

HOUSE BILL 211

M4
HB 605/15 – ENV

6lr1266
CF SB 198

By: **Delegates Healey, Beidle, Beitzel, Carr, Fraser–Hidalgo, Frush, Gilchrist, Gutierrez, Holmes, Jalisi, Kaiser, Lafferty, Lam, Lierman, Luedtke, Moon, Morhaim, Pendergrass, B. Robinson, S. Robinson, Sydnor, M. Washington, and Zucker**

Introduced and read first time: January 22, 2016
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Neonicotinoid Pesticides – Labeling, Signage, and Restrictions on Sales and Use**
3 **(Pollinator Protection Act of 2016)**

4 FOR the purpose of prohibiting a person from selling at retail in the State certain seeds,
5 material, or plants that have been treated with a neonicotinoid pesticide unless the
6 seeds, material, or plants bear a label with, or are in close proximity to a sign that
7 displays in a certain manner, a certain statement; prohibiting a person from selling
8 at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the
9 person also sells a restricted use pesticide; prohibiting a person from using a
10 neonicotinoid pesticide on or after a certain date unless the person is a certified
11 applicator, a farmer who uses the product for a certain purpose, or a veterinarian;
12 providing for the application of certain provisions of this Act; defining certain terms;
13 and generally relating to neonicotinoid pesticides.

14 BY repealing and reenacting, without amendments,
15 Article – Agriculture
16 Section 5–201(a), (c), and (r)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Agriculture
21 Section 5–2A–01 and 5–2A–02 to be under the new subtitle “Subtitle 2A.
22 Neonicotinoid Pesticides”
23 Annotated Code of Maryland
24 (2007 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Agriculture**

4 5–201.

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

6 (c) “Certified applicator” means a person who is certified by the Secretary under
7 this subtitle.

8 (r) “Restricted use pesticide” means a pesticide so classified by the provisions in
9 this title or by the federal government or the Secretary of Agriculture, State of Maryland.

10 **SUBTITLE 2A. NEONICOTINOID PESTICIDES.**

11 **5–2A–01.**

12 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
13 **INDICATED.**

14 **(B) “NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE CONTAINING A**
15 **CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS, INCLUDING:**

16 **(1) IMIDACLOPRID;**

17 **(2) NITHIAZINE;**

18 **(3) ACETAMIPRID;**

19 **(4) CLOTHIANIDIN;**

20 **(5) DINOTEFURAN;**

21 **(6) THIACTOPRID;**

22 **(7) THIAMETHOXAM; AND**

23 **(8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS**
24 **BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.**

25 **(C) “NURSERY STOCK” MEANS:**

1 **(1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND**
2 **WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE,**
3 **WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;**

4 **(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN**
5 **ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE**
6 **ENTERING THAT STATE; OR**

7 **(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF**
8 **REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY**
9 **INJURIOUS PLANT PEST.**

10 **5-2A-02.**

11 **(A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT**
12 **MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT**
13 **THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED,**
14 **PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER**
15 **PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT**
16 **PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:**

17 **“WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID**
18 **PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING**
19 **BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC**
20 **INVERTEBRATES.”.**

21 **(B) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO NOT**
22 **APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID PESTICIDE.**

23 **(2) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT SELL AT**
24 **RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO**
25 **SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.**

26 **(C) ON OR AFTER JANUARY 1, 2017, A PERSON MAY NOT USE A**
27 **NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:**

28 **(1) A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;**

29 **(2) A FARMER WHO USES THE PESTICIDE FOR AGRICULTURAL**
30 **PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, AND NONCROP**
31 **AGRICULTURAL FIELDS; OR**

32 **(3) A VETERINARIAN.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.