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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

Introduced By: Senators Murray, DiMario, Lauria, Sosnowski, Valverde, Kallman, Urso,
Ujifusa, and Mack

Date Introduced: March 07, 2025

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-25-4 of the General Laws in Chapter 23-25 entitled "Pesticide
2 Control" is hereby amended to read as follows:

3 **23-25-4. Definitions.**

4 As used in this chapter:

5 (1) "Active ingredient" means any ingredient that will prevent, destroy, repel, control, or
6 mitigate pests, or that will act as a plant regulator, defoliant, or desiccant.

7 (2) "Adulterated" applies to any pesticide if its strength or purity falls below the professed
8 standards of quality as expressed on its labeling under which it is sold, or if any substance has been
9 substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has
10 been wholly or in part abstracted.

11 (3) "Agricultural commodity" means any plant, or part of plant, or animal, or animal
12 product, produced by a person (including farmers, ranchers, vineyardists, plant propagators,
13 Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable
14 persons) primarily for sale, consumption, propagation, or other use by humans or animals.

15 (4) "Animal" means all vertebrate and invertebrate species, including, but not limited to,
16 humans and other mammals, birds, fish, and shellfish.

17 (5) "Beneficial insects" means those insects that, during their life cycle, are effective
18 pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

19 (6) "Board" means the pesticide advisory board as provided for under § 23-25.2-3.

1 (7) “Defoliant” means any substance or mixture of substances intended for causing the
2 leaves or foliage to drop from a plant with or without causing abscission.

3 (8) “Desiccant” means any substance or mixture of substances intended for artificially
4 accelerating the drying of plant tissue.

5 (9) “Device” means any instrument or contrivance (other than a firearm) that is intended
6 for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life
7 (other than humans and other than bacteria, virus, or other micro-organism on or in living humans
8 or other living animals) but not including equipment used for the application of pesticides when
9 sold separately from it.

10 (10) “Director” means the director of environmental management.

11 (11) “Distribute” means to offer for sale, hold for sale, sell, barter, ship, deliver for
12 shipment, or receive and (having so received) deliver or offer to deliver pesticides in this state.

13 (12) “Environment” includes water, air, land, and all plants and humans and other living
14 animals in it, and the interrelationships that exist among these.

15 (13) “EPA” means the United States Environmental Protection Agency.

16 (14) “FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §
17 136 et seq., and other legislation supplementary to it and amendatory of it.

18 (15) “First generation anticoagulant rodenticide” means any pesticide product that contains
19 any of the following active ingredients:

20 (i) Chlorophacinone;

21 (ii) Diphacinone; or

22 (iii) Warfarin.

23 ~~(15)~~(16) “Fungi” means all nonchlorophyll-bearing thallophytes (that is, all
24 nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts,
25 smuts, mildews, molds, yeasts, and bacteria, except those in or on living humans or other living
26 animals, and except those in or on processed food, beverages, or pharmaceuticals.

27 ~~(16)~~(17) “Highly toxic pesticide” means any pesticide determined to be a highly toxic
28 pesticide under the authority of § 25(c)(2) of FIFRA, 7 U.S.C. § 136w(c)(2), or by the director
29 under § 23-25-9(a)(2).

30 ~~(17)~~(18) “Imminent hazard” means a situation that exists when the continued use of a
31 pesticide during the time required for cancellation proceedings pursuant to § 23-25-8 would likely
32 result in unreasonable adverse effects on the environment or will involve unreasonable hazard to
33 the survival of a species declared endangered by the secretary of the interior under 16 U.S.C. §
34 1531 et seq.

1 ~~(18)~~(19) “Inert ingredient” means an ingredient that is not an active ingredient.

2 ~~(19)~~(20) “Ingredient statement” means:

3 (i) A statement of the name and percentage of each active ingredient together with the total
4 percentage of the inert ingredients in the pesticide; and

5 (ii) When the pesticide contains arsenic in any form, the ingredient statement shall also
6 include percentages of total and water soluble arsenic, each calculated as elemental arsenic.

7 ~~(20)~~(21) “Insect” means any of the numerous small invertebrate animals generally having
8 the body more or less obviously segmented, for the most part belonging to the class insecta,
9 comprising six (6) legged, usually winged forms, as for example, moths, beetles, bugs, bees, flies,
10 and their immature stages, and to other allied classes of arthropods whose members are wingless
11 and usually have more than six (6) legs, as for example, spiders, mites, ticks, centipedes, and wood
12 lice.

13 ~~(21)~~(22) “Integrated Pest Management (IPM)” refers to a method of pest control that uses
14 a systems approach to reduce pest damage to tolerable levels through a variety of techniques,
15 including natural predators and parasites, genetically resistant hosts, environmental modifications
16 and, when necessary and appropriate, chemical pesticides. IPM strategies rely upon nonchemical
17 defenses first and chemical pesticides second.

18 ~~(22)~~(23) “Label” means the written, printed, or graphic matter on, or attached to, the
19 pesticide or device or any of its containers or wrappers.

20 ~~(23)~~(24) “Labeling” means the label and all other written, printed, or graphic matter:

21 (i) Accompanying the pesticide or device at any time; or

22 (ii) To which reference is made on the label or in literature accompanying the pesticide or
23 device, except to current official publications of EPA, the United States Departments of Agriculture
24 and Interior, and the department of health and human services; state experiment stations; state
25 agricultural colleges; and other federal or state institutions or agencies authorized by law to conduct
26 research in the field of pesticides.

27 ~~(24)~~(25) “Land” means all land and water areas, including airspace, all plants, animals,
28 structures, buildings, contrivances, and machinery appurtenant to it or situated on it, fixed or
29 mobile, including any used for transportation.

30 ~~(25)~~(26) “Nematode” means invertebrate animals of the phylum Nematelminthes and
31 class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies
32 covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or
33 eelworms.

34 ~~(26)~~(27) “Neonicotinoids” means any of a class of systemic water soluble insecticides

1 related to nicotine that affect the central nervous system of insects by selectively binding to the
2 postsynaptic nicotinic receptors of insects thereby causing paralysis and death. Neonicotinoids
3 include, but are not limited to:

- 4 (i) Imidacloprid;
- 5 (ii) Acetamiprid;
- 6 (iii) Clothianidin;
- 7 (iv) Nitenpyram;
- 8 (v) Nithiazine;
- 9 (vi) Thiacloprid;
- 10 (vii) Thiamethoxam; and
- 11 (viii) Dinotefuran.

12 ~~(27)~~(28) “Permit” means a written certificate, issued by the director, authorizing the
13 purchase, possession, and/or use of certain pesticides or pesticide uses defined in subsections (36)
14 and (37) of this section.

15 ~~(28)~~(29) “Person” means any individual, partnership, association, fiduciary, corporation,
16 governmental entity, or any organized group of persons whether incorporated or not.

17 ~~(29)~~(30) “Pest” means:

- 18 (i) Any insect, rodent, nematode, fungus, or weed; and
- 19 (ii) Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other
20 micro-organism (except viruses, bacteria, or other micro-organisms on or in living humans or other
21 living animals) which the director declares to be a pest under § 23-25-9(a)(1).

22 ~~(30)~~(31) “Pesticide” means:

- 23 (i) Any substance or mixture of substances intended for preventing, destroying, repelling,
24 or mitigating any pest; and
- 25 (ii) Any substance or mixture of substances intended for use as a plant regulator, defoliant,
26 or desiccant.

27 ~~(31)~~(32) “Pesticide dealer” means any person who distributes within the state any pesticide
28 product classified for restricted use by EPA or limited use by the director.

29 ~~(32)~~(33) “Plant regulator” means any substance or mixture of substances intended, through
30 physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for
31 altering the behavior of plants or the produce of these but shall not include substances to the extent
32 that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and
33 soil amendments. Also, the term “plant regulator” is not required to include any of those nutrient
34 mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products,

1 intended for improvement, maintenance, survival, health, and propagation of plants, are not for pest
2 destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.

3 ~~(33)~~(34)(i) “Private applicator” means any person who uses or supervises the use of any
4 pesticide for purposes of producing any agricultural commodity on land owned or rented by him or
5 her or his or her employer or (if applied without compensation other than trading of personal
6 services between producers of agricultural commodities) on land of another person.

7 (ii) “Certified private applicator” means any private applicator who is certified under § 23-
8 25-14 as authorized to purchase, acquire, apply, or supervise the application of any pesticide
9 classified for restricted use by EPA or limited use by the director.

10 (iii) “Commercial applicator” means any person (whether or not that person is a private
11 applicator with respect to some uses), including employees of any federal, state, county or
12 municipal agency, department, office, division, section, bureau, board, or commission, who applies
13 or supervises the application of any pesticide for any purpose or on any property other than as
14 provided by the definition of “private applicator”.

15 (iv) “Certified commercial applicator” means any commercial applicator who is certified
16 under § 23-25-13 as authorized to purchase, acquire, apply, or supervise the application of a
17 pesticide classified for restricted use by EPA or limited use by the director.

18 (v) “Licensed commercial applicator” means any commercial applicator who is licensed
19 under § 23-25-12 as authorized to use or supervise the use of any pesticide not classified for
20 restricted use by EPA or limited use by the director on land not owned or rented by him or her.

21 ~~(34)~~(35) “Protect health and the environment” means protection against any unreasonable
22 adverse effects on the environment.

23 ~~(35)~~(36) “Registrant” means a person who has registered any pesticide pursuant to the
24 provisions of this chapter.

25 ~~(36)~~(37) “Restricted use pesticide” means a pesticide or pesticide use that is classified for
26 restricted use by the administrator of EPA, or under § 23-25-6(h).

27 (38) “Second generation anticoagulant rodenticide” means any pesticide product that
28 contains any of the following active ingredients:

29 (i) Brodifacoum;

30 (ii) Bromadiolone;

31 (iii) Difenacoum;

32 (iv) Difethialone.

33 ~~(37)~~(39) “State limited use pesticide” means any pesticide or pesticide use that, when used
34 as directed or in accordance with a widespread and commonly recognized practice, the director

1 determines, subsequent to a hearing, requires additional restrictions to prevent unreasonable
2 adverse effects on the environment including humans, land, beneficial insects, animals, crops, and
3 wildlife, other than pests.

4 ~~(38)~~(40) “Under the direct supervision” means on-site supervision of any pesticide
5 application by an appropriately certified or licensed applicator who is responsible for the
6 application and is capable of dealing with emergency situations which might occur.

7 ~~(39)~~(41) “Unreasonable adverse effects on the environment” means any unreasonable risk
8 to humans or the environment, taking into account the economic, social, and environmental costs
9 and benefits of the use of any pesticide.

10 ~~(40)~~(42) “Weed” means any plant that grows where not wanted.

11 ~~(41)~~(43) “Wildlife” means all living things that are neither human nor, as defined in this
12 chapter, pests, including but not limited to mammals, birds, and aquatic life.

13 SECTION 2. Chapter 23-25 of the General Laws entitled "Pesticide Control" is hereby
14 amended by adding thereto the following sections:

15 **23-25-41. Rodenticides sales restricted.**

16 (a) Effective March 1, 2026, all pesticides registered in the state as a first-generation
17 anticoagulant rodenticide as defined in § 23-25-4, shall be prohibited from being sold in
18 “consumer” stores and online retail stores including, but not limited to, drug stores, grocery stores,
19 hardware stores, club stores and similar retail outlets.

20 (b) Effective January 1, 2027, all pesticides registered in the state as a second-generation
21 anticoagulant rodenticide as defined in § 23-25-4, shall be prohibited from being sold in
22 “consumer” stores and online retail stores including, but not limited to, drug stores, grocery stores,
23 hardware stores, club stores and similar retail outlets.

24 (c) This section shall not apply to the sale of a first and/or second-generation anticoagulant
25 rodenticide by a wholesaler to a business that employs the following: certified private applicator,
26 commercial applicator, certified commercial applicator or licensed commercial applicator.

27 **23-25-42. Rodenticides use restricted.**

28 (a) Effective January 1, 2026, the use of any pesticides registered in the state as a first or
29 second-generation anticoagulant rodenticide as defined in § 23-25-4 shall be prohibited.

30 (b) This section shall not apply to the following:

31 (1) The use of any second generation anticoagulant rodenticide by a state or municipal
32 employee for public health activities, the protection of a drinking water supply, to control vectors
33 for mosquito borne illnesses, the eradication of non-native invasive species of rodents, for control
34 of an actual rodent infestation that has been deemed a public health issue where it has been

1 documented that all other rodent control alternatives, including nonchemical alternatives, are
2 inadequate to control the infestation.

3 (2) The use of any second-generation anticoagulant rodenticide at a medical waste
4 generator or a facility registered annually and subject to inspection under 21 U.S.C. § 360 et seq.
5 and compliant with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136 et
6 seq.).

7 (3) The use of any second-generation anticoagulant rodenticide for agricultural activities
8 conducted in the following locations:

9 (i) A warehouse used to store foods for human or animal consumption;

10 (ii) An agricultural food production site including, but not limited to, a slaughterhouse or
11 cannery;

12 (iii) A distillery, meadery, brewery, or winery.

13 SECTION 3. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
14 amended by adding thereto the following chapter:

15 CHAPTER 25.7

16 RODENT INTEGRATED PEST MANAGEMENT PILOT PROGRAM ACT

17 **23-25.7-1. Short Title.**

18 This chapter shall be known and may be cited as the “Rodent Integrated Pest Management
19 Pilot Program Act”.

20 **23-25.7-2. Definitions.**

21 For the purposes of this chapter, the following terms shall have the following meanings:

22 (1) “Integrated pest management” means a science-based approach to managing rodents
23 using a variety of methods to prevent and treat rodent concerns including, but not limited to,
24 addressing sanitation, landscaping concerns, promotion of natural predators, manufactured
25 alternatives to pesticides and other methods of prevention, reduction, and mitigation including, but
26 not limited to, rodent contraceptive applications.

27 (2) “Rodent contraceptive” means an agent for the reduction of reproductive capacity in
28 rodents that is approved for such use by the United States Environmental Protection Agency.

29 (3) “Rodent mitigation zones” means the zones designated by municipalities within its
30 municipalities’ boundaries to be areas in which the pilot program shall be implemented.

31 (4) “Rodent signs” means the observable indicators used by the designated municipal
32 departmental agency to determine the presence of rodents, including burrows, rub marks, runways,
33 tracks, gnaw marks, droppings, and the presence of live rodents.

34 **23-25.7-3. Pilot program.**

1 (a) Municipalities are authorized to implement and participate in a voluntary pest
2 management pilot program pursuant to the provisions of this chapter. A municipality may choose
3 to participate by designating the municipality's department agency responsible for the
4 implementation and services related to rodent extermination or mitigation in consultation with the
5 department of environmental management. The municipality may establish a pilot program for
6 integrated pest management and track the efficacy of such program in reducing the rodent
7 population. Such a program shall involve the following:

8 (1) The program implementation shall take place in pilot program areas, to be designated
9 by the municipal department assigned to identify rodent mitigation areas;

10 (2) The designated municipal department shall designate at least one pilot program
11 comparison area with similar zones, building types and landscapes to the pilot program rodent
12 mitigation areas, and shall make reasonable efforts to implement rodent mitigation efforts, other
13 than the implementation of the integrated pest management mitigation application, across the pilot
14 program comparison area or areas to allow for a controlled comparison;

15 (3) For not less than three (3) months immediately before the deployment of the integrated
16 pest management application in the designated rodent mitigation areas, the designated municipal
17 department shall perform monthly inspections of the pilot program areas and shall document all
18 rodent signs observed in each pilot program mitigation area and pilot program comparison area,
19 disaggregated by type of rodent sign;

20 (4) Following at least three (3) months of inspections, as required in subsection (3) of this
21 section, the designated municipal department shall deploy an integrated pest management
22 application in the pilot program mitigation areas;

23 (5) For not less than six (6) months immediately after the deployment of the integrated pest
24 management application, the designated municipal department shall perform monthly inspections
25 of the pilot program mitigation areas and shall document all rodent signs observed in each pilot
26 program mitigation area and pilot program comparison area, disaggregated by type of rodent sign;
27 and

28 (6) The designated municipal department shall track all interventions in all pilot program
29 mitigation areas, including the integrated pest management application, any change in sanitation
30 procedures, and any other rodent mitigation interventions, including the dates and locations of such
31 interventions, during the periods designated by subsections (3), (4) and (5) of this section.

32 (b) A municipality that conducted an integrated pest management program prior to the
33 effective date of this chapter may qualify for funds available through the rules and regulations
34 established in § 23-25.7-4 provided the municipality files a report containing the requested data

1 outlined in subsection (d) of this section and the findings of the municipal program are accepted by
2 the department of environmental management to further the intent of this chapter.

3 (c) Implementation. The pilot program established pursuant to subsection (a) of this section
4 shall commence no later than July 1, 2026. The duration of such program shall be no less than
5 twelve (12) months unless the designated municipal department terminates or suspends the program
6 on an earlier date;

7 (d) Report. No later than three (3) months after the termination of the pilot program
8 established pursuant to this section, the director of the designated municipal department shall
9 submit to the mayor or city or town administrator a report regarding the outcomes of such pilot
10 program, the existing pilot program areas, identified rodent mitigation areas and control areas and
11 inspections of such areas during the period of such program. Such report shall include, but need
12 not be limited to, the following information:

13 (1) The direct costs associated with the implementation of such program;

14 (2) Any challenges experienced by the designated municipal department during the
15 implementation of such program; and

16 (3) A table in which each separate row references a unique pilot program mitigation area
17 and pilot program comparison area. Each such row shall include the following information, as well
18 as any additional information the director of the designated municipal department deems
19 appropriate, set forth in separate columns:

20 (i) A unique identification code for the area;

21 (ii) Whether the area is a pilot program mitigation area or pilot comparison area;

22 (iii) The location of such area; and

23 (iv) A description of the building classification or zone designation in such area.

24 (4) A table on all rodent inspections in which each separate row references a unique
25 inspection in all pilot program rodent mitigation areas and pilot program comparison areas. Each
26 such row shall include the following information, as well as any additional information the director
27 of the designated municipal department deems appropriate, set forth in separate columns:

28 (i) The location of such area;

29 (ii) The date of such inspection;

30 (iii) The tally of all rodent signs, disaggregated by type of rodent sign; and

31 (iv) A description of the mitigation activity implemented in the area, including integrated
32 pest management applications, change in sanitation procedure and/or other rodent mitigation
33 applications

34 (5) Upon completion of the report and approval from the municipality's mayor or

1 administrator the report shall be submitted to the department of environmental management.

2 **23-25.7-4. Integrated pest management fund.**

3 (a) There is hereby established the integrated pest management fund to be administered by
4 the department of environmental management as set forth in this chapter.

5 (b) In addition to any funds appropriated by the general assembly, the department of
6 environmental management shall seek grant and philanthropic funding resources to supplement the
7 additional costs incurred by municipalities that voluntarily establish and participate in the
8 implementation of a municipal integrated pest management pilot program. The department may
9 seek assistance from independent third-party entities in identifying, applying and securing funds to
10 assist in the implementation of the pilot programs.

11 (c) Funds collected shall be deposited into the integrated pest management fund a restricted
12 receipt account and distributed in accordance with rules and regulations promulgated by the
13 department of environmental management.

14 **23-25.7-5. Rules and regulations.**

15 The department of environmental management shall promulgate rules and regulations to
16 implement the provisions of this chapter.

17 **23-25.7-6. Sunset.**

18 Unless extended by the general assembly the provisions of this chapter shall sunset and
19 expire on October 1, 2028.

20 SECTION 4. Section 1 of this act shall take effect upon passage and sections 2 and 3 shall
21 take effect on January 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

1 This act would create rodent integrated pest management pilot programs for municipalities
2 that choose to participate. Reports would be approved by the municipality's mayor or administrator
3 and would be submitted to the department of environmental management.

4 Section 1 of this act would take effect upon passage and sections 2 and 3 would take effect
5 on January 1, 2026.

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