

**CHAPTER 299--H.F.No. 2798**

*An act relating to environment; prohibiting plants treated with pollinator lethal insecticide from being labeled or advertised as beneficial to pollinators; amending Minnesota Statutes 2012, sections 18H.02, by adding a subdivision; 18H.14.*

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

Section 1. Minnesota Statutes 2012, section 18H.02, is amended by adding a subdivision to read:

Subd. 28a. **Pollinator lethal insecticide.** "Pollinator lethal insecticide" means an insecticide absorbed by a plant that makes the plant lethal to pollinators. Pollinator lethal insecticide includes, but is not limited to, the neonicotinoid class of insecticides that affect the central nervous system of pollinators and may cause pollinator paralysis or death.

Sec. 2. Minnesota Statutes 2012, section 18H.14, is amended to read:

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

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

(b) All nonhardy nursery stock as designated by the commissioner must be labeled "nonhardy" in Minnesota.

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

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

(e) A person may not label or advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock has been treated with and has a detectable level of systemic insecticide that: (1) has a pollinator protection box on the label; or (2) has a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the insecticide product label. The commissioner shall enforce this paragraph as provided in chapter 18J.

**EFFECTIVE DATE.** This section is effective July 1, 2014.

Presented to the governor May 17, 2014

Signed by the governor May 21, 2014, 10:22 a.m.