

ASSEMBLY, No. 2075

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Co-Sponsored by:

Assemblywoman Downey

SYNOPSIS

Prohibits sale of milkweed plants treated with certain pesticides.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the sale of milkweed plants and supplementing
2 Title 13 of the Revised Statutes.

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

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7 1. a. No person shall sell, offer for sale, or transport for sale in
8 the State any milkweed (*Asclepias* spp.) plant that has been treated
9 with a pesticide determined by the Department of Environmental
10 Protection to be harmful to the monarch butterfly (*Danaus*
11 *plexippus*).

12 b. The Department of Environmental Protection, in
13 consultation with the Department of Agriculture, shall adopt,
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations necessary to implement
16 the provisions of this section, including establishing a list of
17 pesticides that are harmful to monarch butterflies.

18 c. (1) A person who violates this section shall be liable to a
19 civil penalty of up to \$100, to be collected in a summary proceeding
20 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
21 c.274 (C.2A:58-10 et seq.). If the violation is of a continuing
22 nature, each day during which it continues shall constitute a
23 separate and distinct offense. The municipal court and the Superior
24 Court shall have jurisdiction to enforce the "Penalty Enforcement
25 Law of 1999."

26 (2) The Department of Environmental Protection, the
27 Department of Agriculture, and any county or municipality shall
28 have the authority to enforce the provisions of this section.

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill would prohibit the sale, offer for sale, or transportation
36 for sale in the State of any milkweed plant that has been treated
37 with a pesticide determined by the Department of Environmental
38 Protection (DEP) to be harmful to monarch butterflies. The DEP, in
39 consultation with the Department of Agriculture, would develop a
40 list of such pesticides. A person who violates the law would be
41 liable to a civil penalty of up to \$100, and each day during which
42 the violation continues would constitute a separate offense.

43 The monarch butterfly is perhaps the most iconic and studied
44 butterfly in North America. Each year, millions of monarchs
45 migrate from their overwintering sites in Mexico and California to
46 the northern United States and Canada, stopping at sites along the
47 way, including New Jersey, to feed and reproduce. However, in
48 recent years, migrating monarch populations in New Jersey and

1 across the country have decreased significantly. A report from the
2 World Wildlife Fund indicates that migrating monarch butterflies
3 are in “grave danger,” as their overwintering colonies in Mexico
4 now occupy a small fraction of the land they once did. Scientists
5 estimate that, in 2013, the migrating monarch population was just
6 35 million butterflies, a sharp decline from the nearly one billion
7 monarchs that made the 1,500 mile journey in 1990.

8 A major cause of the decline in the monarch butterfly population
9 is the widespread loss of a plant called milkweed due to human
10 development. Milkweed is the only plant on which monarch
11 butterflies lay their eggs, and the monarch’s main larval food
12 source. In recent years, there has been a renewed effort by
13 governments, individuals, and organizations to plant milkweed and
14 build and protect butterfly habitats so that future generations may
15 enjoy the annual monarch migration. However, new research has
16 shown that plants treated with certain pesticides, including
17 neonicotinoids, can harm monarch butterflies and their larva. This
18 bill would prohibit the sale of milkweed treated with harmful
19 pesticides in order to protect New Jersey’s migrating monarch
20 butterfly population.