

AMENDED IN SENATE JANUARY 22, 2018

AMENDED IN SENATE APRIL 6, 2017

**SENATE BILL**

**No. 602**

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**Introduced by Senators Allen and Wiener**

February 17, 2017

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An act to ~~add Section 12860 to the Food and Agricultural Code, relating to pesticides~~ amend Section 7065 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

SB 602, as amended, Allen. ~~Pesticides: neonicotinoids: labeling. Fish: sport and commercial marine fisheries: reports.~~

*Existing law requires the director of the Department of Fish and Wildlife to report annually in writing to the Fish and Game Commission on the status of sport and commercial marine fisheries managed by the state, as provided.*

*This bill would require an annual report provided on or after January 1, 2019 to be posted on the department's Internet Web site within 24 hours of the date on which the director makes the report to the commission.*

~~Existing law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. Existing law requires the department, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified.~~

~~This bill, on and after July 1, 2018, would require labeling, as specified, of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide. The bill would specify that a violation of this requirement is not a crime but would constitute an unfair and unlawful business act or practice.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 7065 of the Fish and Game Code is  
2     amended to read:

3     7065. (a) The director shall report annually in writing to the  
4     commission on the status of sport and commercial marine fisheries  
5     managed by the state. The date of the report shall be chosen by  
6     the commission with the advice of the department. Each annual  
7     report shall cover at least one-fourth of the marine fisheries  
8     managed by the state so that every fishery will be reported on at  
9     least once every four years. The department shall, consistent with  
10    Section 7059, involve expertise from outside the department in  
11    compiling information for the report, which may include, but need  
12    not be limited to, Sea Grant staff, other marine scientists, fishery  
13    participants, and other interested parties.

14    (b) For each fishery reported on in an annual report, the report  
15    shall include information on landings, fishing effort, areas where  
16    the fishery occurs, and other factors affecting the fishery as  
17    determined by the department and the commission. Each restricted  
18    access program shall be reviewed at least every five years for  
19    consistency with the policies of the commission on restricted access  
20    fisheries.

21    (c) Notwithstanding subdivision (a), the first annual report shall  
22    be presented to the commission on or before September 1, 2001,  
23    and shall cover all the marine fisheries managed by the state. To  
24    the extent that the requirements of this section and Section 7073  
25    are duplicative, the first annual report may be combined with the  
26    plan required pursuant to Section 7073.

27    (d) *An annual report provided on or after January 1, 2019, shall*  
28    *be posted on the department's Internet Web site within 24 hours*

1 of the date on which the director makes the report to the  
2 commission pursuant to subdivision (a).

3 SECTION 1. (a) The Legislature finds and declares all of the  
4 following:

5 (1) Bees and other pollinators are critical to agricultural  
6 production, home gardens, and native ecosystems. Bee populations  
7 have been declining significantly over the past 25 years, and while  
8 there is no single cause of these declines, a substantial and growing  
9 body of evidence points to neonicotinoid pesticides as a key factor.  
10 Neonicotinoid pesticides are taken up by plants, and expressed  
11 through pollen, nectar, and guttation droplets, impacting both target  
12 and nontarget insect species, including honeybees and native bees.

13 (2) The Director of Pesticide Regulation is required, by  
14 regulation, to designate a list of restricted material pesticides that  
15 meet certain criteria, including presenting a hazard to honeybees.

16 (3) Based on data showing a potential hazard to honeybees, in  
17 2009, the Department of Pesticide Regulation initiated reevaluation  
18 of pesticide products containing four neonicotinoid chemicals:  
19 imidacloprid, thiamethoxam, clothianidin, and dinotefuran. The  
20 department is required to complete its reevaluation by July 1, 2018,  
21 and to adopt necessary control measures for these pesticides by  
22 July 1, 2020.

23 (b) It is the intent of the Legislature to minimize potential harm  
24 to honeybees in the interim while the Department of Pesticide  
25 Regulation continues to study the impacts of neonicotinoids.

26 SEC. 2. Section 12860 is added to the Food and Agricultural  
27 Code, to read:

28 12860. (a) On and after July 1, 2018, all commercially  
29 available seeds and plants sold at retail establishments, excluding  
30 noxious weed seeds and plants, that have been treated with a  
31 neonicotinoid pesticide shall be labeled. "Treatment" includes  
32 foliar and granular treatments, in addition to seed coatings.

33 (b) The label shall include, clearly visible and prominently  
34 placed, the words: "STATE OF CALIFORNIA SAFETY  
35 WARNING: MAY HARM BEES" and a logo. This label shall  
36 contrast, by typography, layout, or color, with other printed matter  
37 nearby.

38 (c) If the safety warning required in subdivision (b) is affixed  
39 rather than printed directly, the safety warning shall be affixed to

1 the product in such a manner that it cannot be removed without a  
2 thorough application of water or other solvents.

3 (d) (1) Notwithstanding any other law, a violation of this section  
4 is not a crime.

5 (2) A violation of this section constitutes an unfair and unlawful  
6 business act or practice under Section 17200 of the Business and  
7 Professions Code and is subject to enforcement pursuant to Chapter  
8 5 (commencing with Section 17200) of Part 2 of Division 7 of the  
9 Business and Professions Code.

10 (e) For purposes of this section, “neonicotinoid” means  
11 imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,  
12 thiacloprid, thiamethoxam, or any other chemical designated by  
13 the department as belonging to the neonicotinoid class of  
14 chemicals.