

HOUSE BILL 208

M4

(PRE-FILED)

1lr1037
CF 1lr1882

By: **Delegates Healey and Stein**

Requested: October 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Neonicotinoid Pesticides – Sale and Storage**

3 FOR the purpose of restricting a person that sells a neonicotinoid pesticide under certain
4 provisions of law to selling a neonicotinoid pesticide only to a certain certified
5 applicator or farmer; requiring a person selling a neonicotinoid pesticide to store a
6 neonicotinoid pesticide in a certain manner; making stylistic and conforming
7 changes; defining certain terms; and generally relating to neonicotinoid pesticides.

8 BY repealing and reenacting, without amendments,

9 Article – Agriculture

10 Section 5–201(a), (c), and (r)

11 Annotated Code of Maryland

12 (2016 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Agriculture

15 Section 5–2A–01 and 5–2A–02

16 Annotated Code of Maryland

17 (2016 Replacement Volume and 2020 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Agriculture**

21 5–201.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 5–2A–01.

6 (A) In this subtitle[, “neonicotinoid] **THE FOLLOWING WORDS HAVE THE**
7 **MEANINGS INDICATED.**

8 (B) **“CERTIFIED APPLICATOR” HAS THE MEANING STATED IN § 5–201 OF**
9 **THIS TITLE.**

10 (C) **“NEONICOTINOID pesticide”** means any pesticide containing a chemical
11 belonging to the neonicotinoid class of chemicals, including:

12 (1) Imidacloprid;

13 (2) Nithiazine;

14 (3) Acetamiprid;

15 (4) Clothianidin;

16 (5) Dinotefuran;

17 (6) Thiacloprid;

18 (7) Thiamethoxam; and

19 (8) Any other chemical designated by the Department as belonging to the
20 neonicotinoid class of chemicals.

21 (D) **“RESTRICTED USE PESTICIDE” HAS THE MEANING STATED IN § 5–201 OF**
22 **THIS TITLE.**

23 5–2A–02.

24 (a) [(1)] This section does not apply to:

25 [(i)] (1) Pet care products used to mitigate fleas, mites, ticks,
26 heartworms, or other animals that are harmful to the health of a domesticated animal;

27 [(ii)] (2) Personal care products used to mitigate lice and bedbugs;
28 and

1 [(iii)] (3) Indoor pest control products used to mitigate insects
2 indoors, including ant bait.

3 [(2)] (B) (1) On or after January 1, 2018, a person may not sell at retail
4 in the State a neonicotinoid pesticide unless the person also sells a restricted use pesticide[,
5 as defined in § 5–201 of this title].

6 (2) A PERSON THAT SELLS A NEONICOTINOID PESTICIDE UNDER
7 PARAGRAPH (1) OF THIS SUBSECTION:

8 (I) MAY SELL A NEONICOTINOID PESTICIDE ONLY TO A
9 CERTIFIED APPLICATOR OR A FARMER; AND

10 (II) SHALL STORE EACH NEONICOTINOID PESTICIDE BEHIND
11 THE COUNTER AND IN A MANNER THAT IS INACCESSIBLE TO A CUSTOMER WITHOUT
12 THE ASSISTANCE FROM THE PERSON OR AN EMPLOYEE OF THE PERSON.

13 [(b)] (C) On or after January 1, 2018, a person may not use a neonicotinoid
14 pesticide unless the person is:

15 (1) A certified applicator or a person working under the supervision of a
16 certified applicator[, as defined in § 5–201 of this title];

17 (2) A farmer, or a person under the supervision of a farmer, who uses the
18 pesticide for agricultural purposes, including crop production, livestock, poultry, equine,
19 and noncrop agricultural fields; or

20 (3) A veterinarian.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.