HOUSE BILL 1285

M4 4lr2064

By: **Delegates Healey, Bobo, Carr, Frush, Gaines, and McIntosh**
Introduced and read first time: February 7, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Agriculture – Neonicotinoid Pesticides – Restricted Use

FOR the purpose of designating a neonicotinoid pesticide as a restricted use pesticide; authorizing the distribution, sale, and application of a neonicotinoid pesticide under certain circumstances; making stylistic changes; and generally relating to restricted use pesticides.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 5–201(a), (c), and (r)
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 5–210.5
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

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

Article – Agriculture

5–201.

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

(c) "Certified applicator" means a person who is certified by the Secretary under this subtitle.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

5–210.5.

(a) In this section, "cyclodiene termiticide" means chlordane (1, 2, 4, 5, 6, 7, 8, 8–octachloro–2, 3, 3a, 4, 7, 7a–hexahydro–4, 7–methanoindene), heptachlor (1, 4, 5, 6, 7, 8, 8–heptachloro–3a, 4, 7, 7a–tetrahydro–4, 7–methanoindene), aldrin (1, 2, 3, 4, 10, 10–hexachloro–1, 4, 4a, 5, 8, 8a–hexahydro–1, 4:5, 8–dimethanonaphthalene), and dieldrin (3, 4, 5, 6, 9, 9–hexachloro–1a, 2, 2a, 3, 6, 6a, 7, 7a–octahydro–2, 7:3, 6–dimethanonaphth (2, 3–b) oxirene) and related cyclodiene chemical compounds used for the control of termites.

(b) (1) **[**On and after October 1, 1987, each**]** **EACH** cyclodiene termiticide distributed, sold, or offered for sale in **[**this**]** **THE** State shall be classified as a restricted use pesticide.

(2) A person may distribute, sell, or offer for sale a cyclodiene termiticide only if:

(i) The cyclodiene termiticide is designated as a restricted use pesticide in a manner determined by the Department; and

(ii) The purchaser is a:

1. Certified **[**pesticide**]** applicator; or

2. Registered employee who has completed a course in termiticide application that is approved by the Department.

(3) A cyclodiene termiticide applied by a licensee shall only be applied by:

(i) A certified **[**pesticide**]** applicator; or

(ii) A registered employee who has completed a course in termiticide application that is approved by the Department and is making the application under the direct supervision of a certified **[**pesticide**]** applicator.

(C) (1) EACH NEONICOTINOID PESTICIDE DISTRIBUTED, SOLD, OR OFFERED FOR SALE IN THE STATE SHALL BE CLASSIFIED AS A RESTRICTED USE PESTICIDE.

(2) A PERSON MAY DISTRIBUTE, SELL, OR OFFER FOR SALE A NEONICOTINOID PESTICIDE ONLY IF:

(I) THE NEONICOTINOID PESTICIDE IS DESIGNATED AS A RESTRICTED USE PESTICIDE IN A MANNER DETERMINED BY THE DEPARTMENT; AND

(II) THE PURCHASER IS A CERTIFIED APPLICATOR.

(3) A NEONICOTINOID PESTICIDE SHALL BE APPLIED ONLY BY A CERTIFIED APPLICATOR.

[(c)**] (D)** **[**Before October 1, 1987, the**] THE** Department shall adopt regulations to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.