

AMENDED IN ASSEMBLY APRIL 25, 2024

AMENDED IN ASSEMBLY APRIL 11, 2024

AMENDED IN ASSEMBLY APRIL 2, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1963

Introduced by Assembly Member Friedman
(Coauthor: Assembly Member Zbur)

January 29, 2024

An act to add Article 5 (commencing with Section 14085) to Chapter 3 of Division 7 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1963, as amended, Friedman. Pesticides: paraquat dichloride prohibition.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of specified pesticides, as prescribed. Existing law requires the director to adopt regulations designating and establishing a list of restricted materials and governing the possession and use of restricted materials that are injurious to the environment or to any person, animal, crop, or other property, as provided. Existing law authorizes the director to adopt regulations that prohibit the use or possession of a restricted material in certain areas or under certain conditions. Existing law requires the director and each county agricultural commissioner to enforce these and other laws, including regulations, relating to pesticides. Under existing law, the director adopted regulations designating specified forms of paraquat as restricted materials and regulating its use and application in specified circumstances.

This bill, on and after January 1, 2026, would prohibit the ~~use of a pesticide, and the use,~~ manufacture, sale, delivery, holding, or offering for sale in commerce any ~~product,~~ *pesticide product* that contains paraquat ~~dichloride.~~ *dichloride until the Department of Pesticide Regulation completes a reevaluation of paraquat dichloride and either (1) cancels or suspends the registration of a pesticide product that contains the active ingredient paraquat dichloride, or (2) places appropriate restrictions on the use of the active ingredient paraquat dichloride to mitigate any potential significant adverse effects. The bill would provide that its provisions do not require the department to complete that reevaluation.*

Existing law, unless a different penalty is expressly provided, makes a violation of the Food and Agricultural Code a crime.

Because the prohibition imposed in this bill would be part of the Food and Agricultural Code, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 14085) is
 2 added to Chapter 3 of Division 7 of the Food and Agricultural
 3 Code, to read:

4
 5 Article 5. Paraquat Dichloride
 6

7 14085. For purposes of this chapter, “pesticide” has the same
 8 meaning as specified in Section 12753.

9 14086. (a) On and after January 1, 2026, ~~a person shall not~~
 10 ~~use in the state a pesticide that contains,~~ and a person or entity
 11 shall not *use,* manufacture, sell, deliver, hold, or offer for sale in
 12 commerce in the state a *pesticide* product that ~~contains,~~ *contains*
 13 the active ingredient paraquat ~~dichloride.~~ *dichloride until both of*
 14 *the following conditions are met:*

1 (1) *The department has completed a reevaluation of paraquat*
2 *dichloride.*

3 (2) *Either of the following occurs:*

4 (A) *The department cancels or suspends the registration of each*
5 *pesticide product that contains the active ingredient paraquat*
6 *dichloride.*

7 (B) *The department places appropriate restrictions on the use*
8 *of the active ingredient paraquat dichloride to mitigate any*
9 *potential significant adverse effects.*

10 (b) *This section does not require the department to complete a*
11 *reevaluation of paraquat dichloride.*

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.