

HOUSE BILL 1342

M4, P1

5lr2198
CF SB 932

By: **Delegates Lehman, Foley, R. Lewis, Ruth, and Terrasa**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Pesticide and Pest Control – State–Owned Property – Pesticide Use Restrictions**
3 **and Pollinator Habitat**

4 FOR the purpose of authorizing a person to apply a pesticide on State–owned property only
5 if the person is applying a certain listed pesticide or a certain registered pesticide for
6 certain purposes; requiring the Department of Agriculture to develop a model
7 pesticide and pollinator habitat management plan to be implemented on
8 State–owned and managed property; requiring a unit of State government that
9 manages a certain tract of State–owned property to work with the Department to
10 adapt the model pesticide and pollinator habitat management plan for certain
11 purposes; and generally relating to the use of pesticides and pollinator habitat on
12 State–owned property.

13 BY adding to

14 Article – Agriculture

15 Section 5–1101 through 5–1103 to be under the new subtitle “Subtitle 11.
16 State–Owned Property”

17 Annotated Code of Maryland

18 (2016 Replacement Volume and 2024 Supplement)

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

21 **Article – Agriculture**

22 **SUBTITLE 11. STATE–OWNED PROPERTY.**

23 **5–1101.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(B) "AESTHETIC PESTICIDE" INCLUDES ANY CHEMICAL USED TO CONTROL PESTS, INCLUDING PESTICIDES, INSECTICIDES, AND HERBICIDES.

(C) "INVASIVE SPECIES" MEANS A PLANT, AN ANIMAL, A MICROBE, OR A PARASITE THAT IS NOT NATIVE TO THE STATE AND MAY CAUSE HARM TO THE ENVIRONMENT, ECONOMY, OR HUMAN HEALTH AS A RESULT OF ITS NONNATIVE CHARACTERISTICS.

(D) "LISTED PESTICIDE" MEANS A PESTICIDE:

(1) OF WHICH THE ACTIVE INGREDIENTS ARE RECOMMENDED BY THE NATIONAL ORGANIC STANDARDS BOARD IN ACCORDANCE WITH 7 U.S.C. § 6518, AS AMENDED, AND PUBLISHED ON THE NATIONAL LIST CONTAINED AT 7 C.F.R. §§ 205.601 AND 205.602; OR

(2) A PESTICIDE DESIGNATED AS A "MINIMUM RISK PESTICIDE" UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

(E) "PESTICIDE" MEANS A SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO BE USED:

(1) TO PREVENT, DESTROY, OR MITIGATE ANY PEST;

(2) AS A PLANT REGULATOR, DEFOLIANT, OR DESICCANT; OR

(3) AS A SPRAY ADJUVANT TO ENHANCE THE PERFORMANCE OF A PESTICIDE MIXTURE.

(F) "REGISTERED PESTICIDE" MEANS A PESTICIDE REGISTERED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND LABELED FOR USE IN LAWN, GARDEN, OR ORNAMENTAL SITES OR AREAS IN ACCORDANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

(G) "WEED" MEANS ANY PLANT OR PLANT PART THAT GROWS WHERE IT IS NOT WANTED.

5-1102.

(A) A PERSON MAY APPLY A PESTICIDE ON STATE-OWNED PROPERTY ONLY IF THE PERSON IS APPLYING:

1 (1) A LISTED PESTICIDE; OR

2 (2) A REGISTERED PESTICIDE FOR THE PURPOSE OF:

3 (I) WEED MANAGEMENT;

4 (II) CONTROLLING AN INVASIVE SPECIES;

5 (III) CONTROLLING DISEASE VECTORS;

6 (IV) CONTROLLING BITING OR STINGING INSECTS;

7 (V) CONTROLLING STINGING PLANTS;

8 (VI) PROPERTY MAINTENANCE BY A PUBLIC UTILITY
9 CONDUCTED IN ACCORDANCE WITH ANY APPLICABLE FEDERAL, STATE, OR LOCAL
10 VEGETATION MANAGEMENT REQUIREMENT;

11 (VII) CONTROLLING INDOOR PESTS, IF APPLIED AROUND OR
12 NEAR THE FOUNDATION OF A BUILDING;

13 (VIII) CONTROLLING PESTS WHILE ENGAGED IN AGRICULTURE;
14 OR

15 (IX) CONTROLLING A PEST OUTBREAK THAT POSES AN
16 IMMINENT THREAT TO HUMAN HEALTH OR HAS THE POTENTIAL TO CAUSE
17 SIGNIFICANT ECONOMIC DAMAGE IF A REGISTERED PESTICIDE IS NOT USED.

18 (B) A PERSON WHO APPLIES A PESTICIDE FOR A PURPOSE IDENTIFIED
19 UNDER SUBSECTION (A)(2)(IX) OF THIS SECTION SHALL, WITHIN 30 DAYS AFTER THE
20 APPLICATION, NOTIFY THE DEPARTMENT OF THE PESTICIDE APPLICATION AND THE
21 REASONS FOR USE.

22 5-1103.

23 (A) (1) THE DEPARTMENT SHALL DEVELOP A MODEL PESTICIDE AND
24 POLLINATOR HABITAT MANAGEMENT PLAN TO BE IMPLEMENTED ON STATE-OWNED
25 AND MANAGED PROPERTY.

26 (2) FOR EACH INDIVIDUAL TRACT OF STATE-OWNED PROPERTY, THE
27 UNIT OF STATE GOVERNMENT THAT MANAGES THE TRACT SHALL WORK WITH THE

**DEPARTMENT TO ADAPT THE MODEL PESTICIDE AND POLLINATOR HABITAT
MANAGEMENT PLAN TO MEET THE SPECIFIC NEEDS OF THE INDIVIDUAL TRACT.**

**(B) (1) THE MODEL PLAN DEVELOPED UNDER SUBSECTION (A)(1) OF
THIS SECTION SHALL:**

**(I) DESIGNATE AT LEAST 20% OF THE UNENCUMBERED LAND
AS AREA THAT MAY NOT BE TREATED BY ANY AESTHETIC PESTICIDE;**

**(II) PROHIBIT THE USE OF PESTICIDES UNLESS THE USE IS
AUTHORIZED UNDER § 5-1102(A) OF THIS SUBTITLE;**

**(III) PROHIBIT THE USE OF ANY PESTICIDE KNOWN TO BE TOXIC
TO POLLINATORS, EVEN IF THE PESTICIDE IS A LISTED PESTICIDE, UNLESS THE
SECRETARY DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC
INSTANCE OF THREAT TO PUBLIC HEALTH;**

**(IV) IMPLEMENT BEST MANAGEMENT PRACTICES OUTLINED IN
THE DEPARTMENT'S MANAGED POLLINATOR PROTECTION PLAN FOR THE
DESIGNATION, MAINTENANCE, CREATION, ENHANCEMENT, AND RESTORATION OF
POLLINATOR HABITAT AREAS;**

**(V) BE AT LEAST AS PROTECTIVE OF POLLINATORS AS THE
DEPARTMENT'S MANAGED POLLINATOR PROTECTION PLAN; AND**

**(VI) WHEN PRACTICABLE, PRIORITIZE THE USE OF NATIVE
PLANTS TO CREATE HABITATS FOR KEY POLLINATORS.**

**(2) THE MODEL PLAN DEVELOPED UNDER SUBSECTION (A)(1) OF
THIS SECTION MAY NOT REQUIRE AN ACTION ON LAND THAT IS INCONSISTENT WITH
ANY FEDERAL, STATE, OR LOCAL REQUIREMENT.**

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