



SPONSOR: Rep. Bennett & Sen. Hansen  
Reps. Baumbach, Dorsey Walker, Gray, Seigfried,  
K. Williams; Sens. Cloutier, Delcollo, Ennis, Sokola,  
Wilson

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 317

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

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

1           Section 1. Amend § 1202, Title 3 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 1202. Definitions.

4           For the purposes of this chapter:

5                     (30) "Restricted use pesticide" means any pesticide or pesticide use classified by the Administrator of  
6     E.P.A. for use only by a certified applicator or competent individual under the direct supervision of a certified  
7     ~~applicator.~~ applicator or that contains a neonicotinoid.

8                     (37) "Neonicotinoid" means a pesticide that contains clothianidin, imidacloprid, thiamethoxam,  
9     dinotefuran, acetamiprid, thiacloprid, nithiazine, nitenpyram, or other neonicotinoid as determined by the  
10    Department.

11          Section 2. Amend § 1203, Title 3 of the Delaware Code by making deletions as shown by strike through and  
12     insertions as shown by underline as follows:

13          § 1203. Regulation; duties and powers of Department.

14                 (c)(1) The Department may also, by regulation, after a public hearing following due notice, determine "state  
15     restricted pesticide uses" for the State or for designated areas within the State, and may require a permit for purchase,  
16     possession and application of a pesticide labeled for a use which is designated as a "state restricted pesticide use."

17                 (2) A neonicotinoid may not be used outdoors on public land owned or maintained by the State.

18                 (e)(1) The Department shall adopt "restricted use pesticide" classifications. For the purpose of uniformity and in  
19     order to enter into cooperative agreements, these classifications shall conform to all current and future classifications  
20     adopted by ~~E.P.A.~~ E.P.A., except as provided under paragraph (e)(2) of this section.

21                   (2) Unless further restricted by the E.P.A., a neonicotinoid is a “restricted use pesticide” under paragraph  
22                   (e)(1) of this section and only a certified applicator or competent individual under the direct supervision of a certified  
23                   applicator may use a neonicotinoid.

#### SYNOPSIS

This Act classifies pesticides containing a neonicotinoid as a restricted use pesticide and prohibits the use of a pesticide containing a neonicotinoid on land owned or maintained by the State. Neonicotinoids have been linked to impaired memory, movement, and death in bees, which are critical to crop production.