

HOUSE BILL 830

M4, M1, R1

(7lr2525)

ENROLLED BILL

— *Environment and Transportation/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Healey and Frush**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Pollinator Habitat Plans – Plan Contents – ~~Requirement~~ Requirements and**
3 **Prohibition**

4 FOR the purpose of requiring a certain pollinator habitat plan to include certain best
5 management practices for the designation of certain habitat areas; requiring that a
6 certain pollinator habitat plan established by the Department of Natural Resources,
7 the Maryland Environmental Service, and the State Highway Administration be as
8 protective of pollinators as the Department of Agriculture’s managed pollinator
9 protection plan; prohibiting the use of certain pesticides, *seeds, or plants*, ~~seeds, or~~
10 ~~plants in the pollinator habitat plan~~ a certain pollinator habitat area, subject to
11 certain exceptions; defining ~~a certain term~~ *certain terms* term; making conforming
12 changes; and generally relating to pollinator habitat plans.

13 BY repealing and reenacting, with amendments,
14 Article – Agriculture

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 2–1801
 2 Annotated Code of Maryland
 3 (2016 Replacement Volume)

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

6 **Article – Agriculture**

7 2–1801.

8 ~~(a) IN THIS SECTION, “NEONICOTINOID PESTICIDE” HAS THE MEANING~~
 9 ~~STATED IN § 5-2A-01 OF THIS ARTICLE.~~

10 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 11 ~~INDICATED.~~

12 ~~(2) “CERTIFIED APPLICATOR” HAS THE MEANING STATED IN § 5-201~~
 13 ~~OF THIS ARTICLE.~~

14 ~~(3) “NEONICOTINOID, “NEONICOTINOID PESTICIDE” HAS THE~~
 15 ~~MEANING STATED IN § 5-2A-01 OF THIS ARTICLE.~~

16 (B) (1) On or before July 1, 2017, subject to paragraph (2) of this subsection,
 17 the Department of Natural Resources, the Maryland Environmental Service, and the State
 18 Highway Administration, in consultation with the Department, each shall establish a
 19 pollinator habitat plan.

20 (2) A pollinator habitat plan required under this subsection:

21 (i) Shall include best management practices for the **DESIGNATION,**
 22 maintenance, creation, enhancement, and restoration of pollinator ~~habitats~~ **HABITAT**
 23 **AREAS;**

24 (ii) Shall [adhere to] **BE AS PROTECTIVE OF POLLINATORS AS** the
 25 Department’s managed pollinator protection plan;

26 (iii) May not require an action on land that is inconsistent with any
 27 federal, State, or local law, regulation, rule, or guidance that applies to the land; [and]

28 (iv) May not require the creation of pollinator habitat on productive
 29 farmland; **AND**

30 (v) ~~MAY EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
 31 ~~SUBSECTION, MAY NOT ALLOW THE USE OF THE FOLLOWING PESTICIDES, SEEDS, OR~~

1 PLANTS, SEEDS, OR PLANTS IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR
 2 HABITAT AREA IN ACCORDANCE WITH A POLLINATOR HABITAT PLAN:

- 3 1. NEONICOTINOID PESTICIDES; ~~OR~~
 4 2. PESTICIDES LABELED AS TOXIC TO BEES OR OTHER
 5 POLLINATORS; OR
 6 3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID
 7 PESTICIDE; OR
 8 ~~3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID~~
 9 ~~PESTICIDE.~~

10 (3) (i) PESTICIDES LABELED AS TOXIC TO BEES OR OTHER
 11 POLLINATORS MAY BE USED IN AN AREA DESIGNATED OR CREATED AS A
 12 POLLINATOR HABITAT AREA UNDER A POLLINATOR HABITAT PLAN IF:

13 ~~1. THE SECRETARY OF HEALTH AND MENTAL HYGIENE,~~
 14 ~~THE SECRETARY OF AGRICULTURE, OR THE SECRETARY OF NATURAL RESOURCES~~
 15 ~~DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE~~
 16 ~~OF THREAT TO PUBLIC HEALTH OR TO CONTROL FOR INVASIVE SPECIES; AND~~

17 ~~2. THE PESTICIDES ARE APPLIED BY A CERTIFIED~~
 18 ~~APPLICATOR OR A PERSON WORKING UNDER THE SUPERVISION OF A CERTIFIED~~
 19 ~~APPLICATOR THAT ARE NOT NEONICOTINOID PESTICIDES MAY BE USED IN AN AREA~~
 20 ~~DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR~~
 21 ~~HABITAT PLAN IF THE SECRETARY OF HEALTH AND MENTAL HYGIENE DETERMINES~~
 22 ~~THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO~~
 23 ~~PUBLIC HEALTH.~~

24 (ii) A POLLINATOR HABITAT PLAN REQUIRED UNDER THIS
 25 SUBSECTION MAY NOT RESTRICT A FARMER, OR A PERSON WORKING UNDER THE
 26 SUPERVISION OF A FARMER, FROM USING THE PESTICIDES, SEEDS, OR PLANTS
 27 SPECIFIED UNDER PARAGRAPH (2)(V) OF THIS SUBSECTION FOR AGRICULTURAL
 28 PURPOSES, INCLUDING:

- 29 1. CROP PRODUCTION;
 30 2. LIVESTOCK;
 31 3. POULTRY;
 32 4. EQUINE; AND

