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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1908

02/28/2019 Authored by Hansen, Vang, Bierman and Wazlawik The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division

1.1 A bill for an act
1.2 relating to agriculture; prohibiting false labeling of certain pesticide-treated plants
1.3 as pollinator friendly; amending Minnesota Statutes 2018, section 18H.14.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 18H.14, is amended to read:

1.6 18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.

1.7 (a) Plants, plant materials, or nursery stock must not be labeled or advertised with false
1.8 or misleading information including, but not limited to, scientific name, variety, place of
1.9 origin, hardiness zone as defined by the United States Department of Agriculture, and growth
1.10 habit.

1.11 (b) All nonhardy nursery stock as designated by the commissioner must be labeled
1.12 correctly for hardiness or be labeled "nonhardy" in Minnesota.

1.13 (c) A person may not offer for distribution plants, plant materials, or nursery stock,
1.14 represented by some specific or special form of notation, including, but not limited to, "free
1.15 from" or "grown free of," unless the plants are produced under a specific program approved
1.16 by the commissioner to address the specific plant properties addressed in the special notation
1.17 claim.

1.18 (d) Nursery stock collected from the wild state must be inspected and certified prior to
1.19 sale and at the time of sale must be labeled "Collected from the Wild." The label must remain
1.20 on each plant or clump of plants while it is offered for sale and during the distribution
1.21 process. The collected stock may be grown in nursery rows at least two years, after which
1.22 the plants may be sold without the labeling required by this paragraph.

2.1 (e) A person ~~selling at retail or providing to an end user~~ may not label or advertise an  
2.2 annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to  
2.3 pollinators if the annual plant, bedding plant, plant material, or nursery stock has:

2.4 ~~(1)~~ been treated with and has a detectable level of a systemic insecticide that:

2.5 ~~(i)~~ (1) has a pollinator protection box on the label; or

2.6 ~~(ii)~~ (2) has a pollinator, bee, or honey bee precautionary statement in the environmental  
2.7 hazards section of the insecticide product label; ~~and~~

2.8 ~~(2) a concentration in its flowers greater than the no observed adverse effect level of a~~  
2.9 ~~systemic insecticide.~~

2.10 The commissioner shall enforce this paragraph as provided in chapter 18J.

2.11 (f) For the purposes of paragraph (e):<sub>2</sub>

2.12 ~~(1)~~ "systemic insecticide" means an insecticide that is both absorbed by the plant and  
2.13 translocated through the plant's vascular system; ~~and~~

2.14 ~~(2) "no observed adverse effect level" means the level established by the United States~~  
2.15 ~~Environmental Protection Agency for acute oral toxicity for adult honeybees.~~