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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1317**

02/06/2023 Authored by Hansen, R.; Brand; Jordan; Klevorn; Finke and others

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

03/15/2023 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act

1.2 relating to agriculture; defining terms; regulating the use, storage, disposal, and

1.3 sale of pesticide-treated seed; requiring label statements for certain pesticide-treated

1.4 seed; requiring consumer guidance; requiring rulemaking; modifying certain

1.5 penalties; appropriating money; amending Minnesota Statutes 2022, sections

1.6 18B.01, subdivision 31; 18D.40; 21.82, subdivision 3; 21.86, subdivision 2;

1.7 115A.03, by adding a subdivision; proposing coding for new law in Minnesota

1.8 Statutes, chapters 18B; 21; 115A.

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

1.10 Section 1. Minnesota Statutes 2022, section 18B.01, subdivision 31, is amended to read:

1.11 Subd. 31. **Unreasonable adverse effects on the environment.** "Unreasonable adverse

1.12 effects on the environment" means any unreasonable risk to humans or the environment,

1.13 taking into account the economic, social, and environmental costs and benefits of the use

1.14 of any pesticide or seed treated with pesticide.

1.15 Sec. 2. **[18B.075] PESTICIDE-TREATED SEED.**

1.16 A person may not use, store, handle, distribute, or dispose of seed treated with pesticide

1.17 in a manner that:

1.18 (1) endangers humans, food, livestock, fish, or wildlife; or

1.19 (2) will cause unreasonable adverse effects on the environment.

2.1 Sec. 3. Minnesota Statutes 2022, section 18D.40, is amended to read:

2.2 **18D.40 ENHANCED PENALTIES; OUTDOOR RECREATION LANDS.**

2.3 Notwithstanding limitations placed on administrative or civil penalty amounts under  
2.4 sections 18D.315 and 18D.325, a person who applies a pesticide or plants seed treated with  
2.5 pesticide resulting in damage to adjacent property that is part of the state outdoor recreation  
2.6 system may be subject to a monetary penalty equal to twice the amount that the commissioner  
2.7 would otherwise assess for a comparable violation.

2.8 Sec. 4. Minnesota Statutes 2022, section 21.82, subdivision 3, is amended to read:

2.9 Subd. 3. **Treated seed.** For all named agricultural, vegetable, flower, or wildflower  
2.10 seeds which are treated, for which a separate label may be used, the label must contain:

2.11 (1) a word or statement to indicate that the seed has been treated;

2.12 (2) the commonly accepted, coined, chemical, or abbreviated generic chemical name of  
2.13 the applied substance;

2.14 (3) the caution statement "Do not use for food, feed, or oil purposes" if the substance in  
2.15 the amount present with the seed is harmful to human or other vertebrate animals;

2.16 (4) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

2.17 (5) a word or statement describing the process used when the treatment is not of pesticide  
2.18 origin; ~~and~~

2.19 (6) the date beyond which the inoculant is considered ineffective if the seed is treated  
2.20 with an inoculant. It must be listed on the label as "inoculant: expires (month and year)" or  
2.21 wording that conveys the same meaning; and

2.22 (7) the caution statement, framed in a box and including a bee icon developed by the  
2.23 commissioner: "Planting seed treated with a neonicotinoid pesticide may negatively impact  
2.24 pollinator health. Please use care when handling and planting this seed" for any corn or  
2.25 soybean seed treated with a neonicotinoid pesticide.

2.26 Sec. 5. Minnesota Statutes 2022, section 21.86, subdivision 2, is amended to read:

2.27 Subd. 2. **Miscellaneous violations.** No person may:

2.28 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter  
2.29 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or

3.1 alter or falsify any seed tests, laboratory reports, records, or other documents to create a  
3.2 misleading impression as to kind, variety, history, quality, or origin of the seed;

3.3 (b) hinder or obstruct in any way any authorized person in the performance of duties  
3.4 under sections 21.80 to 21.92;

3.5 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of  
3.6 any lot of seed held under a stop sale order or attached tags, except with express permission  
3.7 of the enforcing officer for the purpose specified;

3.8 (d) use the word "type" in any labeling in connection with the name of any agricultural  
3.9 seed variety;

3.10 (e) use the word "trace" as a substitute for any statement which is required;

3.11 (f) plant any agricultural seed which the person knows contains weed seeds or noxious  
3.12 weed seeds in excess of the limits for that seed; ~~or~~

3.13 (g) advertise or sell seed containing patented, protected, or proprietary varieties used  
3.14 without permission of the patent or certificate holder of the intellectual property associated  
3.15 with the variety of seed; or

3.16 (h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid  
3.17 pesticide.

3.18 Sec. 6. **[21.915] PESTICIDE-TREATED SEED USE AND DISPOSAL; CONSUMER**  
3.19 **GUIDANCE REQUIRED.**

3.20 (a) The commissioner, in consultation with the commissioner of the Pollution Control  
3.21 Agency, must develop and maintain consumer guidance regarding the proper use and disposal  
3.22 of seed treated with pesticide.

3.23 (b) A person selling seed treated with pesticide at retail must post in a conspicuous  
3.24 location the guidance developed by the commissioner under paragraph (a).

3.25 Sec. 7. Minnesota Statutes 2022, section 115A.03, is amended by adding a subdivision to  
3.26 read:

3.27 Subd. 37a. **Waste treated seed.** "Waste treated seed" means seed that is treated, as  
3.28 defined in section 21.81, subdivision 28, and that is withdrawn from sale or that the end  
3.29 user considers unusable or otherwise a waste.

4.1 Sec. 8. [115A.993] PROHIBITED DISPOSAL METHODS.

4.2 A person must not dispose of waste treated seed in a manner inconsistent with the product  
4.3 label, where applicable, or by:

4.4 (1) burial near a drinking water source or any creek, stream, river, lake, or other surface  
4.5 water;

4.6 (2) composting; or

4.7 (3) incinerating within a home or other dwelling.

4.8 Sec. 9. RULEMAKING REQUIRED.

4.9 The commissioner of the Pollution Control Agency, in consultation with the commissioner  
4.10 of agriculture and the University of Minnesota, must adopt rules under Minnesota Statutes,  
4.11 chapter 14, providing for the safe and lawful disposal of waste treated seed. The rules must  
4.12 clearly identify the regulatory jurisdiction of state agencies and local governments with  
4.13 regard to such seed.

4.14 Sec. 10. APPROPRIATION.

4.15 Subdivision 1. Consumer guidance. \$100,000 in fiscal year 2024 is appropriated from  
4.16 the general fund to the commissioner of agriculture to develop and publicize the consumer  
4.17 guidance required under this act. This appropriation is available until June 30, 2026.

4.18 Subd. 2. Rulemaking. \$175,000 in fiscal year 2024 is appropriated from the general  
4.19 fund to the commissioner of the Pollution Control Agency for the rulemaking required under  
4.20 this act. This appropriation is available until June 30, 2025.