

HOUSE BILL 211

M4
HB 605/15 – ENV

6lr1266
CF SB 198

By: **Delegates Healey, Beidle, Beitzel, Carr, Fraser–Hidalgo, Frush, Gilchrist, Gutierrez, Holmes, Jalisi, Kaiser, Lafferty, Lam, Lierman, Luedtke, Moon, Morhaim, Pendergrass, B. Robinson, S. Robinson, Sydnor, M. Washington, and Zucker**

Introduced and read first time: January 22, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Neonicotinoid Pesticides – Labeling, Signage, and Restrictions on Sales and Use (Pollinator Protection Act of 2016)

FOR the purpose of prohibiting a person from selling at retail in the State certain seeds, material, or plants that have been treated with a neonicotinoid pesticide unless the seeds, material, or plants bear a label with, or are in close proximity to a sign that displays in a certain manner, a certain statement; prohibiting a person from selling at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the person also sells a restricted use pesticide; prohibiting a person from using a neonicotinoid pesticide on or after a certain date unless the person is a certified applicator, a farmer who uses the product for a certain purpose, or a veterinarian; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to neonicotinoid pesticides.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 5–201(a), (c), and (r)
Annotated Code of Maryland
(2007 Replacement Volume and 2015 Supplement)

BY adding to
Article – Agriculture
Section 5–2A–01 and 5–2A–02 to be under the new subtitle “Subtitle 2A.
Neonicotinoid Pesticides”
Annotated Code of Maryland
(2007 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

(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.

SUBTITLE 2A. NEONICOTINOID PESTICIDES.

5–2A–01.

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

(B) “NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:

(1) IMIDACLOPRID;

(2) NITHAZINE;

(3) ACETAMIPRID;

(4) CLOTHIANIDIN;

(5) DINOTEFURAN;

(6) THIAACLOPRID;

(7) THIAMETHOXAM; AND

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

(C) “NURSERY STOCK” MEANS:

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

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

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

5-2A-02.

(A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED, PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:

“WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC INVERTEBRATES.”.

(B) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE.

(2) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT SELL AT RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

(C) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT USE A NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

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

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

(3) A VETERINARIAN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.