

# SENATE BILL 386

M4, M1, R1

7lr2524  
CF 7lr2525

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By: **Senators Nathan–Pulliam, Benson, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Manno, McFadden, Pinsky, Ramirez, Robinson, Rosapepe, Young, and Zucker**

Introduced and read first time: January 26, 2017

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Pollinator Habitat Plans – Plan Contents – Requirement and Prohibition**

3 FOR the purpose of requiring that a certain pollinator habitat plan established by the  
4 Department of Natural Resources, the Maryland Environmental Service, and the  
5 State Highway Administration be as protective of pollinators as the Department of  
6 Agriculture’s managed pollinator protection plan; prohibiting the use of certain  
7 pesticides, seeds, or plants in the pollinator habitat plan; defining a certain term;  
8 making conforming changes; and generally relating to pollinator habitat plans.

9 BY repealing and reenacting, with amendments,  
10 Article – Agriculture  
11 Section 2–1801  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume)

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

16 **Article – Agriculture**

17 2–1801.

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

20 **(B)** (1) On or before July 1, 2017, subject to paragraph (2) of this subsection,  
21 the Department of Natural Resources, the Maryland Environmental Service, and the State

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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 maintenance,  
5 creation, enhancement, and restoration of pollinator habitats;

6 (ii) Shall [adhere to] **BE AS PROTECTIVE OF POLLINATORS AS** the  
7 Department's 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; [and]

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

12 (v) **MAY NOT ALLOW THE USE OF THE FOLLOWING PESTICIDES,**  
13 **SEEDS, OR PLANTS IN A POLLINATOR HABITAT PLAN:**

14 1. **NEONICOTINOID PESTICIDES;**

15 2. **PESTICIDES LABELED AS TOXIC TO BEES OR OTHER**  
16 **POLLINATORS; OR**

17 3. **SEEDS OR PLANTS TREATED WITH A NEONICOTINOID**  
18 **PESTICIDE.**

19 [(b)] (C) The Department of Natural Resources, the Maryland Environmental  
20 Service, and the State Highway Administration each shall:

21 (1) On or before September 1, 2017, make available to the public on its Web  
22 site the pollinator habitat plan established in accordance with subsection [(a)] (B) of this  
23 section; and

24 (2) On or before July 1, 2018, implement the pollinator habitat plan  
25 established in accordance with subsection [(a)] (B) of this section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
27 1, 2017.