

Chapter 755

(House Bill 830)

AN ACT concerning

Pollinator Habitat Plans – Plan Contents – ~~Requirement~~ Requirements and Prohibition

FOR the purpose of requiring a certain pollinator habitat plan to include certain best management practices for the designation of certain habitat areas; requiring that a certain pollinator habitat plan established by the Department of Natural Resources, the Maryland Environmental Service, and the State Highway Administration be as protective of pollinators as the Department of Agriculture's managed pollinator protection plan; prohibiting the use of certain pesticides, ~~seeds, or plants, seeds, or plants~~ in the pollinator habitat plan a certain pollinator habitat area, subject to certain exceptions; defining ~~a certain term~~ certain terms term; making conforming changes; and generally relating to pollinator habitat plans.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–1801

Annotated Code of Maryland

(2016 Replacement Volume)

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

Article – Agriculture

2–1801.

~~(a) IN THIS SECTION, “NEONICOTINOID PESTICIDE” HAS THE MEANING STATED IN § 5–2A–01 OF THIS ARTICLE.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “CERTIFIED APPLICATOR” HAS THE MEANING STATED IN § 5–201 OF THIS ARTICLE.~~

~~(3) “NEONICOTINOID, “NEONICOTINOID PESTICIDE” HAS THE MEANING STATED IN § 5–2A–01 OF THIS ARTICLE.~~

(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.

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

(i) Shall include best management practices for the DESIGNATION, maintenance, creation, enhancement, and restoration of pollinator ~~habitate~~ HABITAT AREAS;

(ii) Shall [adhere to] **BE AS PROTECTIVE OF POLLINATORS AS** the Department's managed pollinator protection plan;

(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]

(iv) May not require the creation of pollinator habitat on productive farmland; **AND**

(v) ~~MAY EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, MAY NOT ALLOW THE USE OF THE FOLLOWING PESTICIDES, SEEDS, OR PLANTS, SEEDS, OR PLANTS IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA IN ACCORDANCE WITH A POLLINATOR HABITAT PLAN:~~

1. NEONICOTINOID PESTICIDES; ~~OR~~
2. PESTICIDES LABELED AS TOXIC TO BEES OR OTHER POLLINATORS; OR
3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID PESTICIDE; ~~OR~~
- ~~3. SEEDS OR PLANTS TREATED WITH A NEONICOTINOID PESTICIDE.~~

(3) (i) PESTICIDES LABELED AS TOXIC TO BEES OR OTHER POLLINATORS MAY BE USED IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR HABITAT PLAN IF:

~~1. THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE SECRETARY OF AGRICULTURE, OR THE SECRETARY OF NATURAL RESOURCES DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO PUBLIC HEALTH OR TO CONTROL FOR INVASIVE SPECIES; AND~~

~~2. THE PESTICIDES ARE APPLIED BY A CERTIFIED APPLICATOR OR A PERSON WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR THAT ARE NOT NEONICOTINOID PESTICIDES MAY BE USED IN AN AREA DESIGNATED OR CREATED AS A POLLINATOR HABITAT AREA UNDER A POLLINATOR HABITAT PLAN IF THE SECRETARY OF HEALTH AND MENTAL HYGIENE DETERMINES THAT THE USE IS NECESSARY TO RESPOND TO A SPECIFIC INSTANCE OF THREAT TO PUBLIC HEALTH.~~

(II) A POLLINATOR HABITAT PLAN REQUIRED UNDER THIS SUBSECTION MAY NOT RESTRICT A FARMER, OR A PERSON WORKING UNDER THE SUPERVISION OF A FARMER, FROM USING THE PESTICIDES, SEEDS, OR PLANTS SPECIFIED UNDER PARAGRAPH (2)(V) OF THIS SUBSECTION FOR AGRICULTURAL PURPOSES, INCLUDING:

1. CROP PRODUCTION;
2. LIVESTOCK;
3. POULTRY;
4. EQUINE; AND
5. NONCROP AGRICULTURAL FIELDS.

[(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 ~~July~~ June July 1, 2017.

Approved by the Governor, May 25, 2017.