

SENATE BILL 163

M4

5r1541
CF 5r1669

By: **Senators Nathan–Pulliam, Montgomery, Pugh, Raskin, and Young**

Introduced and read first time: January 30, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Neonicotinoid Pesticide – Labeling Requirement**
3 **(Pollinator Protection Act of 2015)**

4 FOR the purpose of prohibiting a person from selling in the State certain seeds, material,
5 or plants that have been treated with a neonicotinoid pesticide unless the seeds,
6 material, or plants bear a label with a certain statement; prohibiting a person from
7 selling in the State, on or after a certain date, a neonicotinoid pesticide unless the
8 person also sells a restricted–use pesticide; prohibiting a person from using a
9 neonicotinoid pesticide on or after a certain date unless the person is a certified
10 applicator, a farmer who uses the product for a certain purpose, or a veterinarian;
11 defining certain terms; and generally relating to a neonicotinoid pesticide.

12 BY repealing and reenacting, without amendments,
13 Article – Agriculture
14 Section 5–201(a), (c), and (r)
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2014 Supplement)

17 BY adding to
18 Article – Agriculture
19 Section 5–2A–01 and 5–2A–02 to be under the new subtitle “Subtitle 2A. Plants
20 Treated With Pesticides”
21 Annotated Code of Maryland
22 (2007 Replacement Volume and 2014 Supplement)

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

25 **Article – Agriculture**

26 5–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

6 **SUBTITLE 2A. PLANTS TREATED WITH PESTICIDES.**

7 **5-2A-01.**

8 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(B) "NEONICOTINOID PESTICIDE" MEANS ANY PESTICIDE CONTAINING A**
11 **CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:**

12 **(1) IMIDACLOPRID;**

13 **(2) NITHAZINE;**

14 **(3) ACETAMIPRID;**

15 **(4) CLOTHIANIDIN;**

16 **(5) DINOTEFURAN;**

17 **(6) THIAACLOPRID;**

18 **(7) THIAMETHOXAM; OR**

19 **(8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS**
20 **BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.**

21 **(C) "NURSERY STOCK" MEANS:**

22 **(1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND**
23 **WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE,**
24 **WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;**

1 **(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN**
2 **ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE**
3 **ENTERING THAT STATE; AND**

4 **(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF**
5 **REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY**
6 **INJURIOUS PLANT PEST.**

7 **5-2A-02.**

8 **(A) A PERSON MAY NOT SELL IN THE STATE ANY SEED, PLANT MATERIAL,**
9 **NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT THAT HAS**
10 **BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED, PLANT**
11 **MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT**
12 **BEARS A LABEL WITH THE FOLLOWING STATEMENT:**

13 **“WARNING: BEES ARE ESSENTIAL TO MANY AGRICULTURAL CROPS. THIS**
14 **PRODUCT HAS BEEN TREATED WITH NEONICOTINOID PESTICIDES, FOUND TO BE A**
15 **MAJOR CONTRIBUTOR TO BEE DEATHS AND THE DEPLETION OF THE BEE**
16 **POPULATION.”**

17 **(B) ON OR AFTER JANUARY 1, 2016, A PERSON MAY NOT SELL IN THE STATE**
18 **A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO SELLS A RESTRICTED-USE**
19 **PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.**

20 **(C) ON OR AFTER JANUARY 1, 2016, A PERSON MAY NOT USE A**
21 **NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:**

22 **(1) A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;**

23 **(2) A FARMER WHO USES THE PESTICIDE FOR AGRICULTURAL**
24 **PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, AND NONCROP**
25 **AGRICULTURAL FIELDS; OR**

26 **(3) A VETERINARIAN.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2015.