

# SENATE BILL 198

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SB 163/15 – EHE

6lr2010  
CF HB 211

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By: **Senators Nathan–Pulliam, Benson, Ferguson, Guzzone, Kagan, Kelley, King, Lee, McFadden, Muse, Pugh, Rosapepe, and Young**

Introduced and read first time: January 20, 2016

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2016

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## CHAPTER \_\_\_\_\_

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 or a person working under the direct supervision of a certified applicator, a farmer or a person working under the direct supervision of a farmer who uses the product for a certain purpose, or a veterinarian; ~~establishing~~ prohibiting the Department of Agriculture from limiting the use of certain pesticides in a certain manner; requiring the Department to incorporate certain practices into a certain pollinator protection plan; requiring the Department to study and make recommendations regarding certain matters; requiring the Department to report its findings and recommendations to the Governor and the General Assembly within a certain period of time after the publication of a certain pollinator risk assessment; establishing certain civil penalties for a violation of this Act; providing for the application of certain provisions of this Act; defining a certain ~~terms~~ term; and generally relating to neonicotinoid pesticides.

BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 through ~~5–2A–02~~ ~~5–2A–03~~ 5–2A–05 to be under the new subtitle  
 “Subtitle 2A. Neonicotinoid Pesticides”  
 Annotated Code of Maryland  
 (2007 Replacement Volume and 2015 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.

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

- (1) IMIDACLOPRID;
- (2) NITHIAZINE;
- (3) ACETAMIPRID;
- (4) CLOTHIANIDIN;

- (5) DINOTEFURAN;
- (6) THIACTOPRID;
- (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) (A) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO DOES NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE;~~

(I) PET CARE PRODUCTS USED TO MITIGATE FLEAS, MITES, TICKS, HEARTWORMS, OR OTHER ANIMALS THAT ARE HARMFUL TO THE HEALTH OF A DOMESTICATED ANIMAL;

(II) PERSONAL CARE PRODUCTS USED TO MITIGATE LICE AND BEDBUGS; AND

(III) INDOOR PEST CONTROL PRODUCTS USED TO MITIGATE INSECTS INDOORS, INCLUDING ANT BAIT.

(2) ON OR AFTER JANUARY 1, ~~2017~~ 2018, 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)~~ (B) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT USE A NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

(1) A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE ~~DIRECT~~ SUPERVISION OF A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;

(2) A FARMER, OR A PERSON WORKING UNDER THE ~~DIRECT~~ SUPERVISION OF A FARMER, WHO USES THE PESTICIDE FOR AGRICULTURAL PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, EQUINE, AND NONCROP AGRICULTURAL FIELDS; OR

(3) A VETERINARIAN.

5-2A-03.

THE DEPARTMENT SHALL INCORPORATE POLLINATOR HABITAT EXPANSION AND ENHANCEMENT PRACTICES INTO THE STATE'S MANAGED POLLINATOR PROTECTION PLAN DEVELOPED IN COORDINATION WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

5-2A-04.

(A) ON COMPLETION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S POLLINATOR RISK ASSESSMENT OF THE NEONICOTINOID PESTICIDES IMIDACLOPRID, CLOTHIANDIN, THIAMETHOXAM, AND DINOTEFURAN, THE DEPARTMENT SHALL REVIEW THE STATE'S PESTICIDE LAWS AND REGULATIONS AND MAKE RECOMMENDATIONS FOR ANY CHANGES NECESSARY TO ENSURE STATE LAWS AND REGULATIONS ARE CONSISTENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.

(B) WITHIN 6 MONTHS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S COMPLETED POLLINATOR RISK ASSESSMENT OF NEONICOTINOID

PESTICIDES, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

5-2A-05.

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF \$50.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.