

SENATE
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EIGHTY-NINTH SESSION

S.F. No. 3074

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A bill for an act
relating to agriculture; modifying certain labeling requirements for plants and
nursery stock; amending Minnesota Statutes 2015 Supplement, section 18H.14.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2015 Supplement, 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
correctly for hardiness or 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 ~~selling at retail or providing to an end user~~ 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:

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

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

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

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

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

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

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

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