

# HOUSE BILL 211

M4  
HB 605/15 – ENV

6lr1266  
CF SB 198

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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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 15, 2016

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## CHAPTER \_\_\_\_\_

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 or a person working under the supervision of a certified applicator, a  
12 farmer or a person working under the supervision of a farmer who uses the product  
13 for a certain purpose, or a veterinarian; establishing certain civil penalties for a  
14 violation of this Act; providing for the application of certain provisions of this Act;  
15 defining a certain term ~~terms term~~; and generally relating to neonicotinoid pesticides.

16 BY repealing and reenacting, without amendments,  
17 Article – Agriculture  
18 Section 5–201(a), (c), and (r)  
19 Annotated Code of Maryland  
20 (2007 Replacement Volume and 2015 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Agriculture  
 3 Section ~~5-2A-01 and 5-2A-02~~ through 5-2A-03 to be under the new subtitle  
 4 “Subtitle 2A. Neonicotinoid Pesticides”  
 5 Annotated Code of Maryland  
 6 (2007 Replacement Volume and 2015 Supplement)

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

9 **Article – Agriculture**

10 5-201.

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

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

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

16 **SUBTITLE 2A. NEONICOTINOID PESTICIDES.**

17 **5-2A-01.**

18 ~~(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 19 ~~INDICATED.~~

20 ~~(B) “NEONICOTINOID~~ **“NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE**  
 21 **CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF**  
 22 **CHEMICALS, INCLUDING:**

23 (1) **IMIDACLOPRID;**

24 (2) **NITHIAZINE;**

25 (3) **ACETAMIPRID;**

26 (4) **CLOTHIANIDIN;**

27 (5) **DINOTEFURAN;**

28 (6) **THIACLOPRID;**

29 (7) **THIAMETHOXAM; AND**

1 (8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS  
2 BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.

3 ~~(c) "NURSERY STOCK" MEANS:~~

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

7 ~~(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN~~  
8 ~~ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE~~  
9 ~~ENTERING THAT STATE; OR~~

10 ~~(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF~~  
11 ~~REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY~~  
12 ~~INJURIOUS PLANT PEST.~~

13 5-2A-02.

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

20 ~~"WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID~~  
21 ~~PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING~~  
22 ~~BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC~~  
23 ~~INVERTEBRATES."~~

24 ~~(B) (A) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION DO DOES~~  
25 ~~NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID~~  
26 ~~PESTICIDE:~~

27 (I) PET CARE PRODUCTS USED TO MITIGATE FLEAS, MITES,  
28 TICKS, HEARTWORMS, OR OTHER ANIMALS THAT ARE HARMFUL TO THE HEALTH OF  
29 A DOMESTICATED ANIMAL;

30 (II) PERSONAL CARE PRODUCTS USED TO MITIGATE LICE AND  
31 BEDBUGS; AND

1 (III) INDOOR PEST CONTROL PRODUCTS USED TO MITIGATE  
 2 INSECTS INDOORS, INCLUDING ANT BAIT.

3 (2) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT SELL AT  
 4 RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO  
 5 SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

6 ~~(C)~~ (B) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT USE A  
 7 NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

8 (1) A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE  
 9 SUPERVISION OF A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS TITLE;

10 (2) A FARMER, OR A PERSON UNDER THE SUPERVISION OF A FARMER,  
 11 WHO USES THE PESTICIDE FOR AGRICULTURAL PURPOSES, INCLUDING CROP  
 12 PRODUCTION, LIVESTOCK, POULTRY, EQUINE, AND NONCROP AGRICULTURAL  
 13 FIELDS; OR

14 (3) A VETERINARIAN.

15 5-2A-03.

16 A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF  
 17 \$250.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.