORS,
24 INCLUDING ANT BAIT.

25 E. FOR THE PURPOSES OF THIS SECTION:

26 1. "CERTIFIED APPLICATOR" HAS THE SAME MEANING PRESCRIBED IN
27 SECTION 3-3601.

28 2. "NEONICOTINOID PESTICIDE" MEANS ANY PESTICIDE THAT CONTAINS A
29 CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:

30 (a) IMIDACLOPRID.

31 (b) NITHIAZINE.

32 (c) ACETAMIPRID.

33 (d) CLOTHIANIDIN.

34 (e) DINOTEFURAN.

35 (f) THIACTOPRID.

36 (g) THIAMETHOXAM.

37 (h) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS BELONGING TO
38 THE NEONICOTINOID CLASS OF CHEMICALS.

39 3. "RESTRICTED USE PESTICIDE" HAS THE SAME MEANING PRESCRIBED IN
40 SECTION 3-361.

41 Sec. 2. Section 3-362, Arizona Revised Statutes, is amended to
42 read:

43 3-362. Powers and duties

44 A. The director is responsible for administering this article and
45 shall:

1 1. Conduct investigations, on RECEIVING A complaint and on ~~his~~ THE
2 DIRECTOR'S own initiative, regarding violations of this article and
3 compile information necessary to administer this article.

4 2. Take timely action necessary to enforce this article against
5 violators, including seeking injunctive relief and other penalties and
6 sanctions authorized by this article.

7 3. Publish a list of pesticides, by common and proprietary names,
8 ~~which~~ THAT the director determines to be highly toxic, ~~OR~~ odoriferous,
9 such as profenofos, sulprofos, def and merphos and other pesticides with
10 similar odoriferous characteristics, or THAT ARE otherwise appropriate for
11 inclusion and shall include in that list paraquat and gramoxone.

12 4. Submit to the United States environmental protection agency a
13 state plan for issuing, monitoring, ~~and~~ controlling experimental use
14 permits pursuant to section 5 of the federal insecticide, fungicide, and
15 rodenticide act (7 United States Code section 136c(f)).

16 5. INCORPORATE POLLINATOR HABITAT EXPANSION AND ENHANCEMENT
17 PRACTICES INTO THIS STATE'S MANAGED POLLINATOR PROTECTION DEVELOPED PLAN
18 IN COORDINATION WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

19 ~~5.~~ 6. Develop systems and procedures to encourage and ensure
20 public contact with the department, which may include:

21 (a) A telephone hotline for pesticide complaints, ~~which~~ THAT is
22 operated and publicized by the department.

23 (b) Outreach and education programs to inform the general public
24 and solicit input regarding pesticide use and public health, safety and
25 the environment.

26 B. The director may enter into intergovernmental agreements
27 pursuant to title 11, chapter 7, article 3 if the agreement is necessary
28 to more effectively administer the powers and duties described in this
29 article.

30 Sec. 3. Arizona department of agriculture; pesticide laws and
31 regulations; report; delayed repeal

32 A. The Arizona department of agriculture shall:

33 1. Review this state's pesticide laws and regulations and recommend
34 any changes necessary to ensure that state laws and regulations are
35 protective of pollinators.

36 2. Address the United States environmental protection agency
37 recommendations from the risk assessment for the neonicotinoid pesticides
38 imidacloprid, clothianidin, thiamethoxam and dinotefuran.

39 3. Submit a report of the department's findings and recommendations
40 on or before July 1, 2021 to the governor, the president of the senate and
41 the speaker of the house of representatives and provide a copy of this
42 report to the secretary of state.

43 B. This section is repealed from and after September 30, 2022.

44 Sec. 4. Effective date

45 This act is effective from and after December 31, 2020.