

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1237 (Delegate Ruth, *et al.*)
Environment and Transportation

Pesticide Applications - Subscription Contract Requirements and Registry
Establishment

This bill requires the Maryland Department of Agriculture (MDA) to establish a Residential Pollinator Protection and Neighbor Notification Registry for the purpose of registering individuals residing in residential areas who are interested in receiving notice of pesticide applications on contiguous or adjacent properties. MDA may charge a reasonable registration fee to an applicant for inclusion in the registry; however, MDA must waive the fee under specified conditions. The bill establishes related requirements for MDA, pesticide business licensees, pesticide applicators, and public agency permittees. In addition, the bill establishes requirements for a pesticide business licensee that has a subscription contract for pest control with a residential customer.

Fiscal Summary

State Effect: Special fund expenditures for MDA may increase, likely minimally, beginning in FY 2027 to establish the registry; it is assumed that any costs are offset by an increase in special fund revenues from registration fees, as discussed below. State expenditures (all/multiple funds) for various State agencies may increase, likely minimally, beginning in FY 2027, as discussed below.

Local Effect: Local government expenditures may increase, likely minimally, beginning in FY 2027, as discussed below. Local revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Applying for Inclusion in the Registry – Required Forms, Annual Registration, and Registration Fees

An individual may apply for inclusion in the registry by completing a registration form provided by MDA. The registry form must, at a minimum:

- require the applicant to provide the name, street address, and telephone number of the applicant and of each contiguous or adjacent property owner; and
- include checkboxes to designate (1) whether any member of the applicant's household has a pesticide sensitivity or should not be exposed to a pesticide because of a current diagnosed condition or ailment; (2) whether pets or domestic animals reside on the applicant's property; and (3) whether the applicant's property includes a pollinator garden or other wildlife habitat.

MDA must require registrations to be renewed annually, as specified, but MDA may extend or make exceptions to the registration deadline for reasonable cause.

MDA is authorized to charge a reasonable registration fee to an applicant for inclusion in the registry; the fee must be established in regulation and designed to cover MDA's costs to implement the bill. MDA must waive the registration fee, however, for an individual who provides documentation demonstrating that the individual or a member of the individual's household should not be exposed to pesticides due to a pesticide sensitivity or other diagnosed condition or ailment.

Related Requirements for the Maryland Department of Agriculture, Pesticide Business Licensees, Pesticide Applicators, and Public Agency Permittees

From the registry, MDA must prepare a list of (1) individuals who have registered with MDA under the bill and (2) property owners who are contiguous or adjacent to the registered individuals and who may contract for pest control. The list must include notice of whether the registered individual has indicated the presence of a domestic animal or pollinator garden on the individual's property. MDA must distribute the list to each licensee at a frequency it determines but at least once per year.

Before making a pesticide application to a property contiguous or adjacent to the property of a registered individual, a licensee must notify the individual (1) by telephone the day before, or the morning of, a planned pesticide application or (2) in person, or by a written

notice delivered to the residence of the individual, before the pesticide is applied to a contiguous or adjacent property.

On request, a licensee or public agency permittee must provide an individual notified under these provisions with the following written information: (1) the name of the licensee; (2) the licensee's Maryland pesticide business license number; (3) the telephone number of the licensee; (4) the common name of the pesticide or active ingredient to be applied and the U.S. Environmental Protection Agency (EPA) registration number; and (4) an original or legible copy of the current pesticide produce label, an original or a legible copy of the portion of the current pesticide product label containing precautionary statements regarding hazards to humans or animals and environmental hazards, if any, or a document containing appropriate health, safety, or precautionary information that has been taken from the pesticide label and approved by MDA before distribution.

When applying pesticide to a property contiguous or adjacent to the property of a registered individual who has indicated the presence of a domestic animal or pollinator garden on the individual's property, the pesticide applicator must exercise particular care to avoid applying pesticide near the pollinator garden or domestic animal or allowing any pesticide drift to contaminate a pollinator garden or domestic animal. The pesticide applicator must document the measures taken under this provision and include the documentation in the records required by MDA.

MDA must identify the pest control categories to which the above provisions apply. The bill specifies that these provisions do not apply to pesticide applications on agricultural land, regardless of whether the land includes a residence.

Requirements for Pesticide Business Licensees that have Subscription Contracts for Pest Control with Residential Customers

A licensee that has a subscription contract for pest control with a residential customer must (1) inspect the customer's property before each pesticide application; (2) make a good faith effort to communicate to the customer by telephone or in person, the inspection findings and recommendations based on the findings, including any recommendations regarding nonchemical interventions such as sanitation or structural repair; (3) if chemical pest control methods are needed, recommend the least toxic alternative that will be effective for the targeted pests; and (4) document the results of the inspection, the recommendations, and any communications with the customer in records required by MDA.

Current Law:

Notification Requirements Related to the Application of Pesticides

When a pesticide is applied, or at the time a customer enters into a contract with a licensee for pest control, a licensee must provide the customer with the following written information: (1) the name of the licensee; (2) the Maryland pesticide business license number; (3) the telephone number of the licensee; (4) the common name of the pesticide or active ingredient applied; (5) pertinent safety information, as specified; (6) the Maryland Poison Control telephone number; and (7) any other information required by MDA. Upon the customer's request, the licensee must provide the customer with advance notice of a pesticide application.

A licensee or public agency permittee applying a pesticide to a lawn or to exterior landscape plants must – at the time of application – post a sign, as specified; the sign must remain for 48 hours following the pesticide application, after which time the customer is responsible for removing the sign.

Before applying an experimental use pesticide, the holder of the required experimental use permit from EPA must provide MDA with specified information, including the name of the cooperator, the location of planned application or treatment, the name of the active ingredient of the pesticide, and the purpose of application or use.

Pesticide Sensitive Individual Registry

Under current regulations, MDA is required to prepare a list of (1) pesticide sensitive individuals who have registered with the department and (2) property owners who are contiguous or adjacent to those registered individuals and who may contract for pest control. The regulations apply to a licensee or public agency permittee in the following pest control categories: (1) ornamental or turf pest control, as specified; and (2) public health, including the management of mosquitoes, as specified. The notification requirements under the regulation do not apply to MDA's mosquito control program or to a county that provides mosquito control services.

By February 15 of each year, MDA must distribute the list it prepares pursuant to the regulations to licensees and permittees in the ornamental or turf pest control category and the public health pest control category. MDA must distribute an updated list when determined necessary.

Upon request, MDA must register a person (1) with a documented pesticide sensitivity, provided that the person submits to MDA a current valid certificate from a physician indicating the person's pesticide sensitivity or (2) who submits to MDA a physician's

certificate indicating that the person should not be exposed to a pesticide because of a current diagnosed condition or ailment.

An applicant for registration must provide MDA with the name, street address, and the telephone number of the applicant and of each contiguous or adjacent property owner. A person qualifying for registration may apply to MDA at any time and must notify MDA immediately of any address change. Registration is free. Annual renewal must be on a form provided by MDA, but a physician's certificate is only needed for an initial registration.

Before making a pesticide application to a property that is contiguous or adjacent to the property of a registered individual, a licensee or permittee must notify the registered individual (1) by telephone the day before, or the morning of, a planned pesticide application or (2) in person, or by a written notice delivered to the residence of the registered individual, before the pesticide is applied to a contiguous or adjacent property.

Pesticide Fund

All fees collected under Title 5, Subtitle 2 of the Agriculture Article (Pesticide Applicator's Law) – to which the bill's provisions are added – must be placed in a fund, known as the Pesticide Fund, and used to partially defray the expenses of administering the provisions of the subtitle.

State/Local Fiscal Effect:

Maryland Department of Agriculture

Although MDA anticipates that it can likely implement the bill with existing staff, administrative costs may increase – likely minimally – to establish the registry and handle related activities (such as conducting site visits to confirm adjacent or contiguous properties). Any increase in MDA's costs is anticipated to be offset by an increase in special fund revenues from registration fees established pursuant to the bill. Pursuant to current law, any registration fees collected under the bill are paid into MDA's Pesticide Fund.

Depending on the number of applicants to the registry, fee revenues may exceed MDA's costs, although that is unclear at this time. For context, MDA advises that it plans to charge a fee of \$75 per application. MDA notes that currently, there are fewer than 80 individuals registered as pesticide sensitive under the existing registry (discussed above under Current Law). The number of individuals who register under the bill – and pay the registration fee established by MDA – is unknown.

State Agencies and Local Governments as Public Agency Permittees/Landowners

The bill establishes additional actions that pesticide businesses licensees, pest control applicators, and public agency permittees need to take prior to – or when – applying certain pesticides on property contiguous or adjacent to the property of a registered individual. As a result, any affected State agencies – particularly those that manage a significant amount of land (such as the Department of Natural Resources and the Maryland Department of Transportation) – may incur additional costs for their pest control activities. Although a reliable estimate of any increase in costs cannot be made, it is assumed that any increase in costs is likely not significant.

Local governments – as public agency permittees and landowners – are similarly affected.

Small Business Effect: Pesticide business licensees likely incur additional costs to provide the required notifications and provide registrants with written information upon request. Pest control applicators also likely incur costs to apply affected pesticides in accordance with the bill and maintain records.

In addition, the bill's changes relating to licensees that have a subscription contract for pest control with a residential customer likely increase costs for licensees to perform the required inspections, communicate with customers, potentially identify nonchemical or less toxic chemical alternatives, and document their efforts.

Small businesses that contract for pest control services may incur additional costs to the extent pest control businesses pass on any costs to customers in the form of higher prices.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Agriculture; Department of Natural Resources; Maryland Department of Transportation; Department of General Services; Baltimore City Community College; University System of Maryland; Morgan State University; Maryland-National Capital Park and Planning Commission; Baltimore City; Harford and Montgomery counties; Maryland Association of Counties; Department of Legislative Services

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