

## 1 SENATE BILL NO. 247

2 INTRODUCED BY M. PHILLIPS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE SAVING MONTANA'S POLLINATORS ACT;  
5 PROHIBITING THE OUTDOOR USE OF NEONICOTINOID INSECTICIDES; PROVIDING FOR ENFORCEMENT  
6 AND PENALTIES; REQUIRING REPORTING; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING  
7 EFFECTIVE DATES."

8

9 WHEREAS, pollination services, including by honey bees and numerous other pollinators, are a vital part  
10 of agricultural production in Montana; and

11 WHEREAS, one-third of food produced in North America depends on pollination by honey bees, including  
12 nearly 95 varieties of fruits and other foods of high nutritional value to all of Montana's citizens; and

13 WHEREAS, over the past several years, documented incidents of colony collapse disorder and excessive  
14 honey bee mortality have been at a record high, with some beekeepers losing large portions of their operations  
15 and suffering reduced production of their valuable honey; and

16 WHEREAS, scientists link the use of systemic neonicotinoid insecticides to the rapid decline of honey  
17 bees and other pollinators and to the deterioration of pollinator health. This class of insecticides damages the  
18 central nervous system of insects, causing tremors, paralysis, and death at very low doses. They are systemic  
19 insecticides, meaning they are absorbed into treated plants and distributed throughout their vascular systems.  
20 As a result, treating a plant or coating a seed with neonicotinoid insecticides can render parts of the  
21 plant--including the roots, leaves, stems, flowers, nectar, pollen, and guttation fluid--toxic to insects. Neonicotinoid  
22 insecticides are persistent in soil and easily transported via air, dust, and water; and

23 WHEREAS, neonicotinoid insecticides cause sublethal effects, including impaired foraging and feeding  
24 behavior, disorientation, weakened immunity, delayed larval development, and increased susceptibility to viruses,  
25 diseases, and parasites, and numerous studies have also demonstrated acute, lethal effects from the application  
26 of these toxins. They also kill or weaken beneficial invertebrates, birds, and other wildlife, through direct and  
27 indirect effects; and

28 WHEREAS, bumblebees, beneficial insects of all kinds, and whole food chains of aquatic invertebrates,  
29 insects, birds, bats, and other pollinators in Montana are at risk from environmental contamination by highly  
30 persistent neonicotinoid insecticides; and

1 WHEREAS, scientists find that the use of neonicotinoid insecticides in seed treatment is harmful to birds.  
2 Recent science demonstrates that consumption of a single corn kernel coated with neonicotinoid insecticides is  
3 toxic enough to kill a medium-sized songbird; and

4 WHEREAS, in 2013, the European Union voted to suspend use of three major neonicotinoid  
5 insecticides--imidacloprid, clothianidin, and thiamethoxam--on certain agricultural crops pending a review of their  
6 safety. In the United States, some states, including New York, Connecticut, and Maryland, restrict some  
7 neonicotinoid insecticide uses to address their risks.

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 NEW SECTION. Section 1. Short title. [Sections 1 through 7] may be cited as the "Saving Montana's  
12 Pollinators Act".

13

14 NEW SECTION. Section 2. Purposes -- intent. The purposes of this act are:

15 (1) to protect Montana's honey bees, native bees, other pollinators, insects, birds, and animals from  
16 exposure to neonicotinoid insecticides; and

17 (2) to defend and protect Montana's agricultural economy and natural ecosystems.

18

19 NEW SECTION. Section 3. Definition. For purposes of [sections 1 through 7] the term "neonicotinoid  
20 insecticides" means a class of systemic pesticides with a common mode of action that affects the central nervous  
21 system of insects. The term includes but is not limited to acetamiprid, clothianidin, dinotefuran, imidacloprid,  
22 thiacloprid, and thiamethoxam.

23

24 NEW SECTION. Section 4. Prohibition -- exemptions. (1) Except as provided in subsection (2), the  
25 application or use of neonicotinoid insecticides is prohibited:

26 (a) on public lands owned or maintained by the state; and

27 (b) in outdoor residential or commercial settings, including landscaping, ornamental, and other related  
28 outdoor applications.

29 (2) Neonicotinoid insecticides purchased before [the effective date of this section] may be used for a  
30 defined time period after [the effective date of this section] as set by the department, but no longer than 1 year

1 after [the effective date of this section].

2

3 **NEW SECTION. Section 5. Rulemaking.** (1) The department shall adopt rules to implement the  
4 provisions of [sections 1 through 7] within 6 months after [the effective date of this act].

5 (2) The department may by rule designate pesticides as neonicotinoid insecticides subject to the  
6 provisions of [sections 1 through 7].

7

8 **NEW SECTION. Section 6. Enforcement -- attorney fees and costs.** (1) [Sections 1 through 7] are  
9 subject to the enforcement and penalty provisions of Title 80, chapter 8, part 3.

10 (2) In addition to the provisions of subsection (1), the attorney general may bring an action to enjoin a  
11 violation of [section 4] in a court of competent jurisdiction.

12 (3) A person may bring an action to enjoin a violation of [section 4] in a court of competent jurisdiction  
13 60 days after providing notice to the attorney general and the alleged violator.

14 (4) In an action brought pursuant to this section, a court may award a prevailing plaintiff reasonable  
15 attorney fees and costs incurred in investigating and prosecuting the action. The court may not award monetary  
16 damages in such an action.

17

18 **NEW SECTION. Section 7. Local government authority.** Nothing in [sections 1 through 7] or Title 80,  
19 chapter 8, prohibits or preempts the authority of a unit of local government to regulate applications of  
20 neonicotinoid insecticides in a manner equivalent to or more stringent than the provisions of [sections 1 through  
21 7] or Title 80, chapter 8.

22

23 **NEW SECTION. Section 8. Reporting.** Before September 1, 2018, the department shall:

24 (1) prepare a state pollinator report, which must include but is not limited to:

25 (a) a proposal to establish a pollinator bank to preserve pollinator species diversity;

26 (b) a proposal to efficiently and effectively create and enhance pollinator nesting and foraging habitat  
27 in the state including the establishment of pollinator reserves or refuges; and

28 (c) recommendations for best management practices and habitat restoration guidelines for pollinator  
29 habitat enhancement;

30 (2) publish the findings of subsection (1) in a report that is made available for public comment; and

