

Senate Bill No. 13–Committee on Natural Resources

CHAPTER.....

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:

Existing federal law establishes various requirements for the registration, distribution, sale and use of pesticides. (7 U.S.C. §§ 136 et seq.) **Sections 1, 3 and 4** of this bill update certain references to existing federal law relating to pesticides.

Existing law prohibits, in general, any natural person from using pesticides or otherwise engaging in pest control without a license as an applicator issued by the Director of the State Department of Agriculture. (NRS 555.280, 555.285) **Section 2** of this bill clarifies that “pest control” includes certain activities of a city, county, state or other governmental agency, thereby clarifying that employees of such agencies who engage in pest control are required to obtain a license from the Director.

Existing law prohibits a person from selling, offering to sell, distributing or delivering a restricted-use pesticide unless the person is registered with the Director. Existing law also requires each person registered with the Director to maintain a record of each sale and distribution of restricted-use pesticides for 2 years. (NRS 586.406) **Section 4** of this bill requires that such records be kept at each place of business at which a person sells or distributes restricted-use pesticides.

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

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

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

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

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

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

555.2667 “Pest control” means *conducting, as a function of the agency, in the case of a city, county, state or other governmental agency, or* publicly holding oneself out as being in



the business of detecting, preventing, controlling or exterminating pests or otherwise engaging in, advertising or soliciting for:

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

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

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

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

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

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

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety; or

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

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

586.406 1. It is unlawful for any person to sell or offer to sell at the retail level or distribute or deliver for transportation for delivery to the consumer or user a pesticide classified for restricted use pursuant to NRS 586.237 or the Federal ~~Environmental Pesticide Control~~ *Insecticide, Fungicide, and Rodenticide* Act, 7 U.S.C. §§ 136 et seq., unless the person is registered with the Director.

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

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

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

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

4. Each person registering shall pay:

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



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

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

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

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

