

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 266

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “termite or other”; in lines 6 and 7, strike “to provide a consumer with a contract that complies with” and substitute “to comply with”; and strike in their entirety lines 10 through 14, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Agriculture

Section 5-208

Annotated Code of Maryland

(1985 Replacement Volume and 1995 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 11 on page 2, inclusive, and substitute:

“Article - Agriculture

5-208.

(a) When a pesticide is applied, or at the time a customer enters into a contract with a licensee for pest control, a licensee shall provide a customer with the following written information:

(1) Name of licensee;

(2) Maryland pesticide business license number;

(3) Telephone number of licensee;

(Over)

(4) Common name of pesticide or active ingredient applied;

(5) Pertinent safety information, as determined by the Department, including health risks for humans and animals, about pesticide in the end-use dilution applied;

(6) Maryland Poison Center telephone number; and

(7) Any other information required by the Department.

(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “CONSUMER” HAS THE MEANING STATED IN § 13-101 OF THE COMMERCIAL LAW ARTICLE.

(III) “CONTRACT” DOES NOT INCLUDE:

1. AN INVOICE, RECEIPT, OR CERTIFICATE THAT ONLY PROVIDES FOR A ONE-TIME APPLICATION, IF THE ONLY LIMITATION ON LIABILITY OR COVERAGE CONTAINED IN THE INVOICE, RECEIPT, OR CERTIFICATE IS A LIMIT ON THE NUMBER OF DAYS THAT A TREATMENT IS EFFECTIVE; OR

2. AN AGREEMENT TO APPLY A PESTICIDE ONLY TO A LAWN OR TO EXTERIOR LANDSCAPE PLANTS.

(2) A CONTRACT WITH A CONSUMER FOR THE APPLICATION OF PESTICIDES THAT IN ANY WAY LIMITS THE COVERAGE PROVIDED UNDER THE CONTRACT OR THE LIABILITY OF THE PEST CONTROL APPLICATOR, SHALL INCLUDE, IN AT LEAST 12-POINT BOLDFACE TYPE, IN IMMEDIATE PROXIMITY TO THE SPACE RESERVED FOR THE SIGNATURE OF THE CONSUMER, THE FOLLOWING STATEMENT:

“NOTICE

THIS CONTRACT CONTAINS PROVISIONS THAT LIMIT THE COVERAGE PROVIDED UNDER THE CONTRACT OR THE LIABILITY OF THE PEST CONTROL APPLICATOR. YOU SHOULD CAREFULLY READ THE CONTRACT.”

(3) IN ADDITION TO THE NOTICE REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION, EACH PROVISION IN THE CONTRACT THAT LIMITS THE COVERAGE PROVIDED UNDER THE CONTRACT SHALL BE PRINTED IN AT LEAST 10-POINT BOLDFACE TYPE.

(4) THE FAILURE OF A SERVICE PROVIDER TO COMPLY WITH THIS SUBSECTION IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

[(b)] (C) Upon the customer's request, the licensee shall provide the customer with advance notice of a pesticide application.

[(c)] (D) (1) A licensee or public agency permittee applying a pesticide to a lawn or to exterior landscape plants shall post at the time of application a sign.

(2) The sign shall remain 48 hours following the pesticide application, after which time the customer is responsible for the removal of the sign.

(3) (i) A person may not remove, alter, or deface the sign or agree or conspire with another to remove, alter, or deface the sign within 48 hours of its posting.

(ii) The customer or licensee may not be held liable for any penalty for sign removal under this subtitle if the sign is removed by another person or cause over which the customer or licensee has no control.

(4) The sign shall:

(i) Be clearly visible either from the principal place of access to the property;

or

(ii) Be clearly visible on the portion of the property where the pesticide is applied.

(Over)

(5) The sign shall contain a uniform statement approved by the Department.

[(d)] (E) Before applying an experimental use pesticide, the holder of the required experimental use permit from the U. S. Environmental Protection Agency shall provide the Department with the following information:

(1) Name of cooperator;

(2) Location of planned application or treatment;

(3) Name of active ingredient of pesticide;

(4) Purpose of application or use;

(5) Total acreage being affected by application;

(6) Toxicological profile of pesticide; and

(7) Any other information required by the Department.”.