

HOUSE No. 763

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to protect Massachusetts pollinators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Maura Healey</i>	<i>Attorney General</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>

<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>

<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>

<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>

<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>

HOUSE No. 763

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 763) of Carolyn C. Dykema and others relative to the use and protection of pollinators by further regulating the spraying, release, deposit or application of a neonicotinoid on certain agricultural land. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to protect Massachusetts pollinators.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of chapter 132B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the definition of “Nematode” the following
3 definition:-

4 “Neonicotinoid,” a pesticide belonging to the neonicotinoid class of chemicals which act
5 selectively on nicotine acetylcholine receptors of organisms and are absorbed into plant tissue
6 and can be present in pollen and nectar, including but not limited to, imidacloprid, acetamiprid,
7 clothianidin, dinotefuran, nithiazine, nitenpyram, thiacloprid, and thiamethoxam and any other
8 pesticide identified as a neonicotinoid by the United States Environmental Protection Agency.

9 SECTION 2. Section 6 of said chapter 132B, as so appearing, is hereby amended by
10 inserting after the second paragraph the following paragraph:-

11 No person shall distribute a neonicotinoid, or any substance containing a neonicotinoid,
12 except a neonicotinoid-treated nursery plant, to any person except a certified commercial
13 applicator, a certified private applicator, or a licensed applicator.

14 SECTION 3. Said chapter 132B, as so appearing, is hereby amended by inserting after
15 section 6K the following section:-

16 Section 6L. (a) Neonicotinoids shall only be sprayed, released, deposited or applied on
17 any property within the commonwealth by a certified commercial applicator, certified private
18 applicator or licensed applicator.

19 (b) Upon entering into an agreement to provide services that include application of
20 neonicotinoids, a certified commercial applicator, certified private applicator, or licensed
21 applicator shall provide to property owners the following: (i) a form authorizing the applicator to
22 apply neonicotinoids; (ii) a copy of any warning statements concerning bees on the label of
23 neonicotinoids being applied; and (iii) an acknowledgment signifying that the owner has
24 received and understands this information. This subsection shall not apply to any certified
25 commercial applicator, certified private applicator, or licensed applicator using a neonicotinoid
26 on property that he or she owns.

27 (c) The subsections (a) and (b) shall not apply to the following products: (i) pet care
28 products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the
29 health of a domesticated animal; (ii) personal care products used to mitigate lice and bedbugs;
30 (iii) indoor pest control products used to mitigate insects indoors, including ant bait and (iv) any
31 products used by licensed or certified applicators for use in industrial, institutional, structural and
32 health related pest control, as defined in 333 CMR 10.03.7.

33 SECTION 4. Section 10 of said chapter 132B, as so appearing, is hereby amended by
34 inserting in line 61 after the word “management” the following words:- and the protection of
35 pollinators from adverse effects of pesticide applications.

36 SECTION 5. Section 14 of said chapter 132B, as so appearing, is hereby amended by
37 inserting after the word “inclusive”, in lines 9 and 10, the following words:- , section 6L.

38 SECTION 6. The Massachusetts Department of Transportation shall identify
39 opportunities in the commonwealth for the replacement of non-native, cool-season turf grasses
40 around solar energy installations on property owned by the department with native plant
41 communities that include flowers, wildflowers, vegetables, weeds, herbs, ornamental plants,
42 cover crops and legume species to attract honey bees and other pollinators.

43 SECTION 7. Sections 2 through 5, inclusive, shall take effect 6 months after the passage
44 of this Act.