

Chapter 553

(House Bill 22)

AN ACT concerning

Agriculture – Pollinator Habitat Plan – Requirements for State Highway Administration

FOR the purpose of requiring a certain pollinator habitat plan established by the State Highway Administration under certain provisions of law to include certain policies and procedures regarding the use of pollinator habitat areas along State highways; requiring the Administration to track and evaluate federal programs that provide funding for pollinator habitats, native plants, and invasive species control and to apply for certain federal funding under certain circumstances; requiring the Administration to update the pollinator habitat plan on or before a certain date and annually thereafter; and generally relating to pollinator habitats.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–1801
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

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

Article – Agriculture

2–1801.

(a) In this section, “neonicotinoid pesticide” has the meaning stated in § 5–2A–01 of this article.

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

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

(i) Shall include best management practices for the designation, maintenance, creation, enhancement, and restoration of pollinator habitat areas;

(ii) Shall be as protective of pollinators as the Department’s managed pollinator protection plan;

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

(iv) May not require the creation of pollinator habitat on productive farmland; and

(v) Except as provided in paragraph (3) of this subsection, may not allow the use of the following pesticides, seeds, or plants in an area designated or created as a pollinator habitat area in accordance with a pollinator habitat plan:

1. Neonicotinoid pesticides;
2. Pesticides labeled as toxic to bees or other pollinators; or
3. Seeds or plants treated with a neonicotinoid pesticide.

(3) (i) Pesticides labeled as toxic to bees or other pollinators that are not neonicotinoid pesticides may be used in an area designated or created as a pollinator habitat area under a pollinator habitat plan if the Secretary of Health determines that the use is necessary to respond to a specific instance of threat to public health.

(ii) A pollinator habitat plan required under this subsection may not restrict a farmer, or a person working under the supervision of a farmer, from using the pesticides, seeds, or plants specified under paragraph (2)(v) of this subsection for agricultural purposes, including:

1. Crop production;
2. Livestock;
3. Poultry;
4. Equine; and
5. Noncrop agricultural fields.

(c) (1) (I) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION, THE STATE HIGHWAY ADMINISTRATION'S POLLINATOR HABITAT PLAN SHALL INCLUDE POLICIES AND PROCEDURES:

1. TO ENCOURAGE THE USE OF POLLINATOR-FRIENDLY NATIVE PLANTS ALONG STATE HIGHWAYS;

2. TO DEVELOP AND MAINTAIN POLLINATOR HABITAT AREAS ALONG STATE HIGHWAYS, TO THE EXTENT REASONABLE AND FEASIBLE AND

IN ACCORDANCE WITH RELEVANT SAFETY STANDARDS FOR DRIVERS, BICYCLISTS, AND PEDESTRIANS; AND

3. FOR EDUCATING AND COMMUNICATING WITH THE PUBLIC ABOUT POLLINATOR HABITAT AREAS ALONG STATE HIGHWAYS.

(II) IN DEVELOPING THE POLICIES AND PROCEDURES REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE HIGHWAY ADMINISTRATION SHALL CONSIDER THE FEDERAL HIGHWAY ADMINISTRATION'S PUBLICATION ON ROADSIDE BEST MANAGEMENT PRACTICES THAT BENEFIT POLLINATORS.

(III) THE POLICIES AND PROCEDURES FOR EDUCATING AND COMMUNICATING WITH THE PUBLIC UNDER ITEM (I)3 OF THIS PARAGRAPH MAY INCLUDE:

1. PLACING AND MAINTAINING, IN ACCORDANCE WITH ANY APPLICABLE PROVISIONS IN TITLE 8, SUBTITLE 7 OF THE TRANSPORTATION ARTICLE, OF INFORMATIONAL SIGNS ALONG STATE HIGHWAYS;

2. PUBLISHING INFORMATION ON THE WEBSITE OF THE STATE HIGHWAY ADMINISTRATION AND ASSOCIATED SOCIAL MEDIA PLATFORMS; AND

3. OUTREACH TO COMMUNITY ASSOCIATIONS AND ELECTED OFFICIALS.

(2) THE STATE HIGHWAY ADMINISTRATION SHALL:

(I) TRACK AND EVALUATE FEDERAL PROGRAMS THAT PROVIDE FUNDING FOR POLLINATOR HABITATS, NATIVE PLANTS, AND INVASIVE SPECIES CONTROL, INCLUDING FUNDING UNDER THE FEDERAL INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021; AND

(II) APPLY FOR ANY FUNDING THAT THE ADMINISTRATION DETERMINES APPROPRIATE AND BENEFICIAL TO POLLINATOR HABITATS IN THE STATE.

(D) (1) The Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration each shall:

[(1)] (I) On or before September 1, 2017, make available to the public on its website the pollinator habitat plan established in accordance with subsection (b) of this section; and

[(2)] (II) On or before July 1, 2018, implement the pollinator habitat plan established in accordance with subsection (b) of this section.

(2) ON OR BEFORE OCTOBER 1, 2024, AND EACH OCTOBER 1 THEREAFTER, THE STATE HIGHWAY ADMINISTRATION SHALL UPDATE THE POLLINATOR HABITAT PLAN PUBLISHED ON ITS WEBSITE TO INCLUDE:

(I) CURRENT POLICIES AND PROCEDURES ADOPTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND

(II) A LIST OF THE LOCATION AND APPROXIMATE SIZE OF CURRENT POLLINATOR HABITAT AREAS MAINTAINED BY THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that nothing in this Act shall be interpreted to modify, limit, or interfere with State or local laws relating to weed control under Title 9, Subtitle 4 of the Agriculture Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 9, 2024.