

HOUSE BILL 420

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M4

2003 Regular Session  
(3r0041)

**ENROLLED BILL**

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Chairman, Environmental Matters Committee (By Request -  
Departmental - Agriculture)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 296

1 AN ACT concerning

2 **Pesticide Registration Fees - Fees and Retention of Unexpended Funds**

3 FOR the purpose of reducing the amount of unexpended funds that may be retained  
4 in a certain special fund at the end of a fiscal year; and altering the fees for  
5 registering a pesticide with the Secretary of Agriculture.

6 BY repealing and reenacting, with amendments,  
7 Article - Agriculture  
8 Section 5-103 and 5-105  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2002 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Agriculture**2 5-103.

3 The registration fee and all late fees under this subtitle shall be placed in a  
4 special fund to be used only to defray partially the cost of administering this subtitle.  
5 Notwithstanding any other provisions of this Code, any unexpended funds up to a  
6 maximum of [\$100,000] ~~\$50,000~~ \$75,000 may not revert to the general funds of the  
7 State at the end of the fiscal year.

8 5-105.

9 (a) Except as provided in subsection (g), a distributor shall register with the  
10 Secretary each brand or product name of a pesticide before distributing it in the  
11 State. The registration for each pesticide expires December 31 each year.

12 (b) Each applicant shall file with the Secretary a statement listing:

13 (1) The name and address of each applicant and the name and address of  
14 the person whose name will appear on the label, if other than the registrant;

15 (2) The name of the pesticide;

16 (3) A complete copy of the labeling accompanying the pesticide and a  
17 statement of every claim to be made for it, including directions for use; and

18 (4) A full description of every test conducted and the results upon which  
19 any claim is based, if requested by the Secretary.

20 (c) A separate application shall be filed for each person whose name appears  
21 on the label. Upon renewal, a person shall file a statement listing any required new  
22 information that does not appear on the statement filed when the pesticide was  
23 registered or was last reregistered.

24 (d) The applicant shall pay an annual fee of [\$60] \$100 to the Secretary for  
25 each product registered. Unless the Secretary determines otherwise, each applicant  
26 also shall pay a terminal registration fee of [\$60] \$100 for each discontinued pesticide  
27 each year for two years.

28 (e) In addition to the annual fee, any person filing a renewal application after  
29 January 31 for any product offered for sale shall pay a ten percent per month late  
30 registration fee for each pesticide, but not exceeding twice the annual registration fee  
31 per pesticide. Late fees apply retroactively to the January 1 filing date. Late fees are  
32 not applicable to new products which are registered before being distributed, sold, or  
33 offered for sale.

34 (f) The Secretary may require the submission of toxicological, environmental,  
35 or health effects data that the Secretary considers appropriate, or the complete  
36 formula of any pesticide whenever he deems this action necessary to effectuate the  
37 purposes of this subtitle. The Secretary shall register the pesticide if he determines

1 that the pesticide, its labeling, and other material required to be submitted comply  
2 with the requirements of this subtitle.

3 (g) Provided the product label has not been altered or changed, a distributor  
4 shall not be required to register the brand or trade name of a pesticide which has been  
5 registered by another person under this subtitle.

6 (h) Before a pesticide may be registered by the Secretary, the pesticide shall  
7 comply with the provisions of federal pesticide laws and regulations.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2003.