HOUSE BILL 830

M4, M1, R1 (7lr2525)

ENROLLED BILL

— Environment and Transportation/Education, Health, and Environmental Affairs — Introduced by **Delegates Healey and Frush**

Read and Exa	amined by Proofreaders:
-	Proofreader.
	Proofreader.
Sealed with the Great Seal and pre	esented to the Governor, for his approval this
day of at	o'clock,M.
	Speaker
CHA	APTER
AN ACT concerning	
	Contents – Requirement <u>Requirements</u> and Prohibition
management practices for the descertain pollinator habitat plan est the Maryland Environmental Ser protective of pollinators as the protection plan; prohibiting the uplants in the pollinator habitat	in pollinator habitat plan to include certain best signation of certain habitat areas; requiring that a tablished by the Department of Natural Resources, rvice, and the State Highway Administration be as Department of Agriculture's managed pollinator ase of certain pesticides, seeds, or plants, seeds, or plants a certain pollinator habitat area, subject to extain term certain terms term; making conforming to pollinator habitat plans.
BY repealing and reenacting, with amer Article – Agriculture	ndments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

1

2 3

4 5 6

13 14

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



31

1 2 3	Section 2–1801 Annotated Code of Maryland (2016 Replacement Volume)
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
6	Article – Agriculture
7	2–1801.
8 9	(a) In this section, "neonicotinoid pesticide" has the meaning stated in § 5–2A–01 of this article.
10	(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
12 13	(2) <u>"Certified applicator" has the meaning stated in § 5–201</u> OF THIS ARTICLE.
14 15	(3) "Neonicotinoid, "neonicotinoid pesticide" has the meaning stated in § 5–2A–01 of this article.
16 17 18	(B) (1) On or before July 1, 2017, subject to paragraph (2) of this subsection, the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration, in consultation with the Department, each shall establish a pollinator habitat plan.
20	(2) A pollinator habitat plan required under this subsection:
21 22 23	(i) Shall include best management practices for the <u>DESIGNATION</u> , maintenance, creation, enhancement, and restoration of pollinator <u>habitats HABITAT AREAS</u> ;
24 25	(ii) Shall [adhere to] BE AS PROTECTIVE OF POLLINATORS AS the Department's managed pollinator protection plan;
26 27	(iii) May not require an action on land that is inconsistent with any federal, State, or local law, regulation, rule, or guidance that applies to the land; [and]
28 29	(iv) May not require the creation of pollinator habitat on productive farmland; AND
30	(V) MAY EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS

 $\underline{\text{SUBSECTION, MAY}} \text{ NOT ALLOW THE USE OF THE FOLLOWING PESTICIDES}, \underline{\textit{SEEDS, OR}}$

1	PLANTS, SEEDS, OR PLANTS IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR
2	HABITAT AREA IN ACCORDANCE WITH A POLLINATOR HABITAT PLAN:
3	1. Neonicotinoid pesticides; or
4	2. PESTICIDES LABELED AS TOXIC TO BEES OR OTHER
5	POLLINATORS; OR
6	3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID
7	<u>PESTICIDE</u> ; OR
8	3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID
9	PESTICIDE.
10	(3) (I) PESTICIDES LABELED AS TOXIC TO BEES OR OTHER
11	POLLINATORS MAY BE USED IN AN AREA DESIGNATED OR CREATED AS A
12	POLLINATOR HABITAT AREA UNDER A POLLINATOR HABITAT PLAN IF:
13	1. THE SECRETARY OF HEALTH AND MENTAL HYGIENE,
14	THE SECRETARY OF AGRICULTURE, OR THE SECRETARY OF NATURAL RESOURCES
15	DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE
16	OF THREAT TO PUBLIC HEALTH OR TO CONTROL FOR INVASIVE SPECIES; AND
17	2. The pesticides are applied by a certified
18	2. THE PESTICIDES ARE APPLIED BY A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE SUPERVISION OF A CERTIFIED
19	APPLICATOR THAT ARE NOT NEONICOTINOID PESTICIDES MAY BE USED IN AN AREA
20	DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR
21	HABITAT PLAN IF THE SECRETARY OF HEALTH AND MENTAL HYGIENE DETERMINES
22	THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO
23	PUBLIC HEALTH.
2.4	(7)
24	(II) A POLLINATOR HABITAT PLAN REQUIRED UNDER THIS
25 26	SUBSECTION MAY NOT RESTRICT A FARMER, OR A PERSON WORKING UNDER THE
2627	SUPERVISION OF A FARMER, FROM USING THE PESTICIDES, SEEDS, OR PLANTS
28	SPECIFIED UNDER PARAGRAPH (2)(V) OF THIS SUBSECTION FOR AGRICULTURAL PURPOSES, INCLUDING:
40	PURPOSES, INCLUDING.
29	1. CROP PRODUCTION;
30	2. LIVESTOCK;
31	
	3. POULTRY;

NONCROP AGRICULTURAL FIELDS.

<u>5.</u>

[(b)] (C) The Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration each shall:
(1) On or before September 1, 2017, make available to the public on its Web site the pollinator habitat plan established in accordance with subsection [(a)] (B) of this section; and
(2) On or before July 1, 2018, implement the pollinator habitat plan established in accordance with subsection [(a)] (B) of this section.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect $\frac{\text{July}}{\text{June }July}$ 1, 2017.
Approved:
Governor.
Speaker of the House of Delegates.
President of the Senate.