

Chapter 681

(Senate Bill 854)

AN ACT concerning

Agriculture – Nuisance Insects

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

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 5–1001(a) and (c) and 5–1002

Annotated Code of Maryland

(2016 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 5–1003

Annotated Code of Maryland

(2016 Replacement Volume and 2023 Supplement)

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

Article – Agriculture

5–1001.

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

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

(2) “Nuisance insect” does not include:

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

(ii) A pollinator.

5–1002.

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

5–1003.

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

(2) The program shall be implemented on:

- (i) State-owned property;
- (ii) Property owned by a local government with the consent of the local government; and
- (iii) Private property with the consent of the property owner.

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

- (i) Treat property with an aerial spraying or backpack spraying of *Bacillus thuringiensis israelensis*;
- (ii) Conduct field studies to determine the need for, location, and time of spraying;
- (iii) Schedule spraying when the conditions are optimal for ingestion by nuisance insects;
- (iv) Notify appropriate persons of the date and location of an upcoming spraying; and
- (v) Review the effectiveness of spraying.

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

(1) Provided to:

- (i) Local press outlets;

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

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

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

(2) Posted on appropriate social media sites.

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

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

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

Approved by the Governor, May 9, 2024.