

Final – April 14, 2021

[HB0056/SB073](#) - Labor and Employment – Leave with Pay – Bereavement Leave

Authorizing employees of certain employers to use certain leave with pay for bereavement leave; defining the term "bereavement leave" as leave an employee is allowed to use on the death of a member of the employee's immediate family; and defining the term "child" for purposes of certain bereavement leave to include an adopted, biological, or foster child, a stepchild, or a legal ward.

Recommended Position – FYI

Update: **Passed both chambers**

[HB92](#) - **Procurement - Invasive and Nonnative Plant Species - Prohibition on Use of State Funds** - Hearing 1/28

This bill prohibits state funds from being used to purchase or plant invasive or non-native plant species. Exceptions are: scientific evidence showing the site conditions are too harsh for a similar native species to survive; the plant is part of historically accurate landscaping; the plant is commonly used for agricultural or horticultural purposes and is being maintained for the purposes of education or research. The bill also gives the Board of Public Works the authority to grant waivers for "due cause."

Recommended Position: Offer amendment to remove non-native plant species from this bill on the basis that cultivars are important and have purposeful use in the environment/landscape to provide overall biological diversity, habitat, and year-round food source for wildlife. Written testimony was submitted for the January 28 hearing. Additional contact with lobbyist.

Update: **Passed both chambers**, with amendment as noted above

[HB208/SB375](#) - **Agriculture - Neonicotinoid Pesticide - Sale and Storage** - Hearing 1/29

This bill amends the 2017 law in order to require that not only do you have to be a certified applicator or farmer to apply a neonicotinoid pesticide (current law) but you must also be a certified applicator or farmer to purchase neonicotinoid pesticides.

Recommended Position: No position - this is clarifying legislation for current law

Update: **Passed in House and Senate with amendment to remove exacting language of “behind the counter.”**

[HB0269/SB0673](#) - Department of Agriculture - Urban Agriculture Grant Program

Establishing the Urban Agriculture Grant Program in the Department of Agriculture to increase the viability of urban farming and improve access to urban-grown foods; establishing an Urban Agriculture Grant Fund to provide grants to nonprofit organizations in Baltimore City to implement the Program; requiring the Secretary of Agriculture to administer the Fund; authorizing the distribution of up to \$400,000 from certain abandoned property funds to the Fund for each of fiscal years 2023 through 2026; etc.

Recommended Position: Support

Update: **Passed in House and Senate**

[HB322](#) - **Real Property - Restriction on Use - Low-impact Landscaping** - Hearing 1/19

This bill prohibits specified restrictions on use from imposing unreasonable limitations on “low-impact landscaping.” Such restrictions on use include covenants, restrictions, or conditions included in, among other instruments, deeds, declarations, or contracts. The bill may not be construed to prohibit a restriction on use from including reasonable design and aesthetic guidelines regarding the type, number, and location of low-impact landscaping features. The bill is not applicable to historic property that is listed in, or eligible for inclusion in, the Maryland Register of Historic Properties.

Recommended Position: No Position

Update: **Passed both chambers**, with amendment

[HB472](#) - **Agriculture - Use of Glyphosate - Prohibition** - Hearing Feb 3

This bill prohibits all use of Glyphosate in the state of Maryland.

Recommended Position: Oppose; support proper use of, via label/instructions

Update: **Withdrawn**

[HB0577](#) - **Health and Welfare of H-2 Visa and Migrant Workers – COVID-19 Pandemic – Regulations (Healthy Farmworkers Act)**

Requiring the Secretary of Labor to adopt certain regulations, on or before October 1, 2021, relating to housing, accommodations, safety, health, rights, and welfare of H-2A and H-2B visa and migrant workers during the COVID-19 pandemic.

Recommended Position: Opposition based on the fact that these conditions are already covered under current law and/or regulations. Redundancy not needed.

Update: **Unfavorable report by Economic Matters Committee**

[HB0581 \(SB0486\)](#) - **Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)**

Requiring an essential employer to give a written statement regarding certain hazard pay paid to certain essential workers for each pay period; requiring an essential employer to take certain actions related to occupational safety and health during an emergency; authorizing an essential worker to refuse to fulfill a work responsibilities under certain circumstances; prohibiting an essential employer from retaliating or taking other adverse action against an essential worker or other worker for certain actions; etc.

Recommended Position: Opposed, primarily due to: unclear definition of what/when/who declares a state of emergency; redundancy with current law, \$3 per hour retroactive hazard pay (which for COVID would date back to March 16, 2020); creation of additional reporting burdens, particularly for small businesses

Update: House hearing 2/5; Senate hearing 2/11 There has been a lot of committee work on these bills. My understanding is that the hazard pay provision is to be removed, but much work continues on the bill. **Passed both chambers with following relevant amendments, [linked here](#).**

- **The bill narrows the definition of who is an essential worker.**
- **It does not guarantee paid sick leave. Sick leave pay comes in IF the government has/offers funds to reimburse employers.**
- **It does not include hazard pay. Hazard pay will now be determined on whether funding is provided from the state or federal government.**

- An essential worker will be defined by a federal or state agency or the governor. Additionally, the employer must determine an employee to be critical to the business to be classified an essential worker.
- An employer can require an essential worker to provide documentation to qualify for public health emergency leave.

[HB0841](#) -Labor and Employment - Maryland Wage and Hour Law - Agricultural Stands, Retail Farms, and Farmers' Markets [Fiscal Note](#) Hearing 3/2

This bill specifically exempts from the Maryland Wage and Hour Law an individual employed at an agricultural stand, a retail farm, or a farmers' market that primarily sells agricultural products that the employer has produced. Thus, an employer does not have to pay that individual the State minimum wage or overtime wages.

Recommended Position: FYI

Update: **Unfavorable Report Economic Matters Committee**

[HB1025](#): **Pesticides – Carbofuran – Collection, Disposal, and Prohibition on Possession or Storage**

Requiring the Department of Agriculture, in coordination with the Department of Natural Resources, to establish a certain program to address the illegal use of carbofuran and to eliminate stockpiles of carbofuran in the State; prohibiting a person from possessing or storing any quantity of carbofuran in the State on or after January 1, 2024; authorizing the Secretary of Agriculture, the Secretary of Natural Resources, or a Natural Resources police officer to seize any quantity of carbofuran for enforcement purposes; etc.

Recommended Position: FYI

Update: **Unfavorable Report by Environment and Transportation**

[HB1133](#): **Tree Planting – Urban Trees Program and Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings; Hearing 2/24**

Establishing the policy of the State to support and encourage certain tree-planting efforts, with a goal of planting and helping to maintain in the State 500,000 sustainable trees of species native to the State in underserved areas by the end of 2030; specifying that this goal is in addition to certain trees projected to be planted under certain programs and includes certain tree plantings accomplished through certain State programs and private efforts; etc.

Recommended Position: FYI

Update: **Did not move**

[HB1199/SB0813](#): **Worker’s Compensation – Occupational Disease Presumptions – COVID-19 – Hearing 3/2**

FOR the purpose of providing that certain covered employees who are suffering from the effects of severe acute respiratory syndrome coronavirus are presumed, under certain circumstances, to have an occupational disease that was suffered in the line of duty or course of employment and is compensable in a certain manner... This bill includes (from page 5, lines 1 – 5) essential workers “...an individual who is required to work on the premises of a business or government agency that has been declared essential during a declared state of emergency or under an executive order issued by a local, state, or federal authority.”

Update: **Did not move**

[SB0011 - Sales and Use Tax - Agricultural Purpose Exemption - Seedlings and Fruit Trees](#)
-Hearing 1/26

Adds fruit trees and seedlings as being exempt from sales and use tax

Recommended Position: No position is really needed as ag inputs and ag-to-ag sales are already tax exempt, but we could support. This looks like it's a single constituent bill, to help one farmer who had a tough time getting his ag exemption for fruit trees.

Update: **Did not move**

[SB088/HB304 -State and Local Government - Participation in Federal Immigration Enforcement](#)
House hearing 3/3; [Fiscal Note](#)

In general, "A law enforcement agent may not, during the performance of regular police functions, (1) inquire about an individual's citizenship, immigration status, or place of birth during a stop, a search, or an arrest; (2) detain, or prolong the detention of, an individual for the purposes of investigating the individual's citizenship or immigration status or, based on the suspicion that the individual has committed a civil immigration violation; or (3) transfer an individual to federal immigration authorities unless required by federal law." In addition, this bill makes an official of state and/or local government immune from criminal or civil liability for refusing to provide aforementioned information to the Federal gov't.

Recommended Position: FYI Only

Update: **Did not move**

[SB0210 \(HB0508\) - COVID-19 Claim - Civil Immunity; Senate hearing 1/26; House hearing 2/3](#)

Providing civil immunity from liability for a COVID-19 claim to a person who acts in compliance with certain statutes, rules, regulations, executive orders, and agency orders, unless the person acted with gross negligence or intentional wrongdoing; providing that certain deviations from certain statutes, rules, regulations, executive orders, and agency orders does not deny a person civil immunity provided for under the Act; limiting the effect of the civil immunity provided for under the Act; etc. [Fiscal and Policy Note](#)

Recommended Position: FYI or Support with letter

Update: **Did not move**

[SB352 – Agriculture – Multiflora Rose Management – Repeal . \[Fiscal and Policy Note.\]\(#\)](#)

Hearing 1/14

This bill was submitted on behalf of MDA and seeks to repeal the provisions that make multiflora rose a nuisance weed that must be managed, based on MDA's advisement that the State's ag industry has multiflora rose contained and under control, making the current law no longer necessary.

Recommended Position: No Position. Multi-flora Rose remains on the noxious weed list and will be managed. This bill closes a loop whole that created one law just to manage multi-flor rose.

Outcome: **Passed both chambers**

[SB0414 \(HB0583\) - Climate Solutions Act of 2021](#)

This is a whopper 52 page bill...

Requiring the State to reduce statewide greenhouse gas emissions by 60% from 2006 levels by 2030; requiring the State to achieve net-zero statewide greenhouse gas emissions by 2045; requiring the Maryland Department of Labor to adopt regulations establishing certain energy conservation requirements for certain buildings by July 1, 2022; establishing a goal of planting and helping to maintain in the State 5,000,000 sustainable trees of species native to the State by the end of 2030; terminating certain provisions of the Act; etc.

Recommended Position: FYI

Update: **Passed in Senate with amendments (9 pages of amendments); Did not pass in House, so bill does not move forward.**