

SENATE BILL 675

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CF 3lr2325

By: **Senators Manno, Benson, Forehand, Frosh, Montgomery, Pinsky, and Young**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Pesticide Reporting and Information Act**

3 FOR the purpose of requiring the Department of Agriculture to adopt certain
4 regulations regarding reporting on the use, release, sale, and purchase of
5 certain pesticides; requiring certain persons that use, release, sell, or purchase
6 certain pesticides to submit certain reports to the Department; requiring the
7 reports to contain certain information; requiring certain restricted-use pesticide
8 reports to be submitted at least semi-annually in a manner required by the
9 Department; requiring certain pesticide reports to be submitted annually
10 beginning on a certain date; requiring the Department to establish the format of
11 the reports; requiring the Department to adopt regulations for standard naming
12 conventions for certain chemicals and products; requiring a person that
13 withholds certain information from a certain report to notify the Department
14 and provide a certain explanation; establishing that this Act does not relieve a
15 person from certain reporting requirements under federal, State, or local laws;
16 authorizing the Department to inspect certain records; requiring certain records
17 to be made available to the Department for inspection at a certain time;
18 requiring the Department to provide notice of a certain inspection of records to a
19 certain person; requiring the Department to serve as the repository for certain
20 records; authorizing the Department to delegate certain data management
21 functions; authorizing the Department to share data management resources
22 with other State departments; requiring the Department to establish a system,
23 including an electronic reporting system for the submission of reports; requiring
24 the online electronic reporting system to allow certain information to be
25 reported; authorizing the Department to establish a certain policy regarding
26 electronic reporting; authorizing the Department to adopt regulations regarding
27 the public availability of certain information; requiring the Department to adopt
28 regulations to ensure that certain data will not result in the association of the
29 data with a certain person; requiring the Department to adopt regulations to
30 protect the identity of certain persons; limiting access to certain reports to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain persons; prohibiting access to certain reports unless certain
2 requirements are met; requiring the availability of certain administrative and
3 judicial review under certain circumstances; creating a Pesticide Use and
4 Release Fund; providing for the administration of the Fund; requiring the Fund
5 to be used for certain purposes; requiring the Fund to have an annual revenue
6 target; requiring the Department to set the revenue target and adjust the target
7 based on certain conditions; requiring certain penalties and fees to be deposited
8 into the Fund; requiring the Department to place a certain surcharge on certain
9 fees; requiring the surcharge fees to be deposited into the Fund; requiring the
10 surcharge fees to be used for a certain purpose; prohibiting the violation of this
11 Act; establishing the penalties for certain violations; providing for the
12 enforcement of this Act; requiring the Department to establish a tracking
13 system for certain pesticide purchases; defining certain terms; declaring certain
14 findings of the General Assembly; and generally relating to pesticide use and
15 release reporting.

16 BY repealing and reenacting, without amendments,
17 Article – Agriculture
18 Section 5–101(g), 5–105, and 5–201(a), (c), (g), (j), (l), and (r)
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2012 Supplement)

21 BY adding to
22 Article – Agriculture
23 Section 5–2A–01 through 5–2A–21 to be under the new subtitle “Subtitle 2A.
24 Use, Release, Sale, and Purchase of Pesticides”
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2012 Supplement)

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

29 **Article – Agriculture**

30 5–101.

31 (g) “Distributor” means a person who imports, manufactures, produces,
32 mixes, or consigns pesticides as part of a commercial enterprise.

33 5–105.

34 (a) Except as provided in subsection (g) of this section, a distributor shall
35 register with the Secretary each brand or product name of a pesticide before
36 distributing it in the State. The registration for each pesticide expires December 31
37 each year.

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

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

3 (2) The name of the pesticide;

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

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

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

12 (d) The applicant shall pay an annual fee of \$100 to the Secretary for each
13 product registered. Unless the Secretary determines otherwise, each applicant also
14 shall pay a terminal registration fee of \$100 for each discontinued pesticide each year
15 for two years.

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

22 (f) The Secretary may require the submission of toxicological,
23 environmental, or health effects data that the Secretary considers appropriate, or the
24 complete formula of any pesticide whenever he deems this action necessary to
25 effectuate the purposes of this subtitle. The Secretary shall register the pesticide if he
26 determines that the pesticide, its labeling, and other material required to be submitted
27 comply with the requirements of this subtitle.

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

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

33 5-201.

34 (a) In this subtitle the following words have the meanings indicated.

1 (c) “Certified applicator” means a person who is certified by the Secretary
2 under this subtitle.

3 (g) “Labeling” means all written, printed, or graphic matter:

4 (1) Accompanying the pesticide or device at any time; or

5 (2) To which reference is made on the label or in literature
6 accompanying the pesticide or device, except to current official publications of the:

7 (i) Environmental Protection Agency;

8 (ii) United States Departments of Agriculture, Interior, and
9 Health and Human Services;

10 (iii) State experiment stations;

11 (iv) State agricultural colleges; or

12 (v) Other similar federal or State institutions or agencies
13 authorized by law to conduct research in the field of pesticides.

14 (j) (1) “Pest control applicator” means a person engaged in the business of
15 pest control.

16 (2) Except as provided by the Secretary, “pest control applicator”
17 includes a person who applies pesticides on any premises where the public is
18 commonly invited for the sale of goods or services.

19 (l) “Pesticide” means any substance or mixture of substances intended for:

20 (1) Preventing, destroying, repelling, or mitigating any pest;

21 (2) Use as a plant regulator, defoliant, or desiccant; or

22 (3) Use as a spray adjuvant such as a wetting agent or adhesive.

23 (r) “Restricted use pesticide” means a pesticide so classified by the provisions
24 in this title or by the federal government or the Secretary of Agriculture, State of
25 Maryland.

26 **SUBTITLE 2A. USE, RELEASE, SALE, AND PURCHASE OF PESTICIDES.**

27 **PART I. DEFINITIONS; GENERAL PROVISIONS.**

28 **5-2A-01.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “CERTIFIED APPLICATOR”, “LABELING”, “PEST CONTROL
4 APPLICATOR”, “PESTICIDE”, AND “RESTRICTED USE PESTICIDE” HAVE THE
5 MEANINGS STATED IN § 5–201 OF THIS TITLE.

6 (C) “DISTRIBUTOR” HAS THE MEANING STATED IN § 5–101 OF THIS
7 TITLE.

8 (D) “FUND” MEANS THE PESTICIDE USE AND RELEASE FUND
9 ESTABLISHED UNDER § 5–2A–14 OF THIS SUBTITLE.

10 (E) “RELEASE” MEANS ANY PESTICIDE APPLICATION OR SPILL THAT
11 DOES NOT COMPLY WITH PESTICIDE LABELING INSTRUCTIONS.

12 (F) “USE” MEANS ANY PESTICIDE APPLICATION THAT COMPLIES WITH
13 PESTICIDE LABELING INSTRUCTIONS.

14 **5–2A–02.**

15 **THE GENERAL ASSEMBLY FINDS THAT:**

16 (1) THE RELEASE OF PESTICIDES INTO THE ENVIRONMENT CAN
17 HAVE A NEGATIVE EFFECT ON PUBLIC HEALTH AND THE ENVIRONMENT;

18 (2) NEGATIVE EFFECTS ON PUBLIC HEALTH AND THE
19 ENVIRONMENT MAY OCCUR EVEN IF PESTICIDES ARE USED IN FULL
20 ACCORDANCE WITH APPROVED APPLICATIONS AND LABELING INSTRUCTIONS;

21 (3) WITHOUT INFORMATION ON THE PATTERNS OF THE SALE,
22 USE, AND RELEASE OF PESTICIDES, IT IS COSTLY AND CHALLENGING TO DESIGN
23 APPROPRIATE MONITORING, TRACKING, EVALUATION, AND PROTECTION
24 PROGRAMS;

25 (4) THE PROTECTION OF THE ENVIRONMENT, PUBLIC HEALTH,
26 AND PUBLIC WELL–BEING FROM TERRORIST ATTACKS REQUIRES THAT CERTAIN
27 INFORMATION ON THE SALE, USE, AND RELEASE OF PESTICIDES BE ASSEMBLED;

28 (5) IT IS RECOGNIZED THAT RESTRICTED–USE PESTICIDES
29 POTENTIALLY MAY BE USED BY TERRORISTS AND THAT THE TRACKING OF
30 INFORMATION REGARDING THE PURCHASE AND SALE OF RESTRICTED–USE

1 PESTICIDES MAY BE USEFUL IN IDENTIFYING POTENTIALLY UNLAWFUL AND
2 THREATENING USES OF THESE PESTICIDES;

3 (6) ACCESS TO REPORTED DATA AND THE IDENTITY OF A PERSON
4 SUBMITTING A REPORT REQUIRED UNDER THIS SUBTITLE IS INTENDED FOR
5 GOVERNMENT AGENCIES, RESEARCH ORGANIZATIONS, AND ENVIRONMENTAL
6 AND PUBLIC HEALTH EXPERTS THAT HAVE A SECURITY, REGULATORY, PUBLIC
7 HEALTH, OR ACADEMIC INTEREST IN THE SALE, USE, AND RELEASE OF
8 PESTICIDES THAT COULD SIGNIFICANTLY IMPAIR OR DAMAGE PUBLIC HEALTH
9 OR THE ENVIRONMENT; AND

10 (7) BECAUSE EFFICIENCIES IN REPORTING OF DATA CAN BE
11 ACHIEVED THROUGH THE USE OF CONSOLIDATED ELECTRONIC SYSTEMS AND
12 THE NEWEST ELECTRONIC TECHNOLOGIES, EFFORTS NEED TO BE MADE TO USE
13 THESE TECHNOLOGIES FOR THE BENEFIT OF THE BUSINESSES THAT MUST
14 REPORT THE DATA AND TO ASSIST GOVERNMENT AGENCIES AND RESEARCH
15 ORGANIZATIONS THAT USE THE REPORTED DATA.

16 5-2A-03. RESERVED.

17 5-2A-04. RESERVED.

18 PART II. REPORTING.

19 5-2A-05.

20 A DISTRIBUTOR, CERTIFIED APPLICATOR, OR PEST CONTROL
21 APPLICATOR SHALL SUBMIT A REPORT UNDER THIS PART.

22 5-2A-06.

23 THE DEPARTMENT SHALL ADOPT REGULATIONS FOR REPORTING:

24 (1) THE USE AND RELEASE OF PESTICIDES, INCLUDING:

25 (I) OUTDOOR AGRICULTURAL RELEASE;

26 (II) WOOD-DESTROYING-INSECT CONTROL, INCLUDING
27 OUTDOOR AND SUBSURFACE BUILDING TREATMENTS;

28 (III) LAWN CARE AND LANDSCAPING SERVICES;

29 (IV) GOLF COURSE MAINTENANCE;

1 (V) HIGHWAY, UTILITY, AND RAILROAD RIGHTS-OF-WAY
2 MAINTENANCE;

3 (VI) FOREST PEST CONTROL; AND

4 (VII) MOSQUITO CONTROL; AND

5 (2) THE PURCHASE AND SALE OF RESTRICTED-USE PESTICIDES.

6 5-2A-07.

7 (A) A PERSON REQUIRED TO SUBMIT A REPORT UNDER THIS PART
8 SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT INDICATING:

9 (1) THE QUANTITIES OF THE PESTICIDE USED OR RELEASED IN
10 AT LEAST ANNUAL TOTALS OR AS REQUIRED BY THE DEPARTMENT;

11 (2) THE ACREAGE OF LAND MASS COVERED BY THE QUANTITIES
12 OF THE PESTICIDE USED OR RELEASED;

13 (3) THE TYPES OF PESTICIDE USED OR RELEASED;

14 (4) THE LOCATIONS WHERE PESTICIDE IS USED OR RELEASED BY
15 ZIP CODE, WATERSHED, OR OTHER GEOGRAPHIC AREA DETERMINED BY THE
16 DEPARTMENT;

17 (5) THE INTENDED PURPOSES OF THE PESTICIDE APPLICATION
18 OR RELEASE, INCLUDING:

19 (I) CROPS TO WHICH PESTICIDE IS APPLIED; AND

20 (II) TARGETED ORGANISMS FOR PESTICIDE USE;

21 (6) THE 16-DIGIT U.S. GEOLOGICAL SURVEY UNIT CODE FOR
22 THE WATERSHED, OR EQUIVALENT CODE ESTABLISHED BY THE DEPARTMENT,
23 IN WHICH PESTICIDE WAS USED OR RELEASED; AND

24 (7) ANY ADDITIONAL INFORMATION RELATING TO PESTICIDE USE
25 OR RELEASE THAT THE SECRETARY REQUIRES.

1 **(B) RESTRICTED USE PESTICIDE SALE AND PURCHASE REPORTS**
2 **REQUIRED UNDER THIS PART SHALL BE SUBMITTED AT LEAST SEMI-ANNUALLY**
3 **IN A MANNER REQUIRED BY THE DEPARTMENT.**

4 **(C) PESTICIDE USE AND RELEASE REPORTS REQUIRED UNDER THIS**
5 **PART OR REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE SHALL**
6 **COVER THE PRECEDING CALENDAR YEAR AND BE SUBMITTED ANNUALLY TO**
7 **THE DEPARTMENT BEGINNING ON MARCH 1, 2015.**

8 **(D) (1) THE DEPARTMENT SHALL SPECIFY THE FORMAT OF REPORTS**
9 **REQUIRED UNDER THIS PART.**

10 **(2) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR**
11 **STANDARD NAMING CONVENTIONS AND CATEGORIES FOR THE VARIOUS**
12 **CHEMICAL NAMES, PRODUCT NAMES, AND PRODUCT FORMULATIONS.**

13 **(E) A PERSON THAT WITHHOLDS INFORMATION FROM A REPORT**
14 **REQUIRED UNDER THIS SECTION BASED ON A CLAIM THAT THE INFORMATION IS**
15 **CONFIDENTIAL BUSINESS INFORMATION SHALL:**

16 **(1) NOTIFY THE DEPARTMENT THAT INFORMATION IS BEING**
17 **WITHHELD; AND**

18 **(2) PROVIDE AN EXPLANATION FOR THE CLAIM THAT THE**
19 **WITHHELD INFORMATION IS CONFIDENTIAL.**

20 **(F) THIS SECTION DOES NOT RELIEVE A PERSON FROM ANY OTHER**
21 **REPORTING REQUIREMENTS UNDER FEDERAL, STATE, OR LOCAL LAWS.**

22 **5-2A-08.**

23 **(A) THE DEPARTMENT MAY INSPECT ANY RECORDS OR REPORTS OF**
24 **PESTICIDE USE, RELEASE, SALE, AND PURCHASE BY A PERSON.**

25 **(B) ON REQUEST BY THE DEPARTMENT, A PERSON SHALL MAKE**
26 **RECORDS AVAILABLE FOR INSPECTION BY THE DEPARTMENT DURING NORMAL**
27 **BUSINESS HOURS.**

28 **(C) IF THE DEPARTMENT INTENDS TO INSPECT RECORDS AT THE**
29 **LOCATION WHERE THE RECORDS ARE MAINTAINED, THE DEPARTMENT SHALL**
30 **PROVIDE ADVANCE NOTICE OF NOT LESS THAN 1 WEEK TO THE PERSON IN**
31 **POSSESSION OF THE RECORDS.**

1 **5-2A-09.**

2 (A) THE DEPARTMENT SHALL SERVE AS THE REPOSITORY FOR DATA
3 REGARDING PESTICIDE USE, RELEASE, SALE, AND PURCHASE IN THE STATE.

4 (B) THE DEPARTMENT MAY DELEGATE THE MANAGEMENT OF THE
5 DEPARTMENT'S DATA REPOSITORY FUNCTIONS TO ANOTHER STATE AGENCY OR
6 PRIVATE CONTRACTOR.

7 (C) THE DEPARTMENT MAY SHARE SYSTEMS AND RESOURCES WITH
8 OTHER STATE DEPARTMENTS TO OPTIMIZE THE MANAGEMENT AND SHARING OF
9 THE DATA REPOSITORIES OF THE DEPARTMENT.

10 **5-2A-10.**

11 (A) (1) THE DEPARTMENT SHALL ESTABLISH A SYSTEM, INCLUDING
12 AN ELECTRONIC REPORTING SYSTEM FOR THE SUBMITTAL OF REPORTS
13 REQUIRED UNDER THIS PART.

14 (2) THE ELECTRONIC REPORTING SYSTEM SHALL IDENTIFY THE
15 WATERSHED WHERE THE PESTICIDES ARE USED OR ARE RELEASED AS
16 REQUIRED UNDER § 5-2A-07(A)(6) OF THIS PART.

17 (B) THE DEPARTMENT MAY ESTABLISH A POLICY TO ENSURE THAT 90%
18 OF THE REPORTS REQUIRED UNDER THIS PART ARE SUBMITTED BY 2018.

19 **5-2A-11.**

20 (A) THE DEPARTMENT MAY ADOPT REGULATIONS REGARDING ACCESS
21 BY THE PUBLIC TO INFORMATION SUBMITTED TO OR MAINTAINED BY THE
22 DEPARTMENT REGARDING PESTICIDES USED, RELEASED, SOLD, AND
23 PURCHASED IN THE STATE.

24 (B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

25 (I) ENSURE THAT PUBLICLY DISTRIBUTED DATA WILL NOT
26 RESULT IN THE ASSOCIATION OF ANY DATA WITH A PERSON; AND

27 (II) PROTECT THE IDENTITY OF A PERSON REQUIRED TO
28 SUBMIT A REPORT UNDER THIS PART.

29 (2) ACCESS TO INDIVIDUAL REPORTS SHALL BE LIMITED TO:

1 (I) GOVERNMENT AGENCIES;

2 (II) RESEARCH ORGANIZATIONS THAT HAVE A REGULATORY
3 OR ACADEMIC INTEREST IN THE USE, RELEASE, SALE, OR PURCHASE OF
4 PESTICIDES; AND

5 (III) ENVIRONMENTAL AND PUBLIC HEALTH EXPERTS.

6 (3) ACCESS TO INDIVIDUAL REPORTS MAY NOT BE PROVIDED TO
7 AN ENTITY LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION UNLESS THE
8 ENTITY:

9 (I) DEMONSTRATES THE ENTITY HAS ADEQUATE SECURITY
10 MEASURES TO PREVENT THE RELEASE OF INFORMATION THAT IS
11 ATTRIBUTABLE TO A PERSON SUBMITTING A REPORT; AND

12 (II) SIGNS AN AGREEMENT TO KEEP CONFIDENTIAL THE
13 IDENTITY OF A PERSON THAT HAS SUBMITTED A REPORT.

14 (C) FOR MATTERS RELATING TO THE DEPARTMENT'S PROTECTION OF
15 THE IDENTITY OF A PERSON REQUIRED TO SUBMIT A REPORT, A PERSON SHALL
16 BE ENTITLED TO:

17 (1) A REVIEW BY AN ADMINISTRATIVE LAW JUDGE; AND

18 (2) AN APPEAL TO A COURT OF COMPETENT JURISDICTION, AS
19 AUTHORIZED BY STATE LAW.

20 5-2A-12. RESERVED.

21 5-2A-13. RESERVED.

22 PART III. PESTICIDE USE AND RELEASE FUND.

23 5-2A-14.

24 (A) THERE IS A PESTICIDE USE AND RELEASE FUND IN THE
25 DEPARTMENT.

26 (B) THE SECRETARY SHALL ADMINISTER THE FUND.

1 **(C) (1) (I) EXCEPT AS PROVIDED BY SUBPARAGRAPH (II) OF THIS**
2 **PARAGRAPH, THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
3 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 **(II) IF THE FUND HAS SUFFICIENT MONEY TO COVER ALL**
5 **COSTS OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE FOR THE**
6 **UPCOMING FISCAL YEAR, THE DEPARTMENT MAY TRANSFER EXCESS MONEY TO**
7 **AN ACCOUNT IN THE DEPARTMENT FOR THE PURPOSE OF ADMINISTERING THE**
8 **OFFICE OF THE STATE CHEMIST IN THE DEPARTMENT.**

9 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
10 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

11 **(D) THE FUND CONSISTS OF:**

12 **(1) REVENUE DISTRIBUTED TO THE FUND UNDER THIS SUBTITLE;**

13 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

14 **AND**

15 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
16 **FOR THE BENEFIT OF THE FUND.**

17 **(E) THE FUND SHALL BE USED FOR:**

18 **(1) THE COLLECTION, MANAGEMENT, AND ANALYSIS OF DATA**
19 **RECEIVED BY THE DEPARTMENT FROM PERSONS REQUIRED TO REPORT IN**
20 **ACCORDANCE WITH THIS SUBTITLE OR REGULATIONS ADOPTED IN**
21 **ACCORDANCE WITH THIS SUBTITLE;**

22 **(2) ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE; AND**

23 **(3) IN ACCORDANCE WITH SUBSECTION (C)(1)(II) OF THIS**
24 **SECTION, THE ADMINISTRATION OF THE OFFICE OF THE STATE CHEMIST IN**
25 **THE DEPARTMENT.**

26 **(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
27 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

28 **(2) ANY INTEREST OR OTHER INVESTMENT EARNINGS OF THE**
29 **FUND SHALL BE CREDITED AND PAID INTO THE FUND.**

30 **(G) (1) THE FUND SHALL HAVE AN ANNUAL REVENUE TARGET.**

1 **(2) THE ANNUAL REVENUE TARGET SHALL BE SET AND ADJUSTED**
2 **ANNUALLY BY THE DEPARTMENT IN RESPONSE TO DOCUMENTED PROGRAM**
3 **NEEDS OR CHANGES IN THE COST-OF-LIVING INDEX USED BY THE STATE.**

4 **(3) THE ANNUAL REVENUE TARGET SHALL BE SET AT A LEVEL**
5 **SUFFICIENT TO COVER ALL COSTS OF THE PROGRAM ESTABLISHED UNDER THIS**
6 **SUBTITLE.**

7 **5-2A-15.**

8 **ANY FEE OR PENALTY COLLECTED IN ACCORDANCE WITH THIS SUBTITLE**
9 **SHALL BE DEPOSITED INTO THE FUND.**

10 **5-2A-16.**

11 **(A) THE DEPARTMENT SHALL PLACE A SURCHARGE ON REGISTRATION**
12 **FEES PAID UNDER § 5-105 OF THIS TITLE IN AN AMOUNT SUFFICIENT TO**
13 **GENERATE FUNDS TO MEET THE ANNUAL REVENUE TARGET ESTABLISHED**
14 **UNDER § 5-2A-14(G) OF THIS PART.**

15 **(B) THE SURCHARGE PORTION OF REGISTRATION FEES UNDER**
16 **SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE PURPOSE OF**
17 **SUPPORTING THE DEVELOPMENT AND OPERATION OF, AND COMPLIANCE WITH,**
18 **THE REPORTING PROGRAMS REQUIRED UNDER THIS SUBTITLE.**

19 **(C) THE SURCHARGE ON THE PESTICIDE REGISTRATION FEES SHALL BE**
20 **DEPOSITED INTO THE FUND.**

21 **5-2A-17. RESERVED.**

22 **5-2A-18. RESERVED.**

23 **PART IV. ENFORCEMENT AND PENALTIES.**

24 **5-2A-19.**

25 **A PERSON MAY NOT KNOWINGLY OR RECKLESSLY SUBMIT FALSE**
26 **INFORMATION IN RESPONSE TO A REPORTING REQUIREMENT UNDER THIS**
27 **SUBTITLE.**

28 **5-2A-20.**

1 **(A) A PERSON SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO**
2 **EXCEED \$100 FOR AN INITIAL NOTICE OF NONCOMPLIANCE WITH THIS**
3 **SUBTITLE.**

4 **(B) FAILURE TO SUBMIT A REPORT OR PAY THE FEES AS REQUIRED**
5 **UNDER THIS SUBTITLE ON SECOND AND SUBSEQUENT NOTICES DELIVERED AT**
6 **LEAST 30 DAYS FROM THE INITIAL OR PREVIOUS NOTICE SHALL BE SUBJECT TO**
7 **A PENALTY IN AN AMOUNT NOT TO EXCEED \$1,000 FOR EACH NOTICE.**

8 **(C) KNOWINGLY SUBMITTING FALSE INFORMATION TO THE**
9 **DEPARTMENT IN A REPORT REQUIRED UNDER THIS SUBTITLE SHALL BE**
10 **SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$5,000.**

11 **(D) A PERSON THAT VIOLATES AN AGREEMENT OF CONFIDENTIALITY**
12 **UNDER § 5-2A-11 OF THIS SUBTITLE SHALL BE SUBJECT TO A PENALTY IN AN**
13 **AMOUNT NOT TO EXCEED \$5,000.**

14 **5-2A-21.**

15 **(A) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE PROVISIONS AND**
16 **PROCEDURES OF TITLE 12 OF THIS ARTICLE SHALL BE USED AND APPLIED TO**
17 **ANY PERSON THAT KNOWINGLY OR RECKLESSLY VIOLATES:**

18 **(1) THIS SUBTITLE; AND**

19 **(2) ANY REGULATION ADOPTED UNDER THIS SUBTITLE.**

20 **(B) A PENALTY IMPOSED FOR A VIOLATION OF THIS SUBTITLE IS**
21 **PAYABLE TO THE FUND AND MAY BE COLLECTED IN ANY MANNER PROVIDED BY**
22 **LAW FOR THE COLLECTION OF DEBTS.**

23 **(C) THE DEPARTMENT AND OTHER AGENCIES ASSIGNED TO SUPPORT**
24 **THE DEPARTMENT SHALL ENFORCE THIS SUBTITLE.**

25 **(D) UNLESS A PERSON SERVED WITH NOTICE OF A PENALTY UNDER**
26 **THIS PART MAKES A WRITTEN REQUEST FOR A HEARING WITHIN 30 DAYS OF**
27 **RECEIPT OF THE NOTICE, THE PENALTY IS CONSIDERED FINAL.**

28 **(E) IF A PERSON REQUIRED TO PAY A FINAL PENALTY IMPOSED UNDER**
29 **THIS PART FAILS TO PAY WITHIN 30 DAYS AFTER THE PENALTY BECOMES FINAL,**
30 **A LIEN SHALL BE RECORDED AGAINST ANY REAL PROPERTY OWNED BY THE**
31 **PERSON IN THE AMOUNT OF THE PENALTY, TOGETHER WITH INTEREST AND ANY**
32 **COSTS THAT MAY ACCRUE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) The Department of Agriculture shall establish a tracking system to
3 facilitate the reporting, recording, and investigating of suspicious pesticide purchases.

4 (b) The tracking system shall include:

5 (1) a toll-free telephone line for citizens to anonymously report
6 suspicious pesticide purchases; and

7 (2) a database, maintained by the Department, to record all citizen
8 reports.

9 (c) Once a report has been entered into the database, the Department shall:

10 (1) review the report; and

11 (2) forward to the appropriate federal or State law enforcement agency
12 any report the Department determines to contain credible evidence of potentially
13 dangerous or illegal activity.

14 (d) On or before October 1, 2014, the Department shall adopt regulations to
15 carry out these provisions.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2013.