

HOUSE BILL 386

M4, M3
HB 1190/24 – HGO

5lr1345
CF SB 345

By: **Delegates Ruth, Allen, Bagnall, Bartlett, Ebersole, Embry, Fair, Feldmark, Foley, Guyton, Guzzone, Kaufman, Lehman, R. Lewis, J. Long, McCaskill, Pasteur, Phillips, Ruff, Simpson, Terrasa, Woods, ~~and Woorman~~ Woorman, Pena-Melnyk, Cullison, Alston, Bhandari, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Lopez, Martinez, Rosenberg, Szeliga, Taveras, and Ross**

Introduced and read first time: January 16, 2025
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 3, 2025

CHAPTER _____

1 AN ACT concerning

2 **Pesticides – PFAS Chemicals – Prohibitions**

3 FOR the purpose of requiring the Department of Agriculture to develop and maintain a list
4 of certain registered pesticides that list PFAS chemicals as an active ingredient on
5 the labeling accompanying the pesticide; prohibiting a person from using, for certain
6 purposes and beginning on certain dates, certain PFAS pesticides; prohibiting,
7 beginning on a certain date, the Department from registering certain PFAS
8 pesticides for sale in the State; authorizing the Department and the Maryland
9 Department of Health to list additional PFAS chemicals based on certain new
10 information; and generally relating to pesticides and PFAS chemicals.

11 BY repealing and reenacting, without amendments,
12 Article – Agriculture
13 Section 5–101(a) and (b) and 5–201(a), (c), (g), and (l)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2024 Supplement)

16 BY adding to
17 Article – Agriculture
18 Section 5–210.6
19 Annotated Code of Maryland

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.



(2016 Replacement Volume and 2024 Supplement)

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

Article – Agriculture

5–101.

(a) In this subtitle the following words have the meanings indicated.

(b) “Active ingredient” means:

(1) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which prevents, destroys, repels, or mitigates insects, nematodes, fungi, rodents, weeds, bacteria, or other pests;

(2) In the case of a plant regulator, an ingredient which, through physiological action, accelerates or retards the rate of growth or rate of maturation or otherwise alters the behavior of ornamental or crop plants or their produce;

(3) In the case of a defoliant, an ingredient which causes the leaves or foliage to drop from a plant; and

(4) In the case of a desiccant, an ingredient which artificially accelerates the drying of plant tissue.

5–201.

(a) In this subtitle the following words have the meanings indicated.

(c) “Certified applicator” means a person who is certified by the Secretary under this subtitle.

(g) “Labeling” means all written, printed, or graphic matter:

(1) Accompanying the pesticide or device at any time; or

(2) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the:

(i) Environmental Protection Agency;

(ii) United States Departments of Agriculture, Interior, and Health and Human Services;

(iii) State experiment stations;

(iv) State agricultural colleges; or

(v) Other similar federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

(l) "Pesticide" means any substance or mixture of substances intended for:

(1) Preventing, destroying, repelling, or mitigating any pest;

(2) Use as a plant regulator, defoliant, or desiccant; or

(3) Use as a spray adjuvant such as a wetting agent or adhesive.

5-210.6.

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

(2) "ACTIVE INGREDIENT" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

(3) "PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED CHEMICALS ~~THAT~~:

(I) THAT ~~CONTAIN~~ CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM, INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; AND

(II) OF WHICH THE CHEMICAL COMPOSITION ~~INCLUDES~~ OF THE PFAS PESTICIDES IS LIMITED TO:

1. R-(CF₂)-CF(R')R", WHERE BOTH THE CF₂ AND CF MOIETIES ARE SATURATED CARBONS;

2. R-CF₂OCF₂-R', WHERE R AND R' CAN EITHER BE F, O, OR SATURATED CARBONS; OR

3. CF₃C(CF₃)R'R", WHERE R' AND R'" CAN EITHER BE F OR SATURATED CARBONS.

(4) "PFAS PESTICIDE" MEANS A PESTICIDE THAT HAS PFAS CHEMICALS LISTED AS AN ACTIVE INGREDIENT ON THE LABELING.

1 (B) (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A LIST OF
2 EACH PFAS PESTICIDE THAT IS REGISTERED WITH THE SECRETARY IN
3 ACCORDANCE WITH SUBTITLE 1 OF THIS TITLE.

4 (2) ON OR BEFORE JANUARY 1, ~~2026~~ 2032, THE DEPARTMENT SHALL:

5 (I) POST THE LIST DEVELOPED UNDER THIS SUBSECTION ON
6 ITS WEBSITE; AND

7 (II) DISTRIBUTE THE LIST TO ALL CERTIFIED APPLICATORS.

8 (C) (1) BEGINNING JUNE 1, ~~2026~~ 2032, A PERSON MAY NOT USE A PFAS
9 PESTICIDE LISTED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION:

10 (I) AT A HEALTH CARE FACILITY;

11 (II) AT A SCHOOL;

12 (III) AT A DAY CARE OPERATION;

13 (IV) FOR RESIDENTIAL LAWN CARE; OR

14 (V) FOR COMMERCIAL MOSQUITO SPRAYING OPERATIONS.

15 (2) BEFORE JUNE 1, ~~2026~~ 2032, THE DEPARTMENT SHALL NOTIFY
16 ALL CERTIFIED APPLICATORS OF THE PROHIBITION IN PARAGRAPH (1) OF THIS
17 SUBSECTION.

18 (D) BEGINNING JUNE 1, ~~2027~~ 2032, THE DEPARTMENT MAY NOT REGISTER
19 A PFAS PESTICIDE FOR SALE IN THE STATE.

20 (E) BEGINNING JUNE 1, ~~2028~~ 2032, A PERSON MAY NOT USE A PFAS
21 PESTICIDE IN THE STATE.

22 (F) THE DEPARTMENT, IN CONSULTATION AND AGREEMENT WITH THE
23 MARYLAND DEPARTMENT OF HEALTH, MAY LIST ADDITIONAL PFAS CHEMICALS
24 BASED ON:

25 (1) NEW AND EMERGING HEALTH IMPACT DATA; AND

26 (2) EVOLUTION IN THE NEEDS, USES, AND AVAILABILITY OF
27 ALTERNATIVES.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2025.