

REFERENCE TITLE: pesticides; restricted sale and use

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2093

Introduced by
Representative Dalessandro

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; violations;
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 ONE OF THE FOLLOWING:
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 DOMESTICATED
21 ANIMALS.
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~~ OR on ~~his~~
2 THE DIRECTOR'S own initiative, ~~regarding~~ INVESTIGATE violations of this
3 article and 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~~ THE DIRECTOR shall include in that list paraquat and
12 gramoxone.

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

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

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

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

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

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

31 Sec. 3. Arizona department of agriculture; pesticide laws and
32 rules; report; delayed repeal

33 A. The Arizona department of agriculture shall:

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

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

40 3. On or before July 1, 2022 submit a report of the department's
41 findings and recommendations to the governor, the president of the senate
42 and the speaker of the house of representatives and provide a copy of this
43 report to the secretary of state.

44 B. This section is repealed from and after September 30, 2023.

45 Sec. 4. Effective date

46 This act is effective from and after December 31, 2021.