

SENATE BILL NO. 13—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing pest control. (BDR 49-234)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to pest control; revising references to certain federal statutes related to pesticides; clarifying that pest control includes certain acts conducted as a function of certain governmental entities; revising certain requirements relating to records of the sale or distribution of restricted-use pesticides; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing federal law establishes various requirements for the registration,
- 2 distribution, sale and use of pesticides. (7 U.S.C. §§ 136 et seq.) **Sections 1, 3 and**
- 3 **4** of this bill update certain references to existing federal law relating to pesticides.
- 4 Existing law prohibits, in general, any natural person from using pesticides or
- 5 otherwise engaging in pest control without a license as an applicator issued by the
- 6 Director of the State Department of Agriculture. (NRS 555.280, 555.285) **Section 2**
- 7 of this bill clarifies that “pest control” includes certain activities of a city, county,
- 8 state or other governmental agency, thereby clarifying that employees of such
- 9 agencies who engage in pest control are required to obtain a license from the
- 10 Director.
- 11 Existing law prohibits a person from selling, offering to sell, distributing or
- 12 delivering a restricted-use pesticide unless the person is registered with the
- 13 Director. Existing law also requires each person registered with the Director to
- 14 maintain a record of each sale and distribution of restricted-use pesticides for 2
- 15 years. (NRS 586.406) **Section 4** of this bill requires that such records be kept at
- 16 each place of business at which a person sells or distributes restricted-use
- 17 pesticides.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 555.2641 is hereby amended to read as
2 follows:

3 555.2641 “General-use pesticide” means a pesticide that has
4 not been determined to be or classified as a restricted-use pesticide:

5 1. By the Director; or

6 2. In accordance with the Federal ~~[Environmental Pesticide~~
7 ~~Control]~~ *Insecticide, Fungicide, and Rodenticide* Act, ~~[of 1972,]~~ 7
8 U.S.C. §§ 136 et seq.

9 **Sec. 2.** NRS 555.2667 is hereby amended to read as follows:

10 555.2667 “Pest control” means *conducting, as a function of*
11 *the agency, in the case of a city, county, state or other*
12 *governmental agency, or* publicly holding oneself out as being in
13 the business of detecting, preventing, controlling or exterminating
14 pests or otherwise engaging in, advertising or soliciting for:

15 1. The use of pesticides or mechanical devices for the
16 extermination, control or prevention of infestations of pests.

17 2. The inspection of households or other structures and the
18 submission of reports of inspection, estimates or bids, written or
19 oral, for the inspection, extermination, control or prevention of
20 wood-destroying pests.

21 **Sec. 3.** NRS 586.205 is hereby amended to read as follows:

22 586.205 “Restricted-use pesticide” means any pesticide,
23 including any highly toxic pesticide, which:

24 1. The Director has determined after a hearing, to be:

25 (a) Injurious to persons, pollinating insects, bees, animals, crops
26 or land, other than pests or vegetation it is intended to prevent,
27 destroy, control or mitigate; or

28 (b) Detrimental to:

29 (1) Vegetation, except weeds;

30 (2) Wildlife; or

31 (3) Public health and safety; or

32 2. Has been classified for restricted use by or under the
33 supervision of a certified applicator in accordance with the Federal
34 ~~[Environmental Pesticide Control]~~ *Insecticide, Fungicide, and*
35 *Rodenticide* Act, 7 U.S.C. §§ 136 et seq.

36 **Sec. 4.** NRS 586.406 is hereby amended to read as follows:

37 586.406 1. It is unlawful for any person to sell or offer to sell
38 at the retail level or distribute or deliver for transportation for
39 delivery to the consumer or user a pesticide classified for restricted
40 use pursuant to NRS 586.237 or the Federal ~~[Environmental~~
41 ~~Pesticide Control]~~ *Insecticide, Fungicide, and Rodenticide* Act, 7



1 U.S.C. §§ 136 et seq., unless the person is registered with the
2 Director.

3 2. Each person applying for registration must provide a
4 statement including:

5 (a) The name and address of the person registering; and

6 (b) The name and address of any person who, on behalf of the
7 person registering, sells, offers to sell, distributes or delivers for
8 transportation a restricted-use pesticide.

9 3. All registrations expire on December 31 and are renewable
10 annually.

11 4. Each person registering shall pay:

12 (a) An annual registration fee established by regulation of the
13 State Board of Agriculture; and

14 (b) A penalty fee of \$5 if the person's previous registration has
15 expired by the failure to reregister on or before February 1, unless
16 the person's registration is accompanied by a signed statement that
17 no person named on the registration statement has sold or
18 distributed any restricted-use pesticides during the year the
19 registration was not in effect.

20 5. Each person who is registered shall maintain for 2 years, *at*
21 *each place of business at which a person sells or distributes*
22 *restricted-use pesticides*, a record of each sale and distribution of
23 restricted-use pesticides in accordance with the requirements for
24 State certification plans set forth in 40 C.F.R. § 171.303(b)(7)(vii).

25 6. Each person registered pursuant to this section shall, on or
26 before the 15th day of each month, file a report with the Director
27 specifying the restricted-use pesticides sold or distributed during the
28 previous month. The Director shall provide the form for the report.
29 The form must be filed regardless of whether the person sold or
30 distributed any pesticides during the previous month.

31 **Sec. 5.** This act becomes effective on July 1, 2023.

