

SENATE BILL 198

M4
SB 163/15 – EHE

6lr2010
CF HB 211

By: **Senators Nathan–Pulliam, Benson, Ferguson, Guzzone, Kagan, Kelley, King, Lee, McFadden, Muse, Pugh, Rosapepe, and Young**

Introduced and read first time: January 20, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2016

CHAPTER _____

1 AN ACT concerning

2 **Neonicotinoid Pesticides – ~~Labeling, Signage, and~~ Restrictions on Sales and Use**
3 **(Pollinator Protection Act of 2016)**

4 FOR the purpose of ~~prohibiting a person from selling at retail in the State certain seeds,~~
5 ~~material, or plants that have been treated with a neonicotinoid pesticide unless the~~
6 ~~seeds, material, or plants bear a label with, or are in close proximity to a sign that~~
7 ~~displays in a certain manner, a certain statement,~~ prohibiting a person from selling
8 at retail in the State, on or after a certain date, a neonicotinoid pesticide unless the
9 person also sells a restricted use pesticide; prohibiting a person from using a
10 neonicotinoid pesticide on or after a certain date unless the person is a certified
11 applicator or a person working under the direct supervision of a certified applicator,
12 a farmer or a person working under the direct supervision of a farmer who uses the
13 product for a certain purpose, or a veterinarian; ~~establishing~~ prohibiting the
14 Department of Agriculture from limiting the use of certain pesticides in a certain
15 manner; requiring the Department to incorporate certain practices into a certain
16 pollinator protection plan; requiring the Department to study and make
17 recommendations regarding certain matters; requiring the Department to report its
18 findings and recommendations to the Governor and the General Assembly within a
19 certain period of time after the publication of a certain pollinator risk assessment;
20 establishing certain civil penalties for a violation of this Act; providing for the
21 application of certain provisions of this Act; defining a certain ~~terms~~ term; and
22 generally relating to neonicotinoid pesticides.

23 BY repealing and reenacting, without amendments,

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 Article – Agriculture
 2 Section 5–201(a), (c), and (r)
 3 Annotated Code of Maryland
 4 (2007 Replacement Volume and 2015 Supplement)

5 BY adding to
 6 Article – Agriculture
 7 Section 5–2A–01 through ~~5–2A–02~~ ~~5–2A–03~~ 5–2A–05 to be under the new subtitle
 8 “Subtitle 2A. Neonicotinoid Pesticides”
 9 Annotated Code of Maryland
 10 (2007 Replacement Volume and 2015 Supplement)

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

13 **Article – Agriculture**

14 5–201.

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

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

18 (r) “Restricted use pesticide” means a pesticide so classified by the provisions in
 19 this title or by the federal government or the Secretary of Agriculture, State of Maryland.

20 **SUBTITLE 2A. NEONICOTINOID PESTICIDES.**

21 **5–2A–01.**

22 ~~(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS~~
 23 ~~INDICATED.~~

24 ~~(B) “NEONICOTINOID~~ **“NEONICOTINOID PESTICIDE” MEANS ANY PESTICIDE**
 25 **CONTAINING A CHEMICAL BELONGING TO THE NEONICOTINOID CLASS OF**
 26 **CHEMICALS, INCLUDING:**

27 (1) **IMIDACLOPRID;**

28 (2) **NITHIAZINE;**

29 (3) **ACETAMIPRID;**

30 (4) **CLOTHIANIDIN;**

1 (5) DINOTEFURAN;

2 (6) THIACTOPRID;

3 (7) THIAMETHOXAM; AND

4 (8) ANY OTHER CHEMICAL DESIGNATED BY THE DEPARTMENT AS
5 BELONGING TO THE NEONICOTINOID CLASS OF CHEMICALS.

6 (c) ~~“NURSERY STOCK” MEANS:~~

7 ~~(1) ANY HARDY PLANT OR PLANT THAT SURVIVES MARYLAND~~
8 ~~WINTERS, INCLUDING A DECIDUOUS OR EVERGREEN TREE, SHRUB, OR WOODY VINE,~~
9 ~~WHETHER CULTIVATED, NATIVE, OR WILD, AND ALL VIABLE PARTS OF THE PLANT;~~

10 ~~(2) ANY NONHARDY PLANT OR PLANT PART TO BE DISTRIBUTED IN~~
11 ~~ANOTHER STATE THAT REQUIRES PLANT INSPECTION AND CERTIFICATION BEFORE~~
12 ~~ENTERING THAT STATE; OR~~

13 ~~(3) ANY OTHER PLANT INCLUDED BY THE SECRETARY, IF~~
14 ~~REGULATING ITS MOVEMENT IS NECESSARY TO CONTROL ANY DANGEROUSLY~~
15 ~~INJURIOUS PLANT PEST.~~

16 5-2A-02.

17 ~~(A) A PERSON MAY NOT SELL AT RETAIL IN THE STATE ANY SEED, PLANT~~
18 ~~MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER PLANT~~
19 ~~THAT HAS BEEN TREATED WITH A NEONICOTINOID PESTICIDE UNLESS THE SEED,~~
20 ~~PLANT MATERIAL, NURSERY STOCK, ANNUAL PLANT, BEDDING PLANT, OR OTHER~~
21 ~~PLANT BEARS A LABEL WITH, OR IS IN CLOSE PROXIMITY TO A SIGN THAT~~
22 ~~PROMINENTLY DISPLAYS, THE FOLLOWING STATEMENT:~~

23 ~~“WARNING: THIS PRODUCT HAS BEEN TREATED WITH NEONICOTINOID~~
24 ~~PESTICIDES, FOUND TO HARM OR IMPAIR NONTARGET ORGANISMS, INCLUDING~~
25 ~~BEES AND OTHER POLLINATORS, BIRDS, EARTHWORMS, AND AQUATIC~~
26 ~~INVERTEBRATES.”.~~

27 ~~(B) (A) (1) THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION~~
28 ~~DOES NOT APPLY TO A FLEA OR TICK COLLAR THAT CONTAINS A NEONICOTINOID~~
29 ~~PESTICIDE;~~

30 ~~(I) PET CARE PRODUCTS USED TO MITIGATE FLEAS, MITES,~~
31 ~~TICKS, HEARTWORMS, OR OTHER ANIMALS THAT ARE HARMFUL TO THE HEALTH OF~~
32 ~~A DOMESTICATED ANIMAL;~~

1 (II) PERSONAL CARE PRODUCTS USED TO MITIGATE LICE AND
2 BEDBUGS; AND

3 (III) INDOOR PEST CONTROL PRODUCTS USED TO MITIGATE
4 INSECTS INDOORS, INCLUDING ANT BAIT.

5 (2) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT SELL AT
6 RETAIL IN THE STATE A NEONICOTINOID PESTICIDE UNLESS THE PERSON ALSO
7 SELLS A RESTRICTED USE PESTICIDE, AS DEFINED IN § 5-201 OF THIS TITLE.

8 ~~(C)~~ (B) ON OR AFTER JANUARY 1, ~~2017~~ 2018, A PERSON MAY NOT USE A
9 NEONICOTINOID PESTICIDE UNLESS THE PERSON IS:

10 (1) A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE
11 ~~DIRECT~~ SUPERVISION OF A CERTIFIED APPLICATOR, AS DEFINED IN § 5-201 OF THIS
12 TITLE;

13 (2) A FARMER, OR A PERSON WORKING UNDER THE ~~DIRECT~~
14 SUPERVISION OF A FARMER, WHO USES THE PESTICIDE FOR AGRICULTURAL
15 PURPOSES, INCLUDING CROP PRODUCTION, LIVESTOCK, POULTRY, EQUINE, AND
16 NONCROP AGRICULTURAL FIELDS; OR

17 (3) A VETERINARIAN.

18 5-2A-03.

19 THE DEPARTMENT SHALL INCORPORATE POLLINATOR HABITAT EXPANSION
20 AND ENHANCEMENT PRACTICES INTO THE STATE'S MANAGED POLLINATOR
21 PROTECTION PLAN DEVELOPED IN COORDINATION WITH THE U.S.
22 ENVIRONMENTAL PROTECTION AGENCY.

23 5-2A-04.

24 (A) ON COMPLETION OF THE U.S. ENVIRONMENTAL PROTECTION
25 AGENCY'S POLLINATOR RISK ASSESSMENT OF THE NEONICOTINOID PESTICIDES
26 IMIDACLOPRID, CLOTHIANDIN, THIAMETHOXAM, AND DINOTEFURAN, THE
27 DEPARTMENT SHALL REVIEW THE STATE'S PESTICIDE LAWS AND REGULATIONS
28 AND MAKE RECOMMENDATIONS FOR ANY CHANGES NECESSARY TO ENSURE STATE
29 LAWS AND REGULATIONS ARE CONSISTENT WITH THE U.S. ENVIRONMENTAL
30 PROTECTION AGENCY RECOMMENDATIONS.

31 (B) WITHIN 6 MONTHS OF THE U.S. ENVIRONMENTAL PROTECTION
32 AGENCY'S COMPLETED POLLINATOR RISK ASSESSMENT OF NEONICOTINOID

1 PESTICIDES, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND
2 RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF
3 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

4 5-2A-05.

5 A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF
6 \$50.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.