

SENATE BILL 386

M4, M1, R1

7lr2524
CF HB 830

By: **Senators Nathan–Pulliam, Benson, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Manno, McFadden, Pinsky, Ramirez, Robinson, Rosapepe, Young, and Zucker**

Introduced and read first time: January 26, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2017

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 in ~~the~~
10 ~~pollinator habitat plan~~ a certain pollinator habitat area, subject to certain
11 exceptions; defining a certain term; making conforming changes; and generally
12 relating to pollinator habitat plans.

13 BY repealing and reenacting, with amendments,
14 Article – Agriculture
15 Section 2–1801
16 Annotated Code of Maryland
17 (2016 Replacement Volume)

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

20 **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.



1 2-1801.

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

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

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

9 (i) Shall include best management practices for the DESIGNATION,
10 maintenance, creation, enhancement, and restoration of pollinator ~~habitats~~ HABITAT
11 AREAS;

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

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

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

18 (v) ~~MAY EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
19 SUBSECTION, MAY NOT ALLOW THE USE OF THE FOLLOWING PESTICIDES, SEEDS, OR
20 PLANTS IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA IN
21 ACCORDANCE WITH A POLLINATOR HABITAT PLAN:

22 1. NEONICOTINOID PESTICIDES;

23 2. PESTICIDES LABELED AS TOXIC TO BEES OR OTHER
24 POLLINATORS; OR

25 3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID
26 PESTICIDE.

27 (3) (1) PESTICIDES LABELED AS TOXIC TO BEES OR OTHER
28 POLLINATORS THAT ARE NOT NEONICOTINOID PESTICIDES MAY BE USED IN AN AREA
29 DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR
30 HABITAT PLAN IF THE SECRETARY OF HEALTH AND MENTAL HYGIENE DETERMINES
31 THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO
32 PUBLIC HEALTH.

1 **(II) A POLLINATOR HABITAT PLAN REQUIRED UNDER THIS**
 2 **SUBSECTION MAY NOT RESTRICT A FARMER, OR A PERSON WORKING UNDER THE**
 3 **SUPERVISION OF A FARMER, FROM USING THE PESTICIDES, SEEDS, OR PLANTS**
 4 **SPECIFIED UNDER PARAGRAPH (2)(V) OF THIS SUBSECTION FOR AGRICULTURAL**
 5 **PURPOSES, INCLUDING:**

6 **1. CROP PRODUCTION;**

7 **2. LIVESTOCK;**

8 **3. POULTRY;**

9 **4. EQUINE; AND**

10 **5. NONCROP AGRICULTURAL FIELDS.**

11 **[(b)] (C)** The Department of Natural Resources, the Maryland Environmental
 12 Service, and the State Highway Administration each shall:

13 (1) On or before September 1, 2017, make available to the public on its Web
 14 site the pollinator habitat plan established in accordance with subsection **[(a)] (B)** of this
 15 section; and

16 (2) On or before July 1, 2018, implement the pollinator habitat plan
 17 established in accordance with subsection **[(a)] (B)** of this section.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 19 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.