AN ACT to:

(1) require retailer sellers to handle, transport, display, and store pesticides in a safe manner, and keep pesticides separate from food, medicines, and similar products;

(2) require retail sellers of pesticides to furnish certain information to consumers; and

(3) update certain definitions and generally amend County laws governing storage, handling, transportation, display, and sale of pesticides.

By renumbering and amending
Montgomery County Code
Chapter 33B, Pesticides
Sections 33B-5 and 33B-6

By amending
Chapter 33B, Pesticides
Section 33B-1.

By adding
Chapter 33B, Pesticides
Section 33B-5

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Chapter 33B is amended by amending Section 33B-1, adding Section 33B-5, and amending and renumbering Sections 33B-5 and 33B-6 as follows:

33B-1. Definitions.

In this chapter:

[[1]] Custom applicator means a person engaged in the business of applying pesticides.

[[2]] Department means the Department of Environmental Protection.

Director means Director of the Department of Environmental Protection or the Director's designee.

[[3]] Lawn means an area of land, except agricultural land, that is:

[(a)] Mostly covered by grass, other similar herbaceous plants, shrubs, or trees; and

[(b)] Kept trim by mowing or cutting.

[[4]] Pest means an insect, snail, slug, rodent, nematode, fungus, weed, or other form of plant or animal life or microorganism (except a microorganism on or in a living human or animal) that is normally considered to be a pest or [[declared to be a pest by the Maryland Department of Agriculture]] defined as a pest by applicable state regulations.

[[5]] Pest includes bacteria, insects, weeds and similar agents that damage lawns and landscape plants.

[[6]] Pesticide means a substance or mixture of substances intended or used to:

[(a)] Control pests;

[(b)] Eliminate pests;
c. Regulate plant growth;  
d. Cause plants to lose their leaves;  
e. Dry out plants; or  
f. To make a substance in subparagraphs a. through e. adhere to a 
pest or plant.]

(1) prevent, destroy, repel, or mitigate any pest;  
(2) be used as a plant regulator, defoliant, or desiccant; or  
(3) be used as a spray adjuvant, such as a wetting agent or adhesive.

However, pesticide does not include an antimicrobial agent, such as a 
disinfectant, sanitizer, or deodorizer, used for cleaning that is not 
considered a pesticide under any federal or state law or regulation.

33B-5. **Storage and handling of pesticides.**

*Any person who sells at retail a pesticide or material that contains a pesticide*

must:

(a) transport, display, and store each pesticide in a secure, properly labeled 
container that resists breakage and leakage, and promptly clean up and 
either repack or properly dispose of any pesticide that escapes from 
its container:

(b) [[transport.]] display[[], and store each pesticide separately from any 
food, medicine, or other product that a human being or animal may 
ingest;

[(c) warn buyers of the dangers of pesticide contamination, using materials 
approved or distributed by the Department; and]]

[(d) inform buyers of the availability of less dangerous alternative products. 
using materials approved or distributed by the Department.]]
transport each pesticide separately from any food, medicine, or other
product that a human being or animal may ingest unless the pesticide is
in a secure container that resists breakage and leakage; and

(d) offer to each buyer of a pesticide materials approved or distributed by
the Department that:

(1) explain the dangers of contamination that may occur from
pesticide use; and

(2) inform buyers of the availability of alternative products.

The Department, the Health and Human Services Department, and any other
agency designated by the County Executive, must enforce this Section.


(a) The County Executive must adopt regulations to carry out this Chapter
under method (2) [of section 2A-15 of this Code].

(b) The [county] Executive must include in the regulations adopted under
this Section the minimum size or quantity of pesticide subject to Section
33B-4 [of this Code].


(a) [A person who violates] Any violation of this Chapter is [subject to] a
class C violation [under section 1-19 of this Code].

(b) Each day a violation [of this Chapter] continues is a separate offense.

Approved:

Blair G. Ewing, President, County Council

[Signature]

December 13, 2000

Date

RETURNED UNSIGNED

Douglas M. Duncan, County Executive

DECEMBER 19, 2000

Date