

HOUSE BILL 1353

M4, M1

9lr0140

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Agriculture)**

Introduced and read first time: February 18, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Nuisance Insects**

3 FOR the purpose of authorizing the Secretary of Agriculture to implement, under certain
4 circumstances, a program to control or eliminate nuisance insects in the State;
5 authorizing the Secretary to carry out a certain project to control or eliminate
6 nuisance insects if the county or municipality in which the nuisance insects are
7 located agrees to pay a certain portion of certain costs; establishing the Nuisance
8 Insects Fund as a special, nonlapsing fund; requiring the Secretary to remit certain
9 payments to the Comptroller for deposit to the Fund; requiring the Secretary or the
10 Secretary's designee to administer the Fund; specifying the contents of the Fund;
11 specifying the purpose for which the Fund may be used; repealing certain provisions
12 of law relating to black fly management and control; authorizing the Secretary to
13 adopt certain regulations; stating a certain finding of the General Assembly; defining
14 certain terms; and generally relating to controlling or eliminating nuisance insects
15 in the State.

16 BY adding to

17 Article – Agriculture

18 Section 5–1001 through 5–1005 to be under the new subtitle “Subtitle 10. Nuisance
19 Insects”

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2018 Supplement)

22 BY repealing

23 Article – Natural Resources

24 Section 8–2201 through 8–2205 and the subtitle “Subtitle 22. Black Fly Management
25 and Control”

26 Annotated Code of Maryland

27 (2012 Replacement Volume and 2018 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 **SUBTITLE 10. NUISANCE INSECTS.**

5 **5–1001.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “FUND” MEANS THE NUISANCE INSECTS FUND.

9 (C) (1) “NUISANCE INSECT” MEANS AN INSECT THAT IS DETERMINED BY
10 THE SECRETARY TO PESTER OR ANNOY ONLY HUMANS.

11 (2) “NUISANCE INSECT” DOES NOT INCLUDE AN INSECT THAT IS A
12 THREAT TO THE HEALTH OF HUMANS, ANIMALS, OR PLANTS.

13 **5–1002.**

14 THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN
15 SPECIES OF INSECTS, INCLUDING THE GROUP *SIMULIUM JENNINGSI*, COMMONLY
16 KNOWN AS BLACK FLIES, WHILE NOT POSING A DIRECT THREAT TO THE HEALTH OF
17 HUMANS, ANIMALS, OR PLANTS, MAY CONSTITUTE A PUBLIC AND COMMON
18 NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND
19 TOURISM.

20 **5–1003.**

21 (A) (1) SUBJECT TO AVAILABLE FUNDING IN THE STATE BUDGET AND
22 SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE SECRETARY MAY IMPLEMENT
23 A PROGRAM TO CONTROL OR ELIMINATE NUISANCE INSECTS IN THE STATE.

24 (2) TO CARRY OUT THE PROGRAM, THE SECRETARY MAY AUTHORIZE
25 ANY METHOD THE SECRETARY CONSIDERS NECESSARY TO CONTROL OR ELIMINATE
26 NUISANCE INSECTS, INCLUDING THE APPLICATION OF PESTICIDES.

27 (B) (1) THE SECRETARY MAY CARRY OUT A PROJECT TO CONTROL OR
28 ELIMINATE NUISANCE INSECTS UNDER THIS SECTION IF THE COUNTY OR
29 MUNICIPALITY IN WHICH THE NUISANCE INSECTS ARE LOCATED AGREES TO PAY
30 50% OF THE COSTS ASSOCIATED WITH THE PROJECT.

1 [8-2201.

2 (a) The General Assembly finds that the proliferation of certain species of the
3 group *Simulium jenningsi*, commonly known as black flies, are a public and common
4 nuisance on land and waters used for recreation, employment, and tourism.

5 (b) It is the intent of the General Assembly that the Department, in conjunction
6 with the Department of Agriculture and the University of Maryland's Department of
7 Entomology, significantly reduce the population of black flies in the State.]

8 [8-2202.

9 Subject to funding made available to the Department and the Department of
10 Agriculture to implement the provisions of this subtitle, the Department may, in
11 conjunction with the Department of Agriculture, implement a program to control the spread
12 of black flies in the State.]

13 [8-2203.

14 (a) The program shall be implemented initially in Washington County on:

15 (1) State-owned property;

16 (2) Property owned by a local government with consent of the local
17 government; and

18 (3) Private property with consent of the property owner.

19 (b) The Department, in conjunction with the Department of Agriculture and the
20 University of Maryland's Department of Entomology, may:

21 (1) Treat the property with an aerial spraying or backpack spraying of
22 *Bacillus thuringiensis israelensis*;

23 (2) Conduct field studies to determine the need for, location, and timing of
24 spraying;

25 (3) Schedule spraying when the conditions are optimal for ingestion by the
26 black flies;

27 (4) Notify appropriate persons of the date and location of an upcoming
28 spraying;

29 (5) Review the effectiveness of the spraying; and

30 (6) Conduct biomonitoring of aquatic macroinvertebrates and fish in

1 selected streams to ensure there is no impact on the environment.]

2 [8-2204.

3 The Department and the Department of Agriculture may accept, use, or expend any
4 aid, gift, or grant made available from any private or public source to implement the
5 provisions of this subtitle.]

6 [8-2205.

7 The Department may, in conjunction with the Department of Agriculture, adopt
8 regulations to implement the provisions of this subtitle.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2019.