ASSEMBLY, No. 5531

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 17, 2026

Sponsored by:
Assemblyman CLINTON CALABRESE
District 36 (Bergen and Passaic)

SYNOPSIS

Prohibits sale and use of agricultural seeds treated with neonicotinoid pesticides.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the use of neonicotinoid pesticides and amending P.L.2021, c.386.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.2021, c.386 (C.13:1F-4.3) is amended to read as follows:

2. a. No later than 12 months after the effective date of P.L.2021, c.386 (C.13:1F-4.2 et seq.), the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations classifying neonicotinoid pesticides as restricted use pesticides.

b. No later than 12 months after the effective date of P.L.2021, c.386 (C.13:1F-4.2 et seq.), and every three years thereafter, the department shall review the latest scientific information concerning neonicotinoid pesticides, and classify as a restricted use pesticide any neonicotinoid pesticide that the department determines will cause harm to populations of pollinating bees, birds, other pollinating wildlife, or aquatic invertebrates. Any person may petition the department at any time to classify a pesticide pursuant to this section.

c. The provisions of this section shall not apply to:

(1) any pet care, veterinary, personal care, or indoor pest control pesticide product;

(2) an application for the commercial production of a preserved wood product;

(3) the application by a licensed pesticide applicator of a neonicotinoid pesticide within one foot of a building foundation perimeter to manage structural pests provided that the neonicotinoid pesticide is not applied on any plant;

(4) any direct action taken by certified and licensed responsible pesticide applicators or by persons working under their direct supervision within the New Jersey Department of Agriculture or its agents, or within the Department of Environmental Protection or its agents, against any invasive plant or pest; or

(5) **[**any application to protect agricultural seeds.**]** (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)

Notwithstanding the provisions of paragraph (3) of this subsection to the contrary, the application by a licensed pesticide applicator of a neonicotinoid pesticide adjacent to a building foundation perimeter to manage structural pests may be extended by an additional four feet, if such additional area is necessary to treat the source of the infestation and the application is limited to a spot-targeted treatment of the source of the infestation only.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

d. Nothing in this section shall be construed to impose liability on any news media that accept or publish advertising for any product or activity that would otherwise be subject to the provisions of this section.

(cf: P.L.2021, c.386, s.2)

2. Section 3 of P.L.2021, c.386 (C.13:1F-4.4) is amended to read as follows:

3. a. Beginning October 31, 2023, no person shall sell, offer for sale, or use within the State any neonicotinoid pesticide, unless such pesticide is registered and will only be applied by a licensed pesticide applicator to an agricultural plant.

b. Notwithstanding the provisions of subsection a. or subsection f. of this section to the contrary, the commissioner, in consultation with the New Jersey Department of Agriculture, may, by written order, authorize one or more licensed pesticide applicators to use a pesticide that is prohibited under subsection a. or subsection f. of this section if the commissioner finds that:

(1) a valid environmental emergency exists;

(2) the pesticide would be effective in addressing the environmental emergency; and

(3) no other, less harmful pesticide or pest management practice would be effective in addressing the environmental emergency.

c. Any order issued by the commissioner pursuant to subsection b. of this section shall include the basis for the commissioner's determination and specify the approved time period, geographic scope, and purpose of the permitted sale or use of a pesticide. An order issued pursuant to this section shall be valid for a period not to exceed one year.

d. The provisions of this section shall not apply to:

(1) any pet care, veterinary, personal care, or indoor pest control pesticide product;

(2) an application for the commercial production of a preserved wood product;

(3) the application by a licensed pesticide applicator of a neonicotinoid pesticide within one foot of a building foundation perimeter to manage structural pests provided that the neonicotinoid pesticide is not applied on any plant;

(4) any direct action taken by certified and licensed responsible pesticide applicators or by persons working under their direct supervision within the New Jersey Department of Agriculture or its agents, or within the Department of Environmental Protection or its agents, against any invasive plant or pest; or

(5) **[**any application to protect agricultural seeds.**]** (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)

Notwithstanding the provisions of paragraph (3) of this subsection to the contrary, the application by a licensed pesticide

applicator of a neonicotinoid pesticide adjacent to a building foundation perimeter to manage structural pests may be extended by an additional four feet, if such additional area is necessary to treat the source of the infestation and the application is limited to a spot-targeted treatment of the source of the infestation only.

e. Nothing in this section shall be construed to impose liability on any news media that accept or publish advertising for any product or activity that would otherwise be subject to the provisions of this section.

f. Beginning 12 months after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), no person shall sell, offer for sale, plant, or use within the State any agricultural seeds coated or treated with a neonicotinoid pesticide.

(cf: P.L.2021, c.386, s.3)

3. This act shall take effect immediately.

STATEMENT

This bill would prohibit, beginning 12 month's after the bill's effective date, the sale, offer for sale, planting, and use within the State any agricultural plant seeds coated or treated with a neonicotinoid pesticide, with exceptions for environmental emergencies as prescribed under P.L2021, c.386. Current law prohibits the sale or use within the State any neonicotinoid pesticide with certain exceptions, such as for the application of neonicotinoid pesticides to agricultural seeds. The bill would amend current law to remove exemptions for the application of neonicotinoid pesticides on agricultural seeds.