

# HOUSE BILL No. 1012

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-16-5.

**Synopsis:** Neonicotinoid pesticides. Requires the pesticide review board (board) to adopt rules prohibiting the use of neonicotinoids (certain insecticides having a chemical structure similar to the chemical structure of nicotine). Allows the board, according to its best judgment in weighing certain factors, to determine the date on which the prohibition will take full effect and to implement the prohibition gradually. Authorizes the board, for purposes of the period before the prohibition against using neonicotinoids is fully in effect, to adopt emergency rules restricting when and where neonicotinoids can be used and imposing requirements for the training of certified applicators using neonicotinoids.

**Effective:** July 1, 2018.

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## Bauer

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January 9, 2018, read first time and referred to Committee on Agriculture and Rural Development.

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Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

# HOUSE BILL No. 1012

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 15-16-5-21.2 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2018]: **Sec. 21.2. (a) As used in this chapter,**
- 4 **"neonicotinoids" (or "neonics") refers to certain broad-spectrum**
- 5 **insecticides that:**
- 6 **(1) have a chemical structure similar to the chemical structure**
- 7 **of nicotine; and**
- 8 **(2) act on the central nervous system of insects by selectively**
- 9 **binding to nicotinic acetylcholine receptors in the insects'**
- 10 **nerve synapse.**
- 11 **(b) The term includes the following:**
- 12 **(1) Acetamiprid.**
- 13 **(2) Clothianidin.**
- 14 **(3) Dinotefuran.**
- 15 **(4) Imidacloprid.**
- 16 **(5) Nitenpyram.**
- 17 **(6) Nithiazine.**



1           **(7) Thiacloprid.**

2           **(8) Thiamethoxam.**

3           SECTION 2. IC 15-16-5-44.2 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2018]: **Sec. 44.2. (a) The board shall adopt**  
6 **rules under IC 4-22-2 to prohibit the use of neonicotinoids in**  
7 **Indiana.**

8           **(b) The board may:**

9           **(1) determine the date on which the prohibition required by**  
10 **subsection (a) will take full effect; and**

11 **(2) implement the prohibition required by subsection (a)**  
12 **gradually in steps of length and number determined by the**  
13 **board;**

14 **according to the best judgment of the board in weighing the factors**  
15 **listed in subsection (c).**

16           **(c) In determining under subsection (b) the means by which the**  
17 **board will implement the prohibition required by subsection (a),**  
18 **the board shall consider the following factors:**

19           **(1) The harm that neonicotinoids cause in killing bees needed**  
20 **for the pollination of beneficial plants.**

21           **(2) The harm caused to beneficial plants by pest insects that**  
22 **are controlled by neonicotinoids.**

23           **(3) The availability of insecticides that can be used instead of**  
24 **neonicotinoids and that pose fewer environmental risks than**  
25 **neonicotinoids.**

26           **(d) The board may adopt rules under IC 4-22-2, including**  
27 **emergency rules in the manner provided under IC 4-22-2-37.1, to**  
28 **impose the following during the period ending when the**  
29 **prohibition required by subsection (a) takes full effect:**

30           **(1) Restrictions on when and where neonicotinoids can be**  
31 **used.**

32           **(2) Requirements for the training of certified applicators in**  
33 **using neonicotinoids so as to minimize the danger they pose**  
34 **for bees.**

