

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 854

(Washington County Senators)

Education, Energy, and the Environment

Environment and Transportation

Agriculture – Nuisance Insects

This bill *requires*, rather than *authorizes*, the Secretary of Agriculture to implement a program to use *Bacillus thuringiensis israelensis* (Bti) to control or eliminate nuisance insects in the State in accordance with the State budget and subject to specified existing notice requirements. The bill further *requires*, rather than *authorizes*, the Secretary to carry out a project under the program if the county or municipality in which the nuisance insects are located agrees to pay 50% of the costs associated with the project. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill is not expected to directly affect State finances. It is assumed that the Secretary of Agriculture can continue to implement the existing program in accordance with funding in the State budget. The FY 2025 budget as passed by the General Assembly includes \$550,000 in general funds and \$137,500 in special funds for the Nuisance Insects Program. This analysis assumes that the bill does not require the Maryland Department of Agriculture to expand the existing program.

Local Effect: The bill is not expected to directly affect local government finances. Any matching funds provided by local governments for such projects continues to be voluntary under the bill.

Small Business Effect: Minimal.

Analysis

Current Law: “Nuisance insect” means an insect that is determined by the Secretary of Agriculture to pester or annoy only humans. “Nuisance insect” does not include an insect that is a threat to the health of humans, animals or plants, or a pollinator.

The Secretary of Agriculture *may*, subject to available funding in the State budget, and subject to specified notice requirements (discussed below), implement a program to use Bti to control or eliminate nuisance insects in the State. The program must be implemented on (1) State-owned property; (2) property owned by a local government with the consent of the local government; and (3) private property with the consent of the property owner.

The Secretary *may* carry out a project under the program if the county or municipality in which the nuisance insects are located agrees to pay 50% of the costs; these matching funds are paid into the Nuisance Insects Fund.

To carry out the program, the Secretary may (1) treat property with aerial spraying or backpack spraying of Bti; (2) conduct field studies to determine the need for, location, and time of spraying; (3) schedule spraying when the conditions are optimal for ingestion by nuisance insects; (4) notify appropriate persons of the date and location of an upcoming spraying; and (5) review the effectiveness of spraying.

Notice of the date and location of an upcoming spraying must, at a minimum, be:

- provided to (1) local press outlets; (2) county and local governments that are in the area that will be affected by the spraying; (3) emergency responders and associated agencies that service the area that will be affected by the spraying; and (4) the local riverkeeper for the area that will be affected by the spraying; and
- posted on appropriate social media sites.

The Nuisance Insects Fund is a special fund administered by the Secretary (or the Secretary’s designee) to facilitate the control or elimination of nuisance insects in the State. The fund consists of (1) any funding provided by counties and municipalities for 50% of project costs, as discussed above; (2) money appropriated in the State budget to the fund; and (3) any other money from any other source accepted for the benefit of the fund. The fund may be used only to cover the actual, documented direct and indirect costs associated with controlling or eliminating nuisance insects in accordance with the Nuisance Insects Program.

The fiscal 2025 budget as passed by the General Assembly includes \$687,500 for the Nuisance Insects Program (\$550,000 in general funds and \$137,500 in special funds), of which (1) \$300,000 in general funds is budgeted for the purpose of spraying midges in

Back River and (2) \$112,500 in general funds is budgeted for the purpose of spraying for black flies. With respect to the \$412,500 in general funds budgeted for those specific purposes, any funds not expended for those purposes may not be transferred by budget amendment or otherwise to any other purpose and must revert to the general fund.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 929 (Washington County Delegation) - Environment and Transportation.

Information Source(s): Maryland Environmental Service; Baltimore, Carroll, Harford, Queen Anne's, and St. Mary's counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Baltimore City Community College; University System of Maryland; Morgan State University; Maryland Department of Agriculture; Department of General Services; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2024
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