

SENATE BILL 854

M4

4r3210
CF HB 929

By: **Washington County Senators**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Nuisance Insects**

3 FOR the purpose of requiring, instead of authorizing, the Secretary of Agriculture to
4 implement, under certain circumstances, a program to use a certain pesticide to
5 control or eliminate nuisance insects in the State; requiring, instead of authorizing,
6 the Secretary to carry out a certain project to control or eliminate nuisance insects if
7 the county or municipality in which the nuisance insects are located agrees to pay a
8 certain portion of certain costs; and generally relating to controlling or eliminating
9 nuisance insects in the State.

10 BY repealing and reenacting, without amendments,
11 Article – Agriculture
12 Section 5–1001(a) and (c) and 5–1002
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Agriculture
17 Section 5–1003
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2023 Supplement)

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

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.



1 **Article – Agriculture**

2 5–1001.

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

4 (c) (1) “Nuisance insect” means an insect that is determined by the Secretary
5 to pester or annoy only humans.

6 (2) “Nuisance insect” does not include:

7 (i) An insect that is a threat to the health of humans, animals, or
8 plants; or

9 (ii) A pollinator.

10 5–1002.

11 The General Assembly finds that the proliferation of certain species of insects,
12 including the group *Simulium jenningsi*, commonly known as black flies, while not posing
13 a direct threat to the health of humans, animals, or plants, may constitute a public and
14 common nuisance on land and waters used for recreation, employment, and tourism.

15 5–1003.

16 (a) (1) [Subject to available funding in] **IN ACCORDANCE WITH** the State
17 budget and subject to subsection (b) of this section, the Secretary [may] **SHALL** implement
18 a program to use *Bacillus thuringiensis israelensis* to control or eliminate nuisance insects
19 in the State.

20 (2) The program shall be implemented on:

21 (i) State–owned property;

22 (ii) Property owned by a local government with the consent of the
23 local government; and

24 (iii) Private property with the consent of the property owner.

25 (3) To carry out the program, the Secretary may:

26 (i) Treat property with an aerial spraying or backpack spraying of
27 *Bacillus thuringiensis israelensis*;28 (ii) Conduct field studies to determine the need for, location, and
29 time of spraying;

1 (iii) Schedule spraying when the conditions are optimal for ingestion
2 by nuisance insects;

3 (iv) Notify appropriate persons of the date and location of an
4 upcoming spraying; and

5 (v) Review the effectiveness of spraying.

6 (b) Notice provided under subsection (a)(3)(iv) of this section shall, at a minimum,
7 be:

8 (1) Provided to:

9 (i) Local press outlets;

10 (ii) County and local governments that are in the area that will be
11 affected by the spraying;

12 (iii) Emergency responders and associated agencies that service the
13 area that will be affected by the spraying; and

14 (iv) The local riverkeeper for the area that will be affected by the
15 spraying; and

16 (2) Posted on appropriate social media sites.

17 (c) (1) The Secretary [may] **SHALL** carry out a project to use *Bacillus*
18 *thuringiensis israelensis* to control or eliminate nuisance insects under this section if the
19 county or municipality in which the nuisance insects are located agrees to pay 50% of the
20 costs associated with the project.

21 (2) The Secretary shall remit any payment from a county or municipality
22 received under this subsection to the Comptroller for deposit to the Nuisance Insects Fund,
23 established under § 5–1004 of this subtitle.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2024.