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SENATE BILL NO. 1242

Offered January 14, 2015

Prefiled January 14, 2015

A BILL to amend and reenact § 3.2-3800 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-3809.1, relating to pollinator-lethal insecticides.

Patron—Deeds

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-3800 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-3809.1 as follows:

§ 3.2-3800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Dealer" means any person that acquires nursery stock for the purpose of resale and distribution who is not a grower of nursery stock.

"Inspection certificate" means a document in any form issued by the Commissioner, or the appropriate official from another state, declaring an item or location to be apparently free from plant pests. Inspection certificates include nursery stock certificates, phytosanitary stock certificates, state-of-origin certificates, or any other certification tags, seals, and stamps that verify compliance with this chapter or any regulations adopted hereunder.

"Nursery" means any premises where nursery stock is propagated, grown, fumigated, treated, packed, stored, or otherwise prepared for sale or distribution.

"Nursery stock" means all trees, shrubs, woody vines (including ornamentals), bush fruits, grapevines, fruit trees, and nut trees offered for sale and distribution; all buds, grafts, scions, and cuttings from such plants; and any container, soil, and other packing material with such plants or plant products. It shall also mean herbaceous plants (including strawberry plants, narcissus plants, and narcissus bulbs) if the Board determines that controlling the movement of such plants or bulbs is necessary to control any plant pest. Unless designated by the Board, nursery stock shall not include florist or greenhouse plants for inside culture or use.

"Nurseryman" means any person that produces nursery stock for sale or distribution.

"Person" means the term as defined in § 1-230. The term also means any society.

"Plant pest" means any living stage of insects, mites, nematodes, slugs, snails, protozoa, other invertebrate animals, bacteria, fungi, other parasitic plants, parasitic plant parts, viruses, any other similar organism, or any infectious substances that can injure, infect, or damage any plants or plant products.

"Plants or plant products" means any trees, shrubs, vines, forage, fiber, cereal, and all other plants; cuttings, grafts, scions, buds, and all other plant parts; fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all other plant products; or any container, soil, and packing material with plants or plant products.

"Pollinator" means an insect that pollinates flowers.

"Systemic insecticide" means an insecticide that is sufficiently soluble in water to be absorbed by a plant and transported within the plant's tissues.

§ 3.2-3809.1. Labeling and advertising of plants and nursery stock.

No person shall label or advertise any plant or nursery stock as beneficial to pollinators if the plant or stock has been treated with and exhibits a detectable level of any systemic insecticide whose product label bears a pollinator protection box or an environmental hazards precautionary statement regarding any pollinator.

INTRODUCED

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