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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1906

03/16/2015 Authored by McNamara

The bill was read for the first time and referred to the Committee on Agriculture Policy

03/19/2015 Adoption of Report: Re-referred to the Committee on Agriculture Finance

1.1 A bill for an act  
1.2 relating to environment; modifying uses of the pesticide regulatory account;  
1.3 modifying labeling and advertising prohibitions pertaining to plants beneficial to  
1.4 pollinators; amending Minnesota Statutes 2014, sections 18B.05, subdivision 1;  
1.5 18H.14.

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

1.7 Section 1. Minnesota Statutes 2014, section 18B.05, subdivision 1, is amended to read:

1.8 Subdivision 1. **Establishment.** A pesticide regulatory account is established in the  
1.9 agricultural fund. Fees, assessments, and penalties collected under this chapter must  
1.10 be deposited in the agricultural fund and credited to the pesticide regulatory account.  
1.11 Money in the account, including interest, is appropriated to the commissioner for the  
1.12 administration and enforcement of this chapter and section 18H.14, paragraph (e).

1.13 Sec. 2. Minnesota Statutes 2014, section 18H.14, is amended to read:

1.14 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

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

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

1.21 (c) A person may not offer for distribution plants, plant materials, or nursery stock,  
1.22 represented by some specific or special form of notation, including, but not limited to,  
1.23 "free from" or "grown free of," unless the plants are produced under a specific program

2.1 approved by the commissioner to address the specific plant properties addressed in the  
2.2 special notation claim.

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

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

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

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

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

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

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

2.18 (f) For the purposes of paragraph (e):

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

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