
ASSEMBLY BILL NO. 275—ASSEMBLYMEN GORELOW, WATTS,
BILBRAY-AXELROD; AND COHEN

MARCH 15, 2021

Referred to Committee on Natural Resources

SUMMARY—Establishes provisions relating to the use of pesticides containing certain chemicals. (BDR 51-131)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to pesticides; providing that neonicotinoid pesticides are restricted-use pesticides; authorizing the Director of the State Department of Agriculture to classify certain chemicals as belonging to the neonicotinoid class of chemicals; adding neonicotinoid pesticides to provisions governing restricted-use pesticides; prohibiting the use of neonicotinoid pesticides on state lands; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 For a pesticide to be distributed, sold or used in any state, federal law requires
2 the pesticide to be registered with the Administrator of the United States
3 Environmental Protection Agency. (7 U.S.C. § 136a) Neonicotinoids are federally
4 registered “broad-spectrum insecticide[s] predominately used as seed dressings on
5 major field crops and are additionally used as sprays in crop production, in
6 managing household pests, and in deterring pests on domesticated animals.”
7 (Berheim, E.H., Jenks, J.A., Lundgren, J.G., et al., *Effects of Neonicotinoid*
8 *Insecticides on Physiology and Reproductive Characteristics of Captive Female*
9 *and Fawn White-tailed Deer*, Sci. Rep. (Mar. 14, 2019)
10 <https://www.nature.com/articles/s41598-019-40994-9> (last visited Mar. 2, 2021))
11 Federal law authorizes a state to regulate the sale or use of any federally registered
12 pesticide in the state. (7 U.S.C. § 136v(a))



13 Existing law provides that, for the purposes of the Nevada Pesticides Act, a
14 restricted-use pesticide is any pesticide, including any highly toxic pesticide,
15 which: (1) the Director of the State Department of Agriculture has determined to be
16 injurious to persons, pollinating insects, bees, animals, crops or land or detrimental
17 to certain vegetation, wildlife or public health and safety; or (2) has been classified
18 for restricted-use by or under the supervision of a certified applicator pursuant to
19 the federal Environmental Pesticide Control Act. (7 U.S.C. §§ 136 et seq.; NRS
20 586.205) **Section 3** of this bill provides that neonicotinoid pesticides are restricted-
21 use pesticides. **Section 1** of this bill defines neonicotinoid pesticides for the
22 purposes of the Nevada Pesticides Act, and **section 2** of this bill makes a
23 conforming change to indicate the proper placement of **section 1** in the Nevada
24 Revised Statutes.

25 Existing law requires the Director to adopt regulations governing the
26 application and distribution of restricted-use pesticides and further requires the
27 Director to make certain determinations before classifying a pesticide as a
28 restricted-use pesticide. (NRS 586.237) **Section 4** of this bill authorizes the
29 Director, by regulation, to designate any chemical not included in the definition in
30 **section 1** as belonging to the neonicotinoid class of chemicals.

31 Existing law requires a person to be registered with the Director before selling,
32 distributing or engaging in certain other actions with regard to pesticides classified
33 for restricted use. (NRS 586.406) **Section 5** of this bill expands this requirement to
34 apply also to pesticides defined as restricted-use pesticides.

35 As a result of including neonicotinoid pesticides within the definition of, and
36 statutes governing, restricted-use pesticides: (1) the regulations governing the use
37 of restricted-use pesticides apply to neonicotinoid pesticides; (2) it is unlawful for
38 any person to sell or offer to sell at the retail level or distribute or deliver for
39 transportation for delivery a neonicotinoid pesticide unless the person is registered
40 with the Director, which requires the person to pay an annual registration fee and a
41 penalty fee if the person's previous registration has expired by the failure to
42 reregister; and (3) the Director may refuse to grant or renew such a registration or
43 may suspend or revoke the registration if the applicant has made sales or delivery
44 of neonicotinoid pesticides without registering with the Director. (NRS 586.403,
45 586.406, 586.4065) Additionally, as a result of including neonicotinoid pesticides
46 within the definition of, and statutes governing, restricted-use pesticides, it is
47 unlawful for any person to: (1) sell or deliver any neonicotinoid pesticide to any
48 person who is required by regulation to have a permit to use neonicotinoid
49 pesticides; and (2) apply neonicotinoid pesticides in a manner that does not comply
50 with regulations governing the application of such pesticides. (NRS 586.940,
51 596.945) If a person violates such provisions, the person is subject to a civil penalty
52 not to exceed: (1) for the first violation, \$250; (2) for the second violation, \$500;
53 and (3) for each subsequent violation, \$1,000. (NRS 586.965) Additionally, **section**
54 **6** of this bill makes it unlawful to apply a neonicotinoid pesticide on state land.

55 Existing law sets forth provisions governing the custom application of
56 pesticides. (NRS 555.2605-555.470) Existing law provides that, for the purposes of
57 the custom application of pesticides, a restricted-use pesticide is any pesticide,
58 including any highly toxic pesticide, which: (1) the Director of the State
59 Department of Agriculture has determined to be injurious to persons, pollinating
60 insects, bees, animals, crops or land or detrimental to certain vegetation, wildlife or
61 public health and safety; or (2) has been classified for restricted-use by or under the
62 supervision of a certified applicator pursuant to the federal Environmental Pesticide
63 Control Act. (7 U.S.C. §§ 136 et seq.; NRS 555.2683) **Section 9** of this bill
64 provides that neonicotinoid pesticides are restricted-use pesticides for the purposes
65 of the custom application of pesticides. **Section 7** of this bill defines neonicotinoid
66 pesticides for the purposes of the custom application of pesticides, and **section 8** of



67 this bill makes a conforming change to indicate the proper placement of **section 7**
68 in the Nevada Revised Statutes.

69 As a result of including neonicotinoid pesticides within the definition of, and
70 statutes governing, restricted-use pesticides, all state agencies, municipal
71 corporations and public utilities or any other governmental agency and any
72 government applicator are subject to the laws and rules concerning the application
73 of neonicotinoid pesticides. (NRS 555.273) Furthermore, as a result of including
74 neonicotinoid pesticides within the definition of, and statutes governing, restricted-
75 use pesticides: (1) a person cannot use any neonicotinoid pesticide within this State
76 at any time without a certificate issued by the Director, except for certain situations;
77 and (2) a person must apply for such a certificate, satisfy the qualifications for such
78 a certificate, may renew such a certificate and may have their certificate denied,
79 suspended, revoked or modified if the person commits certain violations. (NRS
80 555.351-555.359) Additionally, the Director may, by regulation, require a certified
81 applicator to maintain records and furnish reports regarding the application of
82 neonicotinoid pesticides. (NRS 555.390) Finally, as a result of including
83 neonicotinoid pesticides within the definition of, and statutes governing, restricted-
84 use pesticides, any person who violates the provisions governing neonicotinoid
85 pesticides: (1) is guilty of a misdemeanor; (2) shall pay an administrative fine of
86 not more than \$5,000 per violation; (3) may be required to take appropriate actions
87 to correct the violation; and (4) may be subject to the Director requesting the
88 district attorney of the appropriate county to investigate or file a criminal complaint
89 against the person. (NRS 555.460, 555.470) Additionally, **section 10** of this bill
90 prohibits a person from using a neonicotinoid pesticide on state land.

91 **Section 11** of this bill makes this bill effective on January 1, 2022.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 586 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Neonicotinoid pesticide” means any pesticide containing a*
4 *chemical belonging to the neonicotinoid class of chemicals,*
5 *including, without limitation:*

6 1. *Acetamiprid;*

7 2. *Clothianidin;*

8 3. *Dinotefuran;*

9 4. *Imidacloprid;*

10 5. *Nithiazine;*

11 6. *Thiacloprid;*

12 7. *Thiamethoxam; and*

13 8. *If applicable, any other chemical designated by the*
14 *Director pursuant to subsection 2 of NRS 586.237 as belonging to*
15 *the neonicotinoid class of chemicals.*

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

17 586.020 As used in this chapter, unless the context otherwise
18 requires, the words and terms defined in NRS 586.030 to 586.220,
19 inclusive, *and section 1 of this act* have the meanings ascribed to
20 them in those sections.



1 **Sec. 3.** NRS 586.205 is hereby amended to read as follows:
2 586.205 **1.** “Restricted-use pesticide” means any pesticide,
3 including any highly toxic pesticide, which:

4 ~~[(1)]~~ **(a)** The Director has determined after a hearing, to be:
5 ~~[(a)]~~ **(I)** Injurious to persons, pollinating insects, bees, animals,
6 crops or land, other than pests or vegetation it is intended to prevent,
7 destroy, control or mitigate; or

8 ~~[(b)]~~ **(2)** Detrimental to:
9 ~~[(1)]~~ **(I)** Vegetation, except weeds;
10 ~~[(2)]~~ **(II)** Wildlife; or
11 ~~[(3)]~~ **(III)** Public health and safety; or

12 ~~[(2)]~~ **(b)** Has been classified for restricted use by or under the
13 supervision of a certified applicator in accordance with the Federal
14 Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq.

15 **2.** *The term includes, without limitation, neonicotinoid*
16 *pesticides.*

17 **Sec. 4.** NRS 586.237 is hereby amended to read as follows:

18 586.237 **1.** The Director shall adopt regulations governing
19 the application and distribution of any pesticides which the Director
20 finds must necessarily be applied in pest control but which unless
21 carefully used are likely to be:

22 (a) Injurious to persons, pollinating insects, bees, animals, crops
23 or land, other than the pest or vegetation it is intended to prevent,
24 destroy, control or mitigate; or

25 (b) Detrimental to:
26 (1) Vegetation, except weeds;
27 (2) Wildlife; or
28 (3) Public health and safety.

29 **2.** *The Director may, by regulation, designate any other*
30 *chemical not listed in section 1 of this act as belonging to the*
31 *neonicotinoid class of chemicals.*

32 **3.** The Director in classifying pesticides as restricted-use
33 pesticides shall determine if:

34 (a) They are highly toxic to humans or other animals, including
35 wildlife.

36 (b) The regulations governing their application and distribution
37 are reasonably calculated to avoid injury and are necessary for their
38 proper use.

39 (c) The benefit received from their use is of greater public value
40 than a detriment to the environment, public health and safety.

41 (d) They can be used by permit for purposes other than their
42 registered purposes.

43 ~~[(3)]~~ **4.** The Director may adopt such other rules and
44 regulations as are necessary to carry out the provisions of this
45 chapter, including, but not limited to:



- 1 (a) The collection and examination of pesticides.
- 2 (b) The use of certain types of containers or packages for
- 3 specific pesticides, applicable to construction, strength or size to
- 4 avoid the danger of spillage, breakage or misuse.
- 5 (c) The safe handling, transportation, storage, display,
- 6 distribution and disposal of pesticides and their containers.
- 7 (d) The information to be recorded and maintained of the sale,
- 8 use and distribution of pesticides classified for restricted use.

9 **Sec. 5.** NRS 586.406 is hereby amended to read as follows:

10 586.406 1. It is unlawful for any person to sell or offer to sell
11 at the retail level or distribute or deliver for transportation for
12 delivery to the consumer or user a pesticide *defined as a restricted-*
13 *use pesticide pursuant to NRS 586.205 or* classified for restricted
14 use pursuant to NRS 586.237 or the Federal Environmental
15 Pesticide Control Act, 7 U.S.C. §§ 136 et seq., unless the person is
16 registered with the Director.

17 2. Each person applying for registration must provide a
18 statement including:

- 19 (a) The name and address of the person registering; and
- 20 (b) The name and address of any person who, on behalf of the
- 21 person registering, sells, offers to sell, distributes or delivers for
- 22 transportation a restricted-use pesticide.

23 3. All registrations expire on December 31 and are renewable
24 annually.

25 4. Each person registering shall pay:

- 26 (a) An annual registration fee established by regulation of the
- 27 State Board of Agriculture; and
- 28 (b) A penalty fee of \$5 if the person's previous registration has
- 29 expired by the failure to reregister on or before February 1, unless
- 30 the person's registration is accompanied by a signed statement that
- 31 no person named on the registration statement has sold or
- 32 distributed any restricted-use pesticides during the year the
- 33 registration was not in effect.

34 5. Each person who is registered shall maintain for 2 years a
35 record of all sales of restricted-use pesticides showing:

- 36 (a) The date of sale or delivery;
- 37 (b) The name and address of the person to whom sold or
- 38 delivered;
- 39 (c) The brand name of the pesticide product;
- 40 (d) The amount of pesticide product sold or delivered;
- 41 (e) The certification number of the certified applicator who is
- 42 applying or supervising the application of the pesticide if the
- 43 purchaser of the pesticide is not certified to apply the pesticide; and
- 44 (f) Such other information as may be required by the Director.



6. Each person registered pursuant to this section shall, on or before the 15th day of each month, file a report with the Director specifying the restricted-use pesticides sold during the previous month. The Director shall provide the form for the report. The form must be filed regardless of whether the person sold any pesticides during the previous month.

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

586.945 **1.** It shall be unlawful for any person to apply ~~any~~

(a) Any restricted-use pesticide for which regulations have been adopted, except as provided in such regulations.

(b) Any neonicotinoid pesticide on state land.

2. As used in this section, "state land" has the meaning ascribed to it in NRS 383.425.

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

"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;

7. Thiamethoxam; and

8. If applicable, any other chemical designated by the Director pursuant to subsection 2 of NRS 586.237 as belonging to the neonicotinoid class of chemicals.

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

555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and section 7 of this act**, 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. NRS 555.2683 is hereby amended to read as follows:

555.2683 **1.** "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:

~~(a)~~ **(a)** The Director has found and determined, after a hearing, to be:

~~(a)~~ **(1)** Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

~~(b)~~ **(2)** Detrimental to:

~~(1)~~ **(1)** Vegetation, except weeds;



1 ~~[(2)]~~ **(II)** Wildlife; or
2 ~~[(3)]~~ **(III)** Public health and safety; or
3 ~~[(2)]~~ **(b)** Has been classified for restricted use by or under the
4 supervision of a certified applicator in accordance with the Federal
5 Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq.

6 **2. The term includes, without limitation, neonicotinoid**
7 **pesticides.**

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

9 555.351 Except as otherwise provided in NRS 555.2775:

10 1. A person shall not use ~~[any]~~:

11 **(a) Any** restricted-use pesticide within this State at any time
12 without a certificate issued by the Director except a person using
13 any restricted-use pesticide under the supervision of a certified
14 applicator.

15 **(b) Any neonicotinoid pesticide on state land.**

16 2. If the Director has adopted regulations requiring:

17 (a) A permit pursuant to NRS 586.403; or

18 (b) A special use permit pursuant to NRS 586.405,

19 ↳ for a restricted-use pesticide, a person shall not use that pesticide
20 without obtaining the required permit.

21 **3. As used in this section, “state land” has the meaning**
22 **ascribed to it in NRS 383.425.**

23 **Sec. 11.** This act becomes effective on January 1, 2022.

