

SENATE BILL 178

M4, R1

(PRE-FILED)

4r1231
CF HB 22

By: **Senator Klausmeier**

Requested: October 28, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance and Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2024

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Pollinator Habitat Plan – Requirements for State Highway**
3 **Administration**

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

12 BY repealing and reenacting, with amendments,
13 Article – Agriculture
14 Section 2–1801
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2023 Supplement)

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

19 **Article – Agriculture**

20 2–1801.

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

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

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

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

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

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

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

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

19 1. Neonicotinoid pesticides;

20 2. Pesticides labeled as toxic to bees or other pollinators; or

21 3. Seeds or plants treated with a neonicotinoid pesticide.

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

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

30 1. Crop production;

31 2. Livestock;

- 1 3. Poultry;
- 2 4. Equine; and
- 3 5. Noncrop agricultural fields.

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

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

9 2. TO DEVELOP AND MAINTAIN POLLINATOR HABITAT
10 AREAS ALONG STATE HIGHWAYS, TO THE EXTENT REASONABLE AND FEASIBLE AND
11 IN ACCORDANCE WITH RELEVANT SAFETY STANDARDS FOR DRIVERS, BICYCLISTS,
12 AND PEDESTRIANS; AND

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

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

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

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

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

29 3. OUTREACH TO COMMUNITY ASSOCIATIONS AND
30 ELECTED OFFICIALS.

31 (2) THE STATE HIGHWAY ADMINISTRATION SHALL:

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

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

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

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

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

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

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

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

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

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