

# STATE OF NEW YORK

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699--A

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. HOYLMAN, COMRIE, GOUNARDES, HARCKHAM, KAPLAN, KAVANAGH, KRUEGER, MYRIE, REICHLIN-MELNICK, SALAZAR, SEPULVEDA, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to enacting the birds and bees protection act; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "birds and bees protection act".

3 § 2. Subdivision 35 of section 33-0101 of the environmental conserva-  
4 tion law as added by chapter 685 of the laws of 1978 and as renumbered  
5 by chapter 612 of the laws of 1983, is amended to read as follows:

6 35. "Pesticide" means:

7 a. Any substance or mixture or substances intended for preventing,  
8 destroying, repelling, or mitigating any pest; [~~and~~]

9 b. Any substance or mixture of substances intended for use as a plant  
10 regulator, defoliant or desiccant; and

11 c. Any seeds for planting that have been coated or treated with a  
12 neonicotinoid insecticide. For purposes of this definition, a neonicoti-  
13 noid insecticide is one that includes one or more of the following  
14 active ingredients: clothianidin, imidacloprid, thimethoxam, dinotefuran  
15 or acetamiprid.

16 § 3. Section 33-1301 of the environmental conservation law is amended  
17 by adding a new subdivision 13 to read as follows:

18 13. a. Beginning January first, two thousand twenty-three, no person  
19 shall sell, offer for sale, distribute or purchase any corn, soybean or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 wheat seeds coated or treated with pesticides with the active ingredi-  
2 ents clothianidin, imidacloprid, thiamethoxam, dinotefuran, or acetami-  
3 prid.

4 b. Beginning July first, two thousand twenty-three, no person shall  
5 apply or treat outdoor ornamental plants and turf, except for agricul-  
6 tural commodities, with a pesticide containing the active ingredients  
7 clothianidin, imidacloprid, thiamethoxam, dinotefuran or acetamiprid.

8 c. On or before January fifteenth, two thousand twenty-three, the  
9 department shall review the latest scientific information concerning the  
10 pesticide active ingredients clothianidin, imidacloprid, thiamethoxam,  
11 dinotefuran, and acetamiprid and classify for restricted use any pesti-  
12 cide containing those ingredients that it determines causes or is  
13 reasonably likely to cause harm to pollinating bees or any bird species  
14 and shall impose conditions necessary to protect such bee and bird  
15 species.

16 § 4. This act shall take effect on the ninetieth day after it shall  
17 have become a law; provided, however, that subdivision 12 of section  
18 33-1301 of the environmental conservation law, as added by section three  
19 of this act, shall expire and be deemed repealed July 1, 2028. Effective  
20 immediately, the addition, amendment and/or repeal of any rule or regu-  
21 lation necessary for the implementation of this act on its effective  
22 date are authorized to be made on or before such date.