

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2017**

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**HOUSE BILL 363**

Short Title:   The Pollinator Protection Act. (Public)

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Sponsors:   Representatives Harrison, McGrady, G. Martin, and Setzer (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

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Referred to:   Environment, if favorable, Agriculture

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March 16, 2017

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE POLLINATOR PROTECTION ACT OF 2017.

3           Whereas, pollination services, including by honey bees and numerous other  
4 pollinators, are a vital part of agricultural production in North Carolina; and

5           Whereas, one-third of food produced in North America depends on pollination by  
6 honey bees, including nearly 95 varieties of fruits and other foods of high nutritional value to  
7 all of North Carolina's citizens; and

8           Whereas, over the past several years, documented incidents of colony collapse  
9 disorder and excessive honey bee mortality have been at a record high, with some beekeepers  
10 losing large portions of their operations and suffering reduced production of their valuable  
11 honey; and

12           Whereas, the North Carolina Department of Agriculture and Consumer Services  
13 named 2015 the Year of the Pollinator in North Carolina; and

14           Whereas, the State has undertaken numerous projects to improve pollinator health,  
15 including the North Carolina Department of Transportation Wildflower Program to increase  
16 pollinator habitats, establish pollinator habitats on Department of Agriculture and Consumer  
17 Services research stations, and support bees through the Department of Agriculture and  
18 Consumer Services Apiary Program; and

19           Whereas, scientists have linked the use of systemic neonicotinoid insecticides to the  
20 rapid decline of honey bees and other pollinators and to the deterioration of pollinator health;  
21 and

22           Whereas, neonicotinoid insecticides are systemic insecticides that are absorbed into  
23 treated plants and distributed throughout their vascular systems, which can render a plant,  
24 including the roots, leaves, stems, flowers, nectar, pollen, and guttation fluid, toxic to insects;  
25 and

26           Whereas, neonicotinoid insecticides cause sublethal effects, including impaired  
27 foraging and feeding behavior, disorientation, weakened immunity, delayed larval  
28 development, and increased susceptibility to viruses, diseases, and parasites; and numerous  
29 studies have also demonstrated acute, lethal effects from the application of these toxins; and

30           Whereas, bumblebees, beneficial insects of all kinds, and whole food chains of  
31 aquatic invertebrates, insects, birds, bats, and other pollinators in North Carolina are at risk  
32 from environmental contamination by highly persistent neonicotinoids; and

33           Whereas, scientists have also found that the use of neonicotinoids in seed treatment  
34 is harmful to birds; Now, therefore,  
35 The General Assembly of North Carolina enacts:



1           **SECTION 1.(a)** G.S. 143-460(25a) is recodified as G.S. 143-460(25b).

2           **SECTION 1.(b)** G.S. 143-460 is amended by adding a new subdivision to read:

3           "(25a) The term "neonicotinoid pesticide" means any pesticide containing a  
4           chemical belonging to the neonicotinoid class of chemicals, including, but  
5           not limited to, the following:

6           a.       Imidacloprid.

7           b.       Nithiazine.

8           c.       Acetamiprid.

9           d.       Clothianidin.

10          e.       Dinotefuran.

11          f.       Thiacloprid.

12          g.       Thiamethoxam.

13          h.       Any other chemical designated by the Board as belonging to the  
14          neonicotinoid class of chemicals.

15          The term does not include pet care products used to mitigate fleas, mites,  
16          ticks, heartworms, or other animals harmful to the health of a domesticated  
17          animal, personal care products used to mitigate lice or bedbugs, or any  
18          product regulated under the North Carolina Structural Pest Control Act  
19          (Article 4C of Chapter 106 of the General Statutes)."

20          **SECTION 2.(a)** G.S. 143-443(a) is amended by adding a new subdivision to read:

21          "(7) Any neonicotinoid pesticide to members of the public at retail, unless the  
22          seller is authorized to sell a restricted use pesticide under this Article and  
23          regulations adopted under the authority of this Article."

24          **SECTION 2.(b)** G.S. 143-443(b) is amended by adding a new subdivision to read:

25          "(8) For any person to use a neonicotinoid pesticide, unless the person is any of  
26          the following:

27          a.       A pesticide applicator licensed under Part 4 of this Article, or a  
28          person working under the direct supervision of a pesticide applicator  
29          licensed under Part 4 of this Article.

30          b.       A farmer, or person working under the direct supervision of a farmer,  
31          who uses the pesticide for agricultural purposes as defined in  
32          G.S. 106-581.1, including crop production and production of  
33          livestock, poultry, equine, or noncrop agricultural fields.

34          c.       A veterinarian using the pesticide in the practice of veterinary  
35          medicine."

36          **SECTION 3.** The Pesticide Board, with the assistance and input of the Pesticide  
37          Advisory Committee, shall monitor the final pollinator risk assessments undertaken by the  
38          United States Environmental Protection Agency (US EPA) as part of the Registration Reviews  
39          for the neonicotinoid pesticides imidacloprid, clothianidin, thiamethoxam, and dinotefuran and  
40          report on any legislative or regulatory changes necessary to protect pollinators within the State,  
41          taking into account findings and any recommendations of the US EPA risk assessment. The  
42          Board shall forward its report and recommendations for statutory and regulatory changes to the  
43          Commissioner and the Environmental Review Commission within six months of the US EPA's  
44          completion of the final pollinator risk assessments for neonicotinoid pesticides.

45          **SECTION 4.** The Pesticide Board shall study whether the State should have the  
46          authority to regulate the use and sale of seeds treated with systemic insecticides, including  
47          whether the State should require that untreated seeds and seeds treated at lower insecticide  
48          application rates be available in the market. In conducting this study, the Board shall consider  
49          the efficacy of seed treatment rates, scouting techniques, pest pressures, economic thresholds,  
50          planting technology differences, and any other criteria the Board deems appropriate. The Board

1 shall submit the results of the study, including any legislative recommendations, to the  
2 Environmental Review Commission no later than November 1, 2017.

3           **SECTION 5.** Sections 1 and 2 of this act become effective October 1, 2017. The  
4 remainder of this act is effective when it becomes law.