

Assembly Bill No. 162—Assemblymen Gorelow; Bilbray-Axelrod,  
Brown-May, Carter, Considine, González, La Rue Hatch,  
Newby, Peters and Watts

CHAPTER.....

AN ACT relating to pesticides; prohibiting the use of neonicotinoid pesticides for certain purposes; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes the Nevada Pesticides Act to regulate the use of pesticides in this State. (Chapter 586 of NRS) **Section 1.6** of this bill prohibits the purchase or use of neonicotinoid pesticides on plants in this State except for commercial agricultural use. **Section 1.6** further requires any person seeking to use neonicotinoid pesticides for commercial agricultural purposes to obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.

**Sections 1.3 and 7** of this bill define “neonicotinoid pesticide.” **Sections 2 and 8** of this bill make conforming changes to incorporate these definitions into the Nevada Revised Statutes.

**Sections 6 and 10** of this bill prohibit the application of neonicotinoid pesticides in violation of the requirements of **section 1.6**.

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

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

**Section 1.** Chapter 586 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

**Sec. 1.3.** *“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; and*
7. *Thiamethoxam.*

**Sec. 1.6.** 1. *A person shall not purchase or use neonicotinoid pesticides on plants in this State, except for commercial agricultural purposes.*

2. *Neonicotinoid pesticides may be purchased and used in this State for purposes other than for use on plants, including, without limitation:*



- (a) *Pet care.*
- (b) *Veterinary treatment.*
- (c) *Personal care products.*
- (d) *Pest control pesticides that are for indoor use.*
- (e) *Outdoor items and structures, other than plants. This paragraph does not authorize the spraying or application of a neonicotinoid pesticide on any plant.*

(f) *Pesticides that are intended to act as a wood preservative and pesticide-treated wood products.*

(g) *Structural insulation.*

↪ *Any purchase or use of neonicotinoid pesticides pursuant to this section must be in accordance with the on-label use of such neonicotinoid pesticide and as directed by the instructions.*

3. *The Director shall make available on the Internet website of the State Department of Agriculture an application for a certificate of commercial agricultural use. The certificate must, without limitation:*

(a) *State that the use of neonicotinoid pesticides is limited to commercial agricultural purposes; and*

(b) *Include a space for the business identification number of the person seeking a certificate of commercial agricultural use.*

4. *Any person seeking to apply neonicotinoid pesticides for commercial agricultural purposes must obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.*

5. *The Director may adopt regulations to carry out the provisions of this section.*

6. *As used in this section, “commercial agricultural purposes” means the cultivation of plants or the use of farm and agricultural land to produce an agricultural product to be sold in commerce.*

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

586.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 586.030 to 586.220, inclusive, *and section 1.3 of this act* have the meanings ascribed to them in those sections.

**Secs. 3-5.** (Deleted by amendment.)

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

586.945 It shall be unlawful for any person to apply ~~any~~ :

1. *Any* restricted-use pesticide for which regulations have been adopted, except as provided in such regulations ~~§~~; *and*

2. *Any neonicotinoid pesticide in violation of the requirements of section 1.6 of this act.*



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

*“Neonicotinoid pesticide” has the meaning ascribed to it in section 1.3 of this act.*

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

555.2605 As used in NRS 555.2605 to 555.460, inclusive, 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.** (Deleted by amendment.)

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

555.351 1. Except as otherwise provided in subsection 3, a person shall not use ~~any~~:

(a) *Any* restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of an authorized commercial applicator who complies with the provisions of subsection 3, certified non-private applicator or private applicator ~~;~~  
; or

(b) *Any neonicotinoid pesticide in violation of the requirements of section 1.6 of this act. Any person seeking to apply a neonicotinoid pesticide for commercial agricultural purposes must obtain a certificate of commercial agricultural use pursuant to section 1.6 of this act.*

2. If the Director has adopted regulations requiring:

(a) A permit pursuant to NRS 586.403; or

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

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

3. A person licensed as a commercial applicator and authorized to engage in pest control is authorized to use or supervise the use of a restricted-use pesticide without obtaining a certificate issued by the Director pursuant to NRS 555.357, if the person:

(a) Demonstrates that he or she satisfies the standards set forth in 40 C.F.R. § 171.103; and

(b) Otherwise complies with the provisions of this chapter and any regulations adopted pursuant to this chapter governing the use of restricted-use pesticides.

*4. As used in this section, “commercial agricultural purposes” has the meaning ascribed to it in section 1.6 of this act.*

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** 1. This section becomes effective upon passage and approval.



2. Sections 1 to 11, inclusive, of this act become effective:
  - (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
  - (b) On January 1, 2024, for all other purposes.

