

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 375

(Senator Kagan)

Education, Health, and Environmental Affairs

Environment and Transportation

Agriculture – Neonicotinoid Pesticides – Sale and Storage

This bill establishes that a neonicotinoid pesticide may only be sold at retail to a “certified applicator,” as currently defined, or a farmer. The bill also requires a retailer to store neonicotinoid pesticides in a manner that is inaccessible to customers without assistance.

Fiscal Summary

State Effect: Special/federal fund expenditures for the Maryland Department of Agriculture (MDA) increase minimally beginning in FY 2022 for enforcement. The application of an existing civil penalty provision to violations of the bill is not expected to materially affect State revenues.

Local Effect: None.

Small Business Effect: Minimal, as discussed below.

Analysis

Current Law: The Secretary of Agriculture is required to take various actions to regulate pesticide use, including (1) adopting rules and regulations governing the storage, sale, distribution, exchange, use, and disposal of any pesticide and its container and (2) prescribing, when necessary, the time and conditions under which a pesticide may be sold, distributed, exchanged, or used in different areas of the State.

Generally, to be sold, distributed, or used in Maryland, a pesticide must be registered by both MDA and the U.S. Environmental Protection Agency. Specified pesticides that have

greater potential for causing harm are designated as “restricted use pesticides” and may only be used by a certified applicator or a person working under the supervision of a certified applicator. In addition, each commercial application of any pesticide must be under the supervision of a certified applicator who is responsible and liable for the application.

Chapters 661 and 662 of 2016 established additional restrictions on neonicotinoid pesticides. A person may not sell a neonicotinoid pesticide at retail in the State unless the person also sells a restricted use pesticide. Moreover, a person may not *use* a neonicotinoid pesticide unless the person is (1) a certified applicator or a person working under the supervision of a certified applicator; (2) a farmer, or a person under the supervision of a farmer, who uses the pesticide for agricultural purposes, as specified; or (3) a veterinarian. Violators of these provisions are subject to a civil penalty of \$250 (this penalty is also applicable to violations of the bill’s provisions). The restrictions do not apply to the use of specified pet care products; specified personal care products; or specified indoor pest control products.

Defined Terms

“Certified applicator” means a person who is certified by the Secretary of Agriculture. “Restricted use pesticide” means a pesticide so classified by the Maryland Code or the Secretary of Agriculture, or by the federal government.

Small Business Effect: Small business retailers could incur minimal costs to comply with the bill’s storage requirements. Though retail sales could potentially decrease as a result of restricting the sale of neonicotinoids to certified applicators or farmers, under current law, the *use* of neonicotinoids is already restricted to certified applicators or farmers (or individuals under their supervision), or veterinarians, diminishing the likely impact of any similar restriction on sales.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 208 (Delegates Healey and Stein) - Environment and Transportation.

Information Source(s): Harford and Montgomery counties; Maryland Department of Agriculture; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History:
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First Reader - January 28, 2021

Third Reader - March 15, 2021

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