

HOUSE BILL 91

M4, M3

6lr1680

(PRE-FILED)

By: **Delegates Healey and Ruth**

Requested: November 1, 2025

Introduced and read first time: January 14, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Neonicotinoid Pesticides – Prohibitions**

3 FOR the purpose of prohibiting a person from distributing, selling, or using certain seeds
4 that have been coated in or treated with a neonicotinoid pesticide, subject to certain
5 exceptions; prohibiting a person from using a neonicotinoid pesticide to treat outdoor
6 ornamental plants and turf, subject to certain exceptions; authorizing the Secretary
7 of Agriculture to temporarily suspend the prohibitions under this Act under certain
8 circumstances and in a certain manner; and generally relating to neonicotinoid
9 pesticides.

10 BY repealing and reenacting, with amendments,

11 Article – Agriculture

12 Section 5–2A–01 and 5–2A–02(c)

13 Annotated Code of Maryland

14 (2016 Replacement Volume and 2025 Supplement)

15 BY adding to

16 Article – Agriculture

17 Section 5–2A–02(d) and (e)

18 Annotated Code of Maryland

19 (2016 Replacement Volume and 2025 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

22 **Article – Agriculture**

23 5–2A–01.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Certified applicator" has the meaning stated in § 5–201 of this title.

2 **(C) (1) "ENVIRONMENTAL EMERGENCY" MEANS AN OCCURRENCE OF**
3 **ANY PEST WHICH PRESENTS:**

4 **(I) A SIGNIFICANT RISK OF HARM OR INJURY TO THE**
5 **ENVIRONMENT; OR**

6 **(II) A SIGNIFICANT HARM, INJURY, OR LOSS TO AGRICULTURAL**
7 **CROPS.**

8 **(2) "ENVIRONMENTAL EMERGENCY" INCLUDES THE PRESENCE OF**
9 **PESTS FOR WHICH THE SECRETARY, IN CONSULTATION WITH THE DEPARTMENT OF**
10 **THE ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES,**
11 **DETERMINES NEED PREVENTIVE MEASURES TO AVERT A SIGNIFICANT RISK.**

12 **[(c)] (D) "Neonicotinoid pesticide" means any pesticide containing a chemical**
13 **belonging to the neonicotinoid class of chemicals, including:**

14 (1) Imidacloprid;

15 (2) Nithiazine;

16 (3) Acetamiprid;

17 (4) Clothianidin;

18 (5) Dinotefuran;

19 (6) Thiacloprid;

20 (7) Thiamethoxam; and

21 (8) Any other chemical designated by the Department as belonging to the
22 neonicotinoid class of chemicals.

23 **[(d)] (E) "Restricted use pesticide" has the meaning stated in § 5–201 of this title.**

24 5–2A–02.

25 (c) On or after January 1, 2018, **AND SUBJECT TO SUBSECTION (E) OF THIS**
26 **SECTION, a person may not use a neonicotinoid pesticide unless the person is:**

27 (1) A certified applicator or a person working under the supervision of a
28 certified applicator;

1 (2) A farmer, or a person under the supervision of a farmer, who uses the
2 pesticide for agricultural purposes, including crop production, livestock, poultry, equine,
3 and noncrop agricultural fields; or

4 (3) A veterinarian.

5 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
6 PERSON MAY NOT DISTRIBUTE, SELL, OR USE ANY CORN, SOYBEAN, OR WHEAT SEEDS
7 COATED IN OR TREATED WITH A NEONICOTINOID PESTICIDE.

8 (2) (I) THE SECRETARY MAY TEMPORARILY SUSPEND THE
9 PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE SECRETARY, IN
10 CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT AND THE
11 DEPARTMENT OF NATURAL RESOURCES, DETERMINES THAT:

12 1. THERE IS AN INSUFFICIENT AMOUNT OF
13 COMMERCIALLY AVAILABLE SEED THAT HAS NOT BEEN TREATED WITH A
14 NEONICOTINOID PESTICIDE; OR

15 2. COMPLIANCE WITH PARAGRAPH (1) OF THIS
16 SUBSECTION WOULD RESULT IN AN UNDUE FINANCIAL HARDSHIP TO
17 AGRICULTURAL PRODUCERS.

18 (II) ANY TEMPORARY SUSPENSION UNDER THIS PARAGRAPH
19 SHALL BE IN EFFECT FOR 1 YEAR, AFTER WHICH THE SECRETARY SHALL
20 RE-EVALUATE THE SUSPENSION IN ACCORDANCE WITH THIS PARAGRAPH.

21 (III) THE SECRETARY SHALL PUBLISH A WRITTEN DIRECTIVE OF
22 ANY TEMPORARY SUSPENSION UNDER THIS PARAGRAPH THAT SPECIFIES:

23 1. THE TYPE OF SEEDS AUTHORIZED UNDER THE
24 DIRECTIVE; AND

25 2. THE DATE BY WHICH THE SECRETARY WILL
26 RE-EVALUATE THE SUSPENSION.

27 (E) (1) THIS SUBSECTION DOES NOT APPLY TO:

28 (I) THE PRODUCTION OF AGRICULTURAL COMMODITIES; AND

29 (II) THE APPLICATION OF PESTICIDES BY A CERTIFIED
30 APPLICATOR TO TREAT INVASIVE SPECIES IN WOODY PLANTS.

1 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**
2 PERSON MAY NOT USE A NEONICOTINOID PESTICIDE TO TREAT OUTDOOR
3 ORNAMENTAL PLANTS AND TURF.

4 **(3) (I) THE SECRETARY MAY TEMPORARILY SUSPEND THE**
5 PROHIBITION UNDER PARAGRAPH (2) OF THIS SUBSECTION IF THE SECRETARY, IN
6 CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT AND THE
7 DEPARTMENT OF NATURAL RESOURCES, DETERMINES THAT:

8 1. A VALID ENVIRONMENTAL EMERGENCY EXISTS;

9 2. A NEONICOTINOID PESTICIDE WOULD BE EFFECTIVE
10 IN ADDRESSING THE ENVIRONMENTAL EMERGENCY; AND

11 3. THERE IS NO OTHER LESS HARMFUL PESTICIDE OR
12 PEST MANAGEMENT PRACTICE THAT WOULD BE EFFECTIVE IN ADDRESSING THE
13 ENVIRONMENTAL EMERGENCY.

14 **(II) THE SECRETARY SHALL PUBLISH A WRITTEN DIRECTIVE OF**
15 ANY TEMPORARY SUSPENSION UNDER THIS PARAGRAPH THAT SPECIFIES:

16 1. THE TYPE OF NEONICOTINOID PESTICIDE
17 AUTHORIZED UNDER THE DIRECTIVE; AND

18 2. THE DATE THROUGH WHICH THE DIRECTIVE APPLIES,
19 WHICH MAY NOT BE LONGER THAN 1 YEAR FROM THE EFFECTIVE DATE OF THE
20 DIRECTIVE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2026.