

HOUSE BILL 1353

M4, M1

(9lr0140)

ENROLLED BILL

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

Introduced by **Chair, Environment and Transportation Committee (By Request – Departmental – Agriculture)**

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 **Agriculture – Nuisance Insects**

3 FOR the purpose of authorizing the Secretary of Agriculture to implement, under certain
4 circumstances, a program *to use a certain pesticide* to control or eliminate nuisance
5 insects in the State; *requiring the program to be implemented on certain property;*
6 ~~authorizing~~ *specifying that a certain notice be provided to certain entities and posted*
7 *on certain social media sites; authorizing* the Secretary to carry out a certain project
8 to control or eliminate nuisance insects if the county or municipality in which the
9 nuisance insects are located agrees to pay a certain portion of certain costs;
10 establishing the Nuisance Insects Fund as a special, nonlapsing fund; requiring the
11 Secretary to remit certain payments to the Comptroller for deposit to the Fund;
12 requiring the Secretary or the Secretary's designee to administer the Fund;
13 specifying the contents of the Fund; specifying the purpose for which the Fund may
14 be used; repealing certain provisions of law relating to black fly management and

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.



control; authorizing the Secretary to adopt certain regulations; stating a certain finding of the General Assembly; defining certain terms; and generally relating to controlling or eliminating nuisance insects in the State.

BY adding to

Article – Agriculture

Section 5–1001 through 5–1005 to be under the new subtitle “Subtitle 10. Nuisance Insects”

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

BY repealing

Article – Natural Resources

Section 8–2201 through 8–2205 and the subtitle “Subtitle 22. Black Fly Management and Control”

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Agriculture

SUBTITLE 10. NUISANCE INSECTS.

5–1001.

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

(B) “FUND” MEANS THE NUISANCE INSECTS FUND.

(C) (1) “NUISANCE INSECT” MEANS AN INSECT THAT IS DETERMINED BY THE SECRETARY TO PESTER OR ANNOY ONLY HUMANS.

(2) “NUISANCE INSECT” DOES NOT INCLUDE ~~AN~~:

(I) AN INSECT THAT IS A THREAT TO THE HEALTH OF HUMANS, ANIMALS, OR PLANTS; OR

(II) A POLLINATOR.

5–1002.

THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF INSECTS, INCLUDING THE GROUP *SIMULIUM JENNINGSI*, COMMONLY

1 KNOWN AS BLACK FLIES, WHILE NOT POSING A DIRECT THREAT TO THE HEALTH OF
2 HUMANS, ANIMALS, OR PLANTS, MAY CONSTITUTE A PUBLIC AND COMMON
3 NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND
4 TOURISM.

5 **5-1003.**

6 (A) (1) SUBJECT TO AVAILABLE FUNDING IN THE STATE BUDGET AND
7 SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE SECRETARY MAY IMPLEMENT
8 A PROGRAM TO USE *BACILLUS THURINGIENSIS ISRAELENسيس* TO CONTROL OR
9 ELIMINATE NUISANCE INSECTS IN THE STATE.

10 (2) THE PROGRAM SHALL BE IMPLEMENTED ON:

11 (I) STATE-OWNED PROPERTY;

12 (II) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH THE
13 CONSENT OF THE LOCAL GOVERNMENT; AND

14 (III) PRIVATE PROPERTY WITH THE CONSENT OF THE PROPERTY
15 OWNER.

16 ~~(2) (3) TO CARRY OUT THE PROGRAM, THE SECRETARY MAY~~
17 ~~AUTHORIZE ANY METHOD THE SECRETARY CONSIDERS NECESSARY TO CONTROL OR~~
18 ~~ELIMINATE NUISANCE INSECTS, INCLUDING THE APPLICATION OF PESTICIDES.:~~

19 (I) TREAT PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK
20 SPRAYING OF *BACILLUS THURINGIENSIS ISRAELENسيس*;

21 (II) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR,
22 LOCATION, AND TIME OF SPRAYING;

23 (III) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL
24 FOR INGESTION BY NUISANCE INSECTS;

25 (IV) NOTIFY APPROPRIATE PERSONS OF THE DATE AND
26 LOCATION OF AN UPCOMING SPRAYING; AND

27 (V) REVIEW THE EFFECTIVENESS OF SPRAYING.

28 (B) NOTICE PROVIDED UNDER SUBSECTION (A)(3)(IV) OF THIS SECTION
29 SHALL, AT A MINIMUM, BE:

30 (1) PROVIDED TO:

1 **(I) LOCAL PRESS OUTLETS;**

2 **(II) COUNTY AND LOCAL GOVERNMENTS THAT ARE IN THE AREA**
3 **THAT WILL BE AFFECTED BY THE SPRAYING;**

4 **(III) EMERGENCY RESPONDERS AND ASSOCIATED AGENCIES**
5 **THAT SERVICE THE AREA THAT WILL BE AFFECTED BY THE SPRAYING; AND**

6 **(IV) THE LOCAL RIVERKEEPER FOR THE AREA THAT WILL BE**
7 **AFFECTED BY THE SPRAYING; AND**

8 **(2) POSTED ON APPROPRIATE SOCIAL MEDIA SITES.**

9 **(C) (1) THE SECRETARY MAY CARRY OUT A PROJECT TO USE BACILLUS**
10 **THURINGIENSIS ISRAELENIS TO CONTROL OR ELIMINATE NUISANCE INSECTS**
11 **UNDER THIS SECTION IF THE COUNTY OR MUNICIPALITY IN WHICH THE NUISANCE**
12 **INSECTS ARE LOCATED AGREES TO PAY 50% OF THE COSTS ASSOCIATED WITH THE**
13 **PROJECT.**

14 **(2) THE SECRETARY SHALL REMIT ANY PAYMENT FROM A COUNTY OR**
15 **MUNICIPALITY RECEIVED UNDER THIS SUBSECTION TO THE COMPTROLLER FOR**
16 **DEPOSIT TO THE NUISANCE INSECTS FUND, ESTABLISHED UNDER § 5-1004 OF THIS**
17 **SUBTITLE.**

18 **5-1004.**

19 **(A) THERE IS A NUISANCE INSECTS FUND.**

20 **(B) THE PURPOSE OF THE FUND IS TO FACILITATE THE CONTROL OR**
21 **ELIMINATION OF NUISANCE INSECTS IN THE STATE.**

22 **(C) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL ADMINISTER**
23 **THE FUND.**

24 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
25 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

26 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
27 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

28 **(E) THE FUND CONSISTS OF:**

1 (2) Property owned by a local government with consent of the local
2 government; and

3 (3) Private property with consent of the property owner.

4 (b) The Department, in conjunction with the Department of Agriculture and the
5 University of Maryland's Department of Entomology, may:

6 (1) Treat the property with an aerial spraying or backpack spraying of
7 *Bacillus thuringiensis israelensis*;

8 (2) Conduct field studies to determine the need for, location, and timing of
9 spraying;

10 (3) Schedule spraying when the conditions are optimal for ingestion by the
11 black flies;

12 (4) Notify appropriate persons of the date and location of an upcoming
13 spraying;

14 (5) Review the effectiveness of the spraying; and

15 (6) Conduct biomonitoring of aquatic macroinvertebrates and fish in
16 selected streams to ensure there is no impact on the environment.]

17 [8-2204.

18 The Department and the Department of Agriculture may accept, use, or expend any
19 aid, gift, or grant made available from any private or public source to implement the
20 provisions of this subtitle.]

21 [8-2205.

22 The Department may, in conjunction with the Department of Agriculture, adopt
23 regulations to implement the provisions of this subtitle.]

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2019.