

HOUSE BILL 1221

M4

8lr3164

By: **Delegates Gilchrist, Robinson, Barve, Fraser-Hidalgo, Frush, Healey, Jalisi, and Lafferty**

Introduced and read first time: February 8, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Nutrient Management Plans – Protection of Personal Information**

3 FOR the purpose of altering the type of information that is required to be protected by the
4 Department of Agriculture when maintaining certain nutrient management plan
5 records; defining a certain term; and generally relating to nutrient management
6 plans.

7 BY repealing and reenacting, without amendments,

8 Article – Agriculture

9 Section 8–801(a)

10 Annotated Code of Maryland

11 (2016 Replacement Volume and 2017 Supplement)

12 BY adding to

13 Article – Agriculture

14 Section 8–801(h–1)

15 Annotated Code of Maryland

16 (2016 Replacement Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Agriculture

19 Section 8–801.1

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – General Provisions

24 Section 4–101(a) and (h)

25 Annotated Code of Maryland

26 (2014 Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Agriculture**

4 8–801.

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

6 **(H–1) “PERSONAL INFORMATION” HAS THE MEANING STATED IN § 4–101(H)**
7 **OF THE GENERAL PROVISIONS ARTICLE.**

8 8–801.1.

9 (a) (1) Each nutrient management plan shall be developed considering factors
10 including:

11 (i) Levels of bioavailable nitrogen and phosphorus in the soil;

12 (ii) Levels of bioavailable nitrogen and phosphorus in all fertilizer
13 materials to be applied;

14 (iii) The amount of nitrogen and phosphorus necessary to achieve the
15 expected crop yield for the land that is the subject of the nutrient management plan, as
16 determined by:

17 1. The field’s actual yield record and soil productivity for that
18 crop; or

19 2. If information concerning actual yield record and soil
20 productivity for a crop is unavailable, relevant information concerning similar fields and
21 soil;

22 (iv) Soil erodibility and nutrient retention capacity;

23 (v) 1. The best reasonable scientific methods accepted by the
24 Department and the University of Maryland Cooperative Extension Service; or

25 2. Scientifically validated data for the development of a
26 nutrient management plan as defined by the Department in regulation; and

27 (vi) Existing best management practices.

28 (2) Each nutrient management plan shall provide flexibility for
29 management decisions that may be required by conditions beyond the control of the farmer.

1 (b) (1) A summary of each nutrient management plan shall be filed and
2 updated with the Department at a time and in a form that the Department requires by
3 regulation.

4 (2) The Department shall maintain a copy of each summary for 3 years in
5 a manner that protects the [identity] **PERSONAL INFORMATION** of the individual for
6 whom the nutrient management plan was prepared.

7 Article – General Provisions

8 4–101.

9 (a) In this title the following words have the meanings indicated.

10 (h) (1) “Personal information” means information that identifies an individual.

11 (2) Except as provided in § 4–355 of this title, “personal information”
12 includes an individual’s:

13 (i) name;

14 (ii) address;

15 (iii) driver’s license number or any other identification number;

16 (iv) medical or disability information;

17 (v) photograph or computer-generated image;

18 (vi) Social Security number; and

19 (vii) telephone number.

20 (3) “Personal information” does not include an individual’s:

21 (i) driver’s status;

22 (ii) driving offenses;

23 (iii) five-digit zip code; or

24 (iv) information on vehicular accidents.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2018.