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FIRST REPRINT

A.B. 162

ASSEMBLY BILL NO. 162—ASSEMBLYMEN GORELOW; BILBRAY-AXELROD, BROWN-MAY, CARTER, CONSIDINE, GONZÁLEZ, LA RUE HATCH, NEWBY, PETERS AND WATTS

FEBRUARY 14, 2023

Referred to Committee on Natural Resources

SUMMARY—Establishes provisions governing the use of neonicotinoid pesticides. (BDR 51-97)

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

**Legislative Counsel’s Digest:**

1 Existing law establishes the Nevada Pesticides Act to regulate the use of  
2 pesticides in this State. (Chapter 586 of NRS) **Section 1.6** of this bill prohibits the  
3 purchase or use of neonicotinoid pesticides on plants in this State except for  
4 commercial agricultural use. **Section 1.6** further requires any person seeking to use  
5 neonicotinoid pesticides for commercial agricultural purposes to obtain a certificate  
6 of commercial agricultural use from the Internet website of the State Department of  
7 Agriculture.  
8 **Sections 1.3 and 7** of this bill define “neonicotinoid pesticide.” **Sections 2 and**  
9 **8** of this bill make conforming changes to incorporate these definitions into the  
10 Nevada Revised Statutes.  
11 **Sections 6 and 10** of this bill prohibit the application of neonicotinoid  
12 pesticides in violation of the requirements of **section 1.6**.



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 the provisions set forth as sections 1.3 and 1.6 of this act.

3       **Sec. 1.3.** *“Neonicotinoid pesticide” means any pesticide*  
4 *containing a chemical belonging to the neonicotinoid class of*  
5 *chemicals, including, without limitation:*

- 6       1. *Acetamiprid;*
- 7       2. *Clothianidin;*
- 8       3. *Dinotefuran;*
- 9       4. *Imidacloprid;*
- 10      5. *Nithiazine;*
- 11      6. *Thiacloprid; and*
- 12      7. *Thiamethoxam.*

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

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

- 19      (a) *Pet care.*
- 20      (b) *Veterinary treatment.*
- 21      (c) *Personal care products.*
- 22      (d) *Pest control pesticides that are for indoor use.*
- 23      (e) *Outdoor items and structures, other than plants. This*  
24 *paragraph does not authorize the spraying or application of a*  
25 *neonicotinoid pesticide on any plant.*
- 26      (f) *Pesticides that are intended to act as a wood preservative*  
27 *and pesticide-treated wood products.*
- 28      (g) *Structural insulation.*

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

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

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

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

40       4. *Any person seeking to apply neonicotinoid pesticides for*  
41 *commercial agricultural purposes must obtain a certificate of*



1 *commercial agricultural use from the Internet website of the State*  
2 *Department of Agriculture.*

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

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

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

10 586.020 As used in this chapter, unless the context otherwise  
11 requires, the words and terms defined in NRS 586.030 to 586.220,  
12 inclusive, *and section 1.3 of this act* have the meanings ascribed to  
13 them in those sections.

14 **Sec. 3.** (Deleted by amendment.)

15 **Sec. 4.** (Deleted by amendment.)

16 **Sec. 5.** (Deleted by amendment.)

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

18 586.945 It shall be unlawful for any person to apply **[any]**:

19 *1. Any* restricted-use pesticide for which regulations have been  
20 adopted, except as provided in such regulations **[ ]**; *and*

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

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

25 *"Neonicotinoid pesticide" has the meaning ascribed to it in*  
26 *section 1.3 of this act.*

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

28 555.2605 As used in NRS 555.2605 to 555.460, inclusive,  
29 unless the context otherwise requires, the words and terms defined  
30 in NRS 555.261 to 555.2695, inclusive, *and section 7 of this act*  
31 have the meanings ascribed to them in those sections.

32 **Sec. 9.** (Deleted by amendment.)

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

34 555.351 1. Except as otherwise provided in subsection 3, a  
35 person shall not use **[any]**:

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

42 *(b) Any neonicotinoid pesticide in violation of the*  
43 *requirements of section 1.6 of this act. Any person seeking to*  
44 *apply a neonicotinoid pesticide for commercial agricultural*



1 *purposes must obtain a certificate of commercial agricultural use*  
2 *pursuant to section 1.6 of this act.*

3 2. If the Director has adopted regulations requiring:

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

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

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

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

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

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

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

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

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

22 2. Sections 1 to 11, inclusive, of this act become effective:

23 (a) Upon passage and approval for the purpose of adopting any  
24 regulations and performing any other preparatory administrative  
25 tasks that are necessary to carry out the provisions of this act; and

26 (b) On January 1, 2024, for all other purposes.

