

SENATE No. 575

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act governing the use of pesticides containing the herbicide substance glyphosate in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/7/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/7/2021</i>

SENATE No. 575

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 575) of Jason M. Lewis, Joan B. Lovely and Patrick M. O'Connor for legislation to govern the use of pesticides containing the herbicide substance glyphosate in the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4413 OF 2019-2020.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—————

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 substance
4 Glyphosate, unless the individual is appropriately licensed or authorized by the department
5 pursuant to subsection (b).

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

9 the individual for any non-agricultural purpose or for the purpose of growing agricultural
10 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 use, an
18 individual who holds a valid applicators license may use a pesticide containing said herbicide
19 substance on any land without being under the direct supervision of another who is a certified
20 applicator.

21 (c) Notwithstanding any provision of this chapter to the contrary, when a pesticide
22 contains said herbicide substance which is registered for general use, the following conditions on
23 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 that
25 contains said herbicide substance, to an individual who does not hold the appropriate department
26 issued certification, license or permit under the prior subsection.

27 No person shall offer for sale, sell, supply, retail or allow the public, including its
28 customers, to access or purchase any pesticide containing said herbicide substance without first
29 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 substance to
31 a customer, unless the delivery of such pesticide occurs on the premises of its registered
32 business establishment.

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

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

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

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

49 If the subcommittee determines that a pesticide containing said herbicide substance
50 should be registered for a restricted use under section 7, then a person using such pesticide, shall

51 comply with all applicable provisions of this chapter and regulations for pesticide classified for
52 restricted use.

53 The subcommittee may also determine that a pesticide containing said herbicide
54 substance, which is classified for restricted use, also requires further limitations, which may
55 include that such pesticide: (i) is restricted to certain individuals or groups, (ii) requires the
56 department's written permission prior to each use; or (iii) requires further restriction in any other
57 manner.

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

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

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