

AMENDED IN ASSEMBLY MARCH 17, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1721**

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**Introduced by Assembly Member Swanson**

February 2, 2010

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An act to add Section 12978.1 to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as amended, Swanson. Pesticides: school zones.

Existing law generally regulates the application of pesticides. Existing law provides that violation of these provisions is a crime.

This bill would provide, subject to exceptions, that restricted-use pesticides ~~used~~ *shall not be applied* for purposes of production agriculture or a state pest eradication or control program ~~may not be applied~~ within ½ mile of a school safety zone, as defined, and that other pesticides, ~~as specified,~~ *may shall not be applied for purposes of production agriculture or a state pest eradication or control program* within ¼ mile of a school safety zone, as defined, ~~within 24 hours of when children are or will be present.~~

By enacting provisions the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12978.1 is added to the Food and  
2 Agricultural Code, to read:

3 12978.1. (a) This section shall be known, and may be cited,  
4 as the Healthy and Safe School Zones Act.

5 (b) Restricted-use pesticides ~~used~~ *shall not be applied* for  
6 purposes of production agriculture or a state pest eradication or  
7 control program ~~may not be applied~~ within one-half mile of a  
8 school safety zone, as defined in subdivision (e), ~~within 24 hours~~  
9 ~~of when children are or will be present.~~

10 (c) For all other pesticides not included in subdivision (b), those  
11 pesticides ~~may not be applied~~

12 *(c) No pesticide shall be applied for purposes of production*  
13 *agriculture or a state pest eradication or control program* within  
14 one-quarter mile of a school safety zone, as defined in subdivision  
15 (e), ~~within 24 hours of when children are or will be present.~~

16 (d) This section does not apply to approved organic pesticides,  
17 *excluding elemental or lime sulfur*, used for production agriculture.

18 (e) For purposes of this section, “school safety zone” ~~is defined~~  
19 ~~to include school sites and school property where school-sponsored~~  
20 ~~activities are taking place and children are present, or are due to~~  
21 ~~take place and children are due to be present within 24 hours of~~  
22 ~~the proposed pesticide application.~~ *means a school site.*

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.