

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 420

(Chair, Environmental Matters Committee)(By Request -
Departmental - Agriculture)

Environmental Matters

Education, Health, and Environmental Affairs

Secretary of Agriculture - Mosquito Control - Enforcement Authority

This departmental bill authorizes the Secretary of Agriculture to issue an order that a person abate mosquito habitat if, in cooperation with the local health authority, the Secretary finds that a person is causing or allowing mosquitoes to breed or develop on any property in a manner that may pose a threat to public health. The bill requires such an order to be served on specified persons after all reasonable attempts of abatement have failed. The bill also authorizes the Secretary to bring an action to enjoin a violation of an order; establishes standards for issuance of an injunction; and establishes criminal penalties for failing to comply with an order. The bill specifies that it does not increase the duties or responsibilities of local health authorities to engage in mosquito control activity.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision. The bill is otherwise not expected to materially impact State operations or finances.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provision. Expenditures are not affected.

Small Business Effect: The Maryland Department of Agriculture (MDA) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: The Secretary of Agriculture has certain existing authority to control or eliminate mosquitoes, including authority to contract with any county, municipality, or special taxing district to control or eliminate mosquitoes in or adjacent to the jurisdiction and authority to make inspections, investigations, studies, and determinations to ascertain the effect of mosquitoes and methods for their control or elimination in any part of the State. If funds are available, the Secretary may construct and maintain ditches, dikes, dams, and other facilities and may place or spread insecticides or other substances determined to be desirable or necessary to control or eliminate mosquitoes in any part of the State.

Background: MDA indicates that the bill's authority will complement existing methods of mosquito control that include biological control, source reduction/water management, chemical control, and public education. According to MDA, public education regarding "container breeding" mosquitoes (including the Asian tiger mosquito, which is known to transmit a number of diseases) has been actively pursued for over 10 years, but there has nonetheless been continued proliferation of those mosquitoes. Further, according to MDA, chemical controls are expensive and must be reapplied to achieve, at best, moderate levels of control.

MDA indicates that existing inspection authority, coupled with enforcement capability, will provide the best and, in some cases, final solution where mosquito activity is caused or permitted by a person's action which can be altered or ordered to be stopped. MDA expects the authority established in the bill to result in a reduction in reliance on chemical controls, reduction of the potential for mosquito transmitted diseases in humans and animals, and an improvement in quality of life and enjoyment of outdoor activities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Garrett, Howard, and Montgomery counties; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2010
ks/lgc Revised - House Third Reader - March 18, 2010

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Secretary of Agriculture – Mosquito Control – Enforcement Authority

BILL NUMBER: HB 420

PREPARED BY: Maryland Department of Agriculture

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.