

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

A BILL ENTITLED

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.

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

23 (b) (1) On or before July 1, 2017, subject to paragraph (2) of this subsection,
24 the Department of Natural Resources, the Maryland Environmental Service, and the State

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Highway Administration, in consultation with the Department, each shall establish a
2 pollinator habitat plan.

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

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

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

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

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

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

15 1. Neonicotinoid pesticides;

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

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

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

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

26 1. Crop production;

27 2. Livestock;

28 3. Poultry;

29 4. Equine; and

30 5. Noncrop agricultural fields.

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

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

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

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

12 (ii) IN DEVELOPING THE POLICIES AND PROCEDURES
13 REQUIRED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE STATE HIGHWAY
14 ADMINISTRATION SHALL CONSIDER THE FEDERAL HIGHWAY ADMINISTRATION'S
15 PUBLICATION ON ROADSIDE BEST MANAGEMENT PRACTICES THAT BENEFIT
16 POLLINATORS.

17 (iii) THE POLICIES AND PROCEDURES FOR EDUCATING AND
18 COMMUNICATING WITH THE PUBLIC UNDER ITEM (i)3 OF THIS PARAGRAPH MAY
19 INCLUDE:

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

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

26 3. OUTREACH TO COMMUNITY ASSOCIATIONS AND
27 ELECTED OFFICIALS.

28 (2) THE STATE HIGHWAY ADMINISTRATION SHALL:

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

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

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

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2024.