The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect Massachusetts pollinators.

PETITION OF:

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<tr>
<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
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<tbody>
<tr>
<td>Carolyn C. Dykema</td>
<td>8th Middlesex</td>
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<tr>
<td>Maura Healey</td>
<td>Attorney General</td>
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An Act to protect Massachusetts pollinators.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of chapter 132B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the definition of “Nematode” the following definition:

“Neonicotinoid,” a pesticide belonging to the neonicotinoid class of chemicals which act selectively on nicotine acetylcholine receptors of organisms and are absorbed into plant tissue and can be present in pollen and nectar, including but not limited to, imidacloprid, acetamiprid, clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and thiamethoxam and any other pesticide identified as a neonicotinoid by the United States Environmental Protection Agency.

SECTION 2. Section 6 of said chapter 132B, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:

No person shall distribute a neonicotinoid, or any substance containing a neonicotinoid, except a neonicotinoid-treated nursery plant, to any person except a certified commercial applicator, a certified private applicator, or a licensed applicator.
SECTION 3. Said chapter 132B, as so appearing, is hereby amended by inserting after section 6K the following section:-

Section 6L. (a) Neonicotinoids shall only be sprayed, released, deposited or applied on any property within the commonwealth by a certified commercial applicator, certified private applicator or licensed applicator.

(b) Upon entering into an agreement to provide services that include application of neonicotinoids, a certified commercial applicator, certified private applicator, or licensed applicator shall provide to property owners the following: (i) a form authorizing the applicator to apply neonicotinoids; (ii) a copy of any warning statements concerning bees on the label of neonicotinoids being applied; and (iii) an acknowledgment signifying that the owner has received and understands this information. This subsection shall not apply to any certified commercial applicator, certified private applicator, or licensed applicator using a neonicotinoid on property that he or she owns.

(c) The subsections (a) and (b) shall not apply to the following products: (i) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the health of a domesticated animal; (ii) personal care products used to mitigate lice and bedbugs; (iii) indoor pest control products used to mitigate insects indoors, including ant bait and (iv) any products used by licensed or certified applicators for use in industrial, institutional, structural and health related pest control, as defined in 333 CMR 10.03.7.

SECTION 4. Section 10 of said chapter 132B, as so appearing, is hereby amended by inserting in line 61 after the word “management” the following words:- and the protection of pollinators from adverse effects of pesticide applications.
SECTION 5. Section 14 of said chapter 132B, as so appearing, is hereby amended by inserting after the word “inclusive”, in lines 9 and 10, the following words:-, section 6L.

SECTION 6. The Massachusetts Department of Transportation shall identify opportunities in the commonwealth for the replacement of non-native, cool-season turf grasses around solar energy installations on property owned by the department with native plant communities that include flowers, wildflowers, vegetables, weeds, herbs, ornamental plants, cover crops and legume species to attract honey bees and other pollinators.

SECTION 7. Sections 2 through 5, inclusive, shall take effect 6 months after the passage of this Act.