§ 37-1101. Unlawful acts.

1. Beginning January first, two thousand twenty-nine, it shall be unlawful for any person to sell, offer for sale or use, or distribute within the state any corn, soybean or wheat seeds coated or treated with pesticides, as defined in subdivision thirty-five of section 33-0101 of this chapter, with the active ingredients clothianidin, imidacloprid, thiamethoxam, or any other neonicotinoid as determined by the department in regulation unless a valid waiver is issued by the department to the user pursuant to subdivision two of this section.

2. The commissioner in consultation with the commissioner of agriculture and markets may issue a waiver to allow the use of such seeds for the production of agricultural commodities.

(a) No such waiver shall be valid for more than two years.

(b) Such waiver shall be granted only if at a minimum the following conditions are met:

(i) the farm owner must complete an integrated pest management training;

(ii) a pest risk assessment and a pest risk assessment report must be completed;

(iii) any such seeds may only be planted on the farm property or properties identified in the pest risk assessment report; and

(iv) the farm owner must maintain current records of such pest risk assessment report and records of when treated seeds are planted, both of which shall be subject to review upon request by the department.

(c) The commissioner in consultation with the commissioner of agriculture and markets shall promulgate any appropriate regulations prior to undertaking this waiver process.

(d) The department shall annually report to the legislature on the number of waivers granted.