

Requested by Representative LEVY B

**PROPOSED AMENDMENTS TO
HOUSE BILL 2679**

On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; amending ORS 634.372;”.

Delete lines 5 through 28 and delete page 2 and insert:

“SECTION 2. (1) As used in this section, ‘neonicotinoid pesticide’ means any pesticide that contains a chemical belonging to the neonicotinoid class of chemicals, including acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, nithiazine, thiacloprid or thiamethoxam.

“(2) The State Department of Agriculture shall by rule prohibit the distribution or sale of neonicotinoid pesticides by any person other than a licensed pesticide dealer.

“(3) The following products that contain a neonicotinoid pesticide are exempt from the prohibition described in subsection (2) of this section:

“(a) A pet care product;

“(b) A veterinary product;

“(c) An indoor pest control product;

“(d) A personal care product;

“(e) A product used in structural insulation;

“(f) A wood preservative pesticide or wood preservative product;

“(g) A bait product, including, but not limited to, bait station traps

1 **and scatter bait; or**

2 **“(h) An insect strip.**

3 **“SECTION 3. ORS 634.372 is amended to read:**

4 **“634.372. A person may not:**

5 **“(1) Make false or misleading claims through any media, relating to the**
6 **effect of pesticides or application methods to be utilized.**

7 **“(2) As a pesticide applicator, noncommercial applicator, public applicator**
8 **or pesticide operator, intentionally or willfully apply or use a worthless**
9 **pesticide or any pesticide inconsistent with its labeling, or as a pesticide**
10 **consultant or dealer, recommend or distribute such pesticides.**

11 **“(3) Operate a faulty or unsafe pesticide spray apparatus, aircraft or other**
12 **application device or equipment.**

13 **“(4) Perform pesticide application activities in a faulty, careless or**
14 **negligent manner.**

15 **“(5) Refuse or neglect to prepare and maintain records required to be kept**
16 **by the provisions of this chapter.**

17 **“(6) Make false, misleading or fraudulent records, reports or application**
18 **forms required by the provisions of this chapter.**

19 **“(7) Operate pesticide applicators’ apparatus, machinery or equipment**
20 **without a licensed pesticide applicator, licensed noncommercial pesticide**
21 **applicator or certified private applicator performing the actual application,**
22 **or supervising such application if such is performed by a pesticide trainee.**
23 **This prohibition does not apply to the operation of tractors, trucks or other**
24 **vehicular equipment used only under the supervision of a certified private**
25 **applicator.**

26 **“(8) As a pesticide applicator or noncommercial pesticide applicator, work**
27 **or engage in the application of any classes of pesticides without first ob-**
28 **taining and maintaining a pesticide applicator license or noncommercial**
29 **applicator license, or apply pesticides that are not specifically authorized by**
30 **such license.**

1 “(9) As a pesticide operator, engage in the business of, or represent or
2 advertise as being in the business of, applying pesticides upon the land or
3 property of another, without first obtaining and maintaining a pesticide
4 operator’s license. The operator also may not engage in a class of pesticide
5 application business that is not specifically authorized by license issued by
6 the State Department of Agriculture. The operator also may not employ or
7 use any person to apply or spray pesticides who is not a licensed pesticide
8 applicator or pesticide trainee.

9 “(10) As a pesticide trainee, noncommercial pesticide trainee or public
10 trainee, work or engage in the application of any class of pesticides without
11 first obtaining and maintaining a pesticide trainee’s certificate and otherwise
12 being in compliance with the provisions of this chapter.

13 “(11) Act as, or purport to be, a pesticide dealer or advertise as such
14 without first obtaining and maintaining a pesticide dealer’s license.

15 “(12) Act as, or purport to be, a pesticide consultant without first ob-
16 taining and maintaining a pesticide consultant’s license.

17 “(13) Apply any pesticide classified as a restricted-use or highly toxic
18 pesticide to agricultural, horticultural or forest crops on land owned or
19 leased by the person without first obtaining and maintaining a private
20 applicator certificate.

21 “(14) As a person described in ORS 634.106 (5), use power-driven pesticide
22 application equipment or devices (use hand or backpack types only), or use
23 or apply any pesticide other than those prescribed by the department.

24 “(15) Deliver, distribute, sell or offer for sale any pesticide that is mis-
25 branded.

26 “(16) Formulate, deliver, distribute, sell or offer for sale any pesticide that
27 is adulterated.

28 “(17) Formulate, deliver, distribute, sell or offer for sale any pesticide that
29 has not been registered as required by ORS 634.016.

30 “(18) Formulate, deliver, distribute, sell or offer for sale any powdered

1 pesticide containing arsenic or any highly toxic fluoride that is not distinctly
2 colored.

3 “(19) Distribute, sell or offer for sale any pesticide except in the
4 manufacturer’s original unbroken package.

5 “(20) Make application of pesticides, by aircraft or otherwise, within a
6 protected or restricted area without first obtaining a permit for such appli-
7 cation from the committee of the protected or restricted area in which the
8 application is to be made. The person also may not make such application
9 contrary to the conditions or terms of the permit so issued.

10 “(21) Use isopropyl ester of 2,4-D, or any other ester of equal or higher
11 volatility with regard to plant damage as determined by the department,
12 without first obtaining a permit for such use as provided in ORS 634.322 (10).

13 “(22) Sell, use or remove any pesticide or device subjected to a ‘stop sale,
14 use or removal’ order until the pesticide or device has been released there-
15 from as provided in ORS 634.322 (3).

16 **“(23) Distribute, sell or offer for sale any neonicotinoid pesticide,**
17 **as defined in section 2 of this 2025 Act, unless the person is a licensed**
18 **pesticide dealer or the pesticide product is exempt under section 2 (3)**
19 **of this 2025 Act.**

20 **“SECTION 4. (1) Section 2 of this 2025 Act and the amendments to**
21 **ORS 634.372 by section 3 of this 2025 Act become operative on January**
22 **1, 2027.**

23 **“(2) The State Department of Agriculture may take any actions**
24 **before the operative date specified in subsection (1) of this section that**
25 **are necessary to enable the department to exercise, on and after the**
26 **operative date specified in subsection (1) of this section, all of the du-**
27 **ties, functions and powers conferred on the department by section 2**
28 **of this 2025 Act and the amendments to ORS 634.372 by section 3 of this**
29 **2025 Act.**

30 **“SECTION 5. This 2025 Act takes effect on the 91st day after the**

1 **date on which the 2025 regular session of the Eighty-third Legislative**
2 **Assembly adjourns sine die.”.**

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