

# HOUSE . . . . . No. 4413

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 13, 2020.

The committee on Environment, Natural Resources and Agriculture to whom was referred the the petition (accompanied by bill, House, No. 792) of Carmine Lawrence Gentile and others for legislation to establish a penalty for the transfer or use of glyphosate in the Commonwealth, reports recommending that the accompanying bill (House, No. 4413), ought to pass.

For the committee,

SMITTY PIGNATELLI.

**HOUSE . . . . . No. 4413**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act governing the use of pesticides containing the herbicide substance Glyphosate in the commonwealth.

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

1           SECTION 1. Chapter 132B of the General Laws is hereby amended by inserting after  
2 section 6K the following section:-

3           Section 6L. (a) No individual shall use a pesticide that contains the herbicide  
4 substance Glyphosate, unless the individual is appropriately licensed or authorized by the  
5 department pursuant to subsection (b).

6           The department's licensure or authorization of an individual to use a pesticide  
7 containing said herbicide substance which has been registered as being for general use, shall be  
8 required when the pesticide is to be used on any land, whether or not the land is owned or  
9 controlled by the individual for any non-agricultural purpose or for the purpose of growing  
10 agricultural commodities.

11           (b) An individual who holds a valid certification, license or permit issued by the  
12 department as a certified applicator, commercial applicator, private applicator, licensed

13 applicator or as an appropriate individual authorized by permit, may use a pesticide containing  
14 said herbicide substance, which is registered for a general use or restricted use, subject to  
15 compliance with all applicable provisions of this chapter and department regulations for the type  
16 of use such pesticide is classified.

17           If a pesticide that contains said herbicide substance is registered for a general  
18 use, an individual who holds a valid applicators license may use a pesticide containing said  
19 herbicide substance on any land without being under the direct supervision of another who is a  
20 certified applicator.

21           (c) Notwithstanding any provision of this chapter to the contrary, when a  
22 pesticide contains said herbicide substance which is registered for general use, the following  
23 conditions on the sale of such pesticide to the public shall apply:

24           No person shall offer for sale, sell, retail, supply or make available any pesticide  
25 that contains said herbicide substance, to an individual who does not hold the appropriate  
26 department issued certification, license or permit under the prior subsection.

27           No person shall offer for sale, sell, supply, retail or allow the public, including  
28 its customers, to access or purchase any pesticide containing said herbicide substance without  
29 first verifying that a customer holds a valid department issued certification, license or permit.

30           No person shall sell, retail or supply any pesticide containing said herbicide  
31 substance to a customer, unless the delivery of such pesticide occurs on the premises of its  
32 registered

33           business establishment.

34 (d) A person desiring to register its the business establishment to sell, distribute,  
35 supply or provide to its customers any pesticide containing said herbicide substance shall make  
36 an application to the department. A person making an application for a registration or renewal of  
37 a registration, shall provide the information as required by the department, and pay the  
38 registration fee, not to exceed 25 dollars as established by regulation, for each business  
39 establishment to be registered.

40 Registrations or renewal of registrations, issued by the department shall be for a term  
41 not to exceed 1 year for each business establishment.

42 The department shall grant a registration, or renewal of a registration, pursuant to the  
43 terms, conditions and restrictions as provided under the regulations of the department, as it  
44 deems necessary and appropriate. A registration may be revoked at any time the department  
45 finds its terms, conditions and restrictions of the registration or applicable regulations are being  
46 violated.

47 (e). Nothing in this section shall preempt or limit the subcommittee of the pesticide  
48 board from registering any pesticide that contains said herbicide substance, or determining the  
49 classification of such pesticide as being for a general use or a restricted use.

50 If the subcommittee determines that a pesticide containing said herbicide  
51 substance should be registered for a restricted use under section 7, then a person using such  
52 pesticide, shall comply with all applicable provisions of this chapter and regulations for pesticide  
53 classified for restricted use.

54 The subcommittee may also determine that a pesticide containing said herbicide  
55 substance, which is classified for restricted use, also requires further limitations, which may

56 include that such pesticide: (i) is restricted to certain individuals or groups, (ii) requires the  
57 department's written permission prior to each use; or (iii) requires further restriction in any other  
58 manner.

59 (f) As used in this section, the words "Use a pesticide", shall include the spraying,  
60 releasing, depositing or applying a pesticide containing said herbicide substance.

61 SECTION 2. The second paragraph of section 14 of said chapter 132B of the  
62 General Laws, as appearing in the 2018 Official Edition is hereby amended by striking out, in  
63 lines 9 and 10, the words, "inclusive, or section 7A" and inserting in place thereof the following  
64 words:- inclusive, or section 6L, or section 7

65 SECTION 3. This act shall take effect 12 months after passage.