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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 718

02/04/2021 Authored by Vang, Hollins and Hanson, J.,
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
02/25/2021 Adoption of Report: Amended and re-referred to the Committee on Agriculture Finance and Policy
03/18/2021 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment policy; authorizing cities to adopt certain pesticide control
1.3 ordinances; amending Minnesota Statutes 2020, section 18B.09.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 18B.09, is amended to read:

1.6 18B.09 PESTICIDE APPLICATION IN CITIES.

1.7 Subdivision 1. Applicability. This section applies only to statutory and home rule charter
1.8 cities that enact ordinances as provided in this section.

1.9 Subd. 2. Authority. Statutory and home rule charter cities may enact an ordinance,
1.10 which may include penalty and enforcement provisions, containing one or both of the
1.11 following:

1.12 (1) the pesticide application warning information contained in subdivision 3, including
1.13 their own licensing, penalty, and enforcement provisions; and

1.14 (2) the pesticide prohibition contained in subdivision 4.

1.15 Statutory and home rule charter cities may not enact an ordinance that contains more
1.16 restrictive pesticide application warning information than is contained that which is provided
1.17 in subdivision subdivisions 3 and 4.

1.18 Subd. 3. Warning signs for pesticide application. (a) All commercial or noncommercial
1.19 applicators who apply pesticides to turf areas must post or affix warning signs on the property
1.20 where the pesticides are applied.

2.1 (b) Warning signs must project at least 18 inches above the top of the grass line. The
2.2 warning signs must be of a material that is rain-resistant for at least a 48-hour period and
2.3 must remain in place up to 48 hours from the time of initial application.

2.4 (c) The following information must be printed on the warning sign in contrasting colors
2.5 and capitalized letters measuring at least one-half inch, or in another format approved by
2.6 the commissioner. The sign must provide the following information:

2.7 (1) the name of the business organization, entity, or person applying the pesticide; and

2.8 (2) the following language: "This area chemically treated. Keep children and pets off
2.9 until ...(date of safe entry)..." or a universally accepted symbol and text approved by the
2.10 commissioner that is recognized as having the same meaning or intent as specified in this
2.11 paragraph. The warning sign may include the name of the pesticide used.

2.12 (d) The warning sign must be posted on a lawn or yard between two feet and five feet
2.13 from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other
2.14 similar recreational property, the warning signs must be posted immediately adjacent to
2.15 areas within the property where pesticides have been applied and at or near the entrances
2.16 to the property.

2.17 Subd. 4. **Application of certain pesticides prohibited.** (a) A person may not apply or
2.18 use a pollinator-lethal pesticide within the geographic boundaries of a city that has enacted
2.19 an ordinance under subdivision 2 prohibiting such use.

2.20 (b) For purposes of this subdivision, "pollinator-lethal pesticide" means a pesticide that
2.21 has a pollinator protection box on the label or labeling, or a pollinator, bee, or honey bee
2.22 precautionary statement in the environmental hazards section of the label or labeling.

2.23 (c) This subdivision does not apply to:

2.24 (1) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals
2.25 that are harmful to the health of a domesticated animal;

2.26 (2) personal care products used to mitigate lice and bedbugs;

2.27 (3) indoor pest control products used to mitigate insects indoors, including ant bait;

2.28 (4) a pesticide as used or applied by the Metropolitan Mosquito Control District for
2.29 public health protection if the pesticide has a vector disease control label; and

2.30 (5) a pesticide-treated wood product.

2.31 (d) The commissioner must maintain a list of pollinator-lethal pesticides on the
2.32 department's website.