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Sens. Townsend, Ennis, Gay, Pinkney, Sturgeon, Walsh;
Reps. Gray, Griffith, Lynn, Mitchell, Morrison, Osienski,
Michael Smith, K. Williams

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 237

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 12, Title 3 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 1202. Definitions.

4 (a) For purposes of this chapter:

5 () "Outdoor application" means any application which takes place beyond a building foundation
6 perimeter.

7 () "Neonicotinoid pesticide" means any pesticide containing a chemical belonging to the neonicotinoid class of
8 chemicals, including acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, nithiazine, thiacloprid,
9 thiamethoxam, or any other chemical designated by the Department pursuant to § 1203(j) of this title as belonging
10 to the neonicotinoid class of chemicals.

11 (30) "Restricted use pesticide" means any pesticide or pesticide use classified by the Administrator of E.P.A. for
12 use and purchase only by a certified applicator or competent individual under the direct supervision of a certified
13 applicator certified and licensed pesticide applicators, as determined by the Department, or persons working under
14 the direct supervision of a certified and licensed pesticide applicator.

15 § 1203. Regulation; duties and powers of Department.

16 (j) The Department shall adopt rules and regulations classifying neonicotinoid pesticides designed or
17 intended for use in outdoor applications as restricted use pesticides and establishing a list of chemicals that belong to the
18 neonicotinoid class of chemicals to be included under this classification.

SYNOPSIS

This Act revises Chapter 12 of Title 3 of the Delaware Code which governs the use of pesticides. This Act will direct the Department of Agriculture to classify neonicotinoid pesticides designed or intended for use in outdoor applications as restricted use pesticides and establish a list of chemicals that belong to the neonicotinoid class of chemicals to be included under this classification. Neonicotinoid pesticides are suspected of having adverse effects on pollinating insects and may contribute to the disappearance of bee populations, commonly referred to as "colony collapse disorder."

Under the Act, as a restricted use pesticide, neonicotinoids designed for outdoor use could only be purchased and used by certified and licensed pesticide applicators, or persons working under the direct supervision of a certified and licensed pesticide applicator.

Author: Senator Sokola