

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 9, 2014

**SENATE BILL**

**No. 1405**

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**Introduced by Senator DeSaulnier**  
*(Coauthor: Senator Lara)*

February 21, 2014

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An act to amend Sections 17609, 17610, 17611, and 17612 of, and to add Sections 17611.5 and 17614 to, the Education Code, and to amend Sections 12996, 12999.4, 13181, 13182, 13183, and 13187 of, and to add Section 13186.5 to, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, DeSaulnier. Pesticides: school facilities.

(1) Existing law, the Healthy Schools Act of 2000, requires each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and to make these records available to the public upon request, as specified. Existing law authorizes a schoolsite to meet these requirements by retaining a copy of the warning sign posted for each pesticide application, as specified, and recording on the copy the amount of pesticide used. Existing law requires a schoolsite or school district to identify an individual, known as a school designee, to carry out the requirements of the act.

This bill, if a school chooses to use certain pesticides, would require the school designee, at the end of each ~~school~~ *calendar* year, or more often at his or her discretion, to submit to the Director of Pesticide Regulation a copy of the records, as specified, of all pesticide use at the schoolsite. The bill, if a ~~school~~ *schoolsite* chooses to use certain pesticides, would require the school designee to develop and post on

the Internet Web site of the schoolsite an integrated pest management plan for the schoolsite or school district, except if the schoolsite does not maintain an Internet Web site, the school designee would be required to include the integrated pest management plan with a certain annual notification sent to *staff and* parents or guardians of pupils enrolled at the schoolsite. The bill would authorize a school designee to do these things related to an integrated pest management plan if the ~~school~~ *schoolsite* does not choose to use certain pesticides.

(2) Existing law requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs for schoolsites that voluntarily choose to do so, excluding privately operated child day care facilities. For these schoolsites, existing law requires the department to establish an integrated pest management program for schoolsites. Existing law, in establishing the program, requires the department to develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each schoolsite and develop a model program guidebook, as specified, that prescribes essential program elements for schoolsites that have adopted a least-hazardous integrated pest management program. Existing law provides that a violation of the laws, and the regulations adopted pursuant to those laws, relating to pesticides is generally a misdemeanor.

This bill would require the Department of Pesticide Regulation to develop a training ~~program~~ *course* to train any person who plans to apply pesticides on a schoolsite, and would require the training program to cover ~~the safe use of pesticides and~~ integrated pest management *and the safe use of pesticides in relation to the unique nature of schoolsites and children's health*. The bill would require the training ~~program~~ *course* to be provided by the department or an agent authorized by the department. The bill would also require any person hired to, or who in the course of his or her work plans to, apply a pesticide at a schoolsite subject to the act, to annually complete a training provided by the department or an agent authorized by the department. The bill would require the training to include ~~safe pesticide use and~~ integrated pest management *and the safe use of pesticides in relation to the unique nature of schoolsites and children's health*. ~~Because failure to complete the training would be a crime, the bill would impose a state-mandated local program.~~

(3) This bill would make conforming changes and various nonsubstantive changes.

~~(4) 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-no*.

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

1 SECTION 1. Section 17609 of the Education Code is amended  
2 to read:

3 17609. The definitions set forth in this section govern the  
4 construction of this article unless the context clearly requires  
5 otherwise:

6 (a) “Antimicrobial” means those pesticides defined by the  
7 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.  
8 136(mm)).

9 (b) “Crack and crevice treatment” means the application of  
10 small quantities of a pesticide consistent with labeling instructions  
11 in a building into openings such as those commonly found at  
12 expansion joints, between levels of construction, and between  
13 equipment and floors.

14 (c) “Emergency conditions” means any circumstances in which  
15 the school designee or a property owner of a property where a  
16 privately operated child day care facility is located, or the property  
17 owner’s agent, deems that the immediate use of a pesticide is  
18 necessary to protect the health and safety of pupils, staff, or other  
19 persons, or the schoolsite.

20 (d) “Integrated pest management plan” means a written plan  
21 based on a template provided or approved by the Department of  
22 Pesticide Regulation that outlines a strategy for integrated pest  
23 management, as described in Section 13181 of the Food and  
24 Agricultural Code.

25 (e) “School designee” or “IPM coordinator” means the  
26 individual identified by a schoolsite or school district to carry out  
27 the requirements of this article at the schoolsite.

28 (f) “Schoolsite” means any facility used as a child day care  
29 facility, as defined in Section 1596.750 of the Health and Safety  
30 Code, or for kindergarten, elementary, or secondary school

1 purposes. The term includes the buildings or structures,  
2 playgrounds, athletic fields, vehicles, or any other area of property  
3 visited or used by pupils. “Schoolsite” does not include any  
4 postsecondary educational facility attended by secondary pupils  
5 or private kindergarten, elementary, or secondary school facilities.  
6 For child day care facilities, the State Department of Social  
7 Services shall serve as the liaison to these facilities, as needed.

8 SEC. 2. Section 17610 of the Education Code is amended to  
9 read:

10 17610. (a) It is the policy of the state that effective least toxic  
11 pest management practices should be the preferred method of  
12 managing pests at schoolsites and that the state, in order to reduce  
13 children’s exposure to toxic pesticides, shall take the necessary  
14 steps, pursuant to Article 17 (commencing with Section 13180)  
15 of Chapter 2 of Division 7 of the Food and Agricultural Code, to  
16 facilitate the adoption of effective least toxic pest management  
17 practices at schoolsites. It is the intent of the Legislature that all  
18 school personnel involved in the application of a pesticide at a  
19 schoolsite be trained in ~~the safe use of pesticides and~~ integrated  
20 pest management *and the safe use of pesticides in relation to the*  
21 *unique nature of schoolsites and children’s health.*

22 (b) (1) (A) A property owner of a property where a child day  
23 care facility is located, or the property owner’s agent, who  
24 personally applies any pesticides on an area listed in paragraph  
25 (2) shall provide notice to the child day care facility as described  
26 in paragraph (3) at least 120 hours before the application, unless  
27 an emergency condition, as defined in Section 17609, exists.

28 (B) An owner of property on which a child day care facility is  
29 located shall be subject to the requirement to provide notice  
30 pursuant to this subdivision 30 days after it has received notice  
31 from a child day care facility of its presence at the property, unless  
32 the property owner, or his or her agent, received that notice  
33 pursuant to paragraph (1) of subdivision (d) of Section 1597.40 of  
34 the Health and Safety Code before the effective date of this  
35 subdivision in which case the property owner shall be subject to  
36 the notice requirements on and after the effective date of this  
37 subdivision.

38 (2) This subdivision applies when a property owner or his or  
39 her agent intends to personally apply pesticides on any of the  
40 following:

1 (A) Inside the rented premises on which the child day care  
2 facility is located.

3 (B) Upon a designated child day care facility playground  
4 designated by the property owner.

5 (C) Upon an area designated for use by the child day care  
6 facility.

7 (D) Upon an area within 10 feet of the perimeter of the child  
8 day care facility.

9 (3) The notice required by paragraph (1) shall include the  
10 following:

11 (A) The product name.

12 (B) The manufacturer's name.

13 (C) The active ingredients of each pesticide.

14 (D) The United States Environmental Protection Agency's  
15 product registration number.

16 (E) The intended date of application.

17 (F) The areas of application listed in paragraph (2).

18 (G) The reason for application.

19 (4) A notice of pesticide application provided to a tenant  
20 pursuant to subdivision (d) of Section 13186 of the Food and  
21 Agricultural Code shall satisfy the notice requirements of this  
22 section.

23 (5) If the child day care facility ceases to operate on the property,  
24 the provisions of this act shall no longer apply to the property.

25 SEC. 3. Section 17611 of the Education Code is amended to  
26 read:

27 17611. (a) Each schoolsite shall maintain records of all  
28 pesticide use at the schoolsite for a period of four years, and shall  
29 make this information available to the public, upon request,  
30 pursuant to the California Public Records Act (Chapter 3.5  
31 (commencing with Section 6250) of Division 7 of Title 1 of the  
32 Government Code). A schoolsite may meet the requirements of  
33 this section by retaining a copy of the warning sign posted for each  
34 application required pursuant to Section 17612, and recording on  
35 that copy the amount of the pesticide used.

36 (b) (1) If a ~~school~~ *schoolsite* chooses to use a pesticide not  
37 included within Section 17610.5, at the end of each ~~school~~ *calendar*  
38 year, or more often at the discretion of a school designee, the school  
39 designee shall submit to the Director of Pesticide Regulation a  
40 copy of the records of all pesticide use at the schoolsite for the

1 ~~school~~ calendar year. The records submitted to the Director of  
 2 Pesticide Regulation, ~~including copies of the warning signs posted~~  
 3 ~~for each application required pursuant to Section 17612,~~ shall be  
 4 *submitted using a form prepared by the Department of Pesticide*  
 5 *Regulation similar to that prepared pursuant to paragraph (b) of*  
 6 *Section 13186 of the Food and Agricultural Code, and shall include*  
 7 all of the following:

8 (A) The name of a ~~contact person~~ *school designee* for the  
 9 schoolsite.

10 (B) The name and address of the schoolsite, or the department  
 11 code or licensed child day care facility number indicating if the  
 12 site is an elementary or secondary school facility, or a child day  
 13 care facility.

14 (C) The product name, manufacturer’s name, the ~~federal~~ *United*  
 15 *States* Environmental Protection Agency’s product registration  
 16 number and the amount used, including the unit of measurement.

17 (D) The date, *time,* and ~~areas~~ *location* of application ~~and the~~  
 18 ~~targeted pest.~~

19 (2) The report submitted pursuant to paragraph (1) shall not  
 20 include pesticide use reported pursuant to subdivision (c) of Section  
 21 13186 of the Food and Agricultural Code.

22 SEC. 4. Section 17611.5 is added to the Education Code, to  
 23 read:

24 17611.5. (a) The school designee may develop and post on  
 25 the Internet Web site of the schoolsite an integrated pest  
 26 management plan for the schoolsite or the school district. If the  
 27 schoolsite does not maintain an Internet Web site, the school  
 28 designee may include the integrated pest management plan with  
 29 the annual notification sent to *staff and* parents or guardians of  
 30 pupils enrolled at the schoolsite pursuant to Section 17612. The  
 31 integrated pest management plan shall include the name of the  
 32 school designee or IPM coordinator and include the pesticides  
 33 applied at the schoolsite by ~~school~~ *schoolsite* employees and  
 34 ~~licensed~~ *hired* pest control applicators.

35 (b) If a ~~school~~ *schoolsite* chooses to use a pesticide not included  
 36 within Section 17610.5, the school designee shall develop and post  
 37 on the Internet Web site of the schoolsite an integrated pest  
 38 management plan for the schoolsite or the school district. If the  
 39 schoolsite does not maintain an Internet Web site, the school  
 40 designee shall include the integrated pest management plan with

1 the annual notification sent to *staff and* parents or guardians of  
2 pupils enrolled at the schoolsite pursuant to Section 17612. The  
3 integrated pest management plan shall include the name of the  
4 school designee or IPM coordinator and include the pesticides  
5 applied at the schoolsite by school employees and ~~licensed~~ *hired*  
6 pest control applicators.

7 SEC. 5. Section 17612 of the Education Code is amended to  
8 read:

9 17612. (a) The school designee shall annually provide to all  
10 staff and parents or guardians of pupils enrolled at a schoolsite a  
11 written notification of the name of all pesticide products expected  
12 to be applied at the schoolsite during the upcoming year. The  
13 notification shall identify the active ingredient or ingredients in  
14 each pesticide product. The notice shall also contain the Internet  
15 address used to access information on pesticides and pesticide use  
16 reduction developed by the Department of Pesticide Regulation  
17 pursuant to Section 13184 of the Food and Agricultural Code and  
18 may contain other information deemed necessary by the school  
19 designee. No other written notification of pesticide applications  
20 shall be required by this act except as follows:

21 (1) In the written notification provided pursuant to this  
22 subdivision, the school designee shall provide the opportunity for  
23 recipients to register with the schoolsite if they wish to receive  
24 notification of individual pesticide applications at the schoolsite.  
25 Persons who register for notification shall be notified of individual  
26 pesticide applications at least 72 hours before the application. The  
27 notice shall include the product name, the active ingredient or  
28 ingredients in the product, and the intended date of application.

29 (2) If a pesticide product not included in the annual notification  
30 is subsequently intended for use at the schoolsite, the school  
31 designee shall, consistent with this subdivision and at least 72  
32 hours before application, provide written notification of its intended  
33 use.

34 (b) The school designee shall make every effort to meet the  
35 requirements of this section in the least costly manner. Annual  
36 notification by a school district to parents and guardians shall be  
37 provided pursuant to Section 48980.3. Any other notification shall,  
38 to the extent feasible and consistent with the act adding this article,  
39 be included as part of any other written communication provided  
40 to individual parents or guardians. This section shall not require

1 the school designee to issue the notice through first-class mail,  
2 unless he or she determines that no other method is feasible.

3 (c) Pest control measures taken during an emergency condition  
4 as defined in Section 17609 shall not be subject to the requirements  
5 of paragraphs (1) and (2) of subdivision (a). However, the school  
6 designee or property owner shall make every effort to provide the  
7 required notification for an application of a pesticide under  
8 emergency conditions.

9 (d) The school designee shall post each area of the schoolsite  
10 where pesticides will be applied with a warning sign. The warning  
11 sign shall prominently display the term “Warning/Pesticide Treated  
12 Area” and shall include the product name, manufacturer’s name,  
13 the United States Environmental Protection Agency’s product  
14 registration number, intended date and areas of application, and  
15 reason for the pesticide application. The warning sign shall be  
16 visible to all persons entering the treated area and shall be posted  
17 24 hours before the application and remain posted until 72 hours  
18 after the application. In case of a pest control emergency, the  
19 warning sign shall be posted immediately upon application and  
20 shall remain posted until 72 hours after the application.

21 (e) Subdivisions (a) and (d) shall not apply to schools operated  
22 by the Division of Juvenile Justice. The school administrator of a  
23 school operated by the Division of Juvenile Justice shall notify the  
24 chief medical officer of that facility at least 72 hours before the  
25 application of pesticides. The chief medical officer shall take any  
26 steps necessary to protect the health of pupils in that facility.

27 (f) This section and Section 17611 shall not apply to activities  
28 undertaken at a school by participants in the state program of  
29 agricultural vocational education, pursuant to Article 7  
30 (commencing with Section 52450) of Chapter 9 of Part 28 of  
31 Division 4 of Title 2, if the activities are necessary to meet the  
32 curriculum requirements prescribed in Section 52454. This  
33 subdivision does not relieve schools participating in the state  
34 program of agricultural vocational education of any duties pursuant  
35 to this section for activities that are not directly related to the  
36 curriculum requirements of Section 52454.

37 (g) Sections 17610 to 17614, inclusive, shall not apply to family  
38 day care homes or property owners of family day care homes, as  
39 defined in Section 1596.78 of the Health and Safety Code, or their  
40 agents who personally apply any pesticides.

1 (h) If pesticide is applied by a property owner or his or her agent,  
2 or by a pest control operator, failure to provide notice pursuant to  
3 subdivision (b) of Section 17610 or subdivision (d) of Section  
4 13186 of the Food and Agricultural Code shall relieve a privately  
5 operated child day care facility from the requirements of this  
6 section.

7 SEC. 6. Section 17614 is added to the Education Code, to read:

8 17614. A person, including a ~~licensed~~ *hired* pest control  
9 applicator *or schoolsite employee*, who, in the course of his or her  
10 work intends to apply a pesticide at a schoolsite subject to this  
11 article, shall annually complete a training course provided by the  
12 Department of Pesticide Regulation or an agent authorized by the  
13 Department of Pesticide Regulation. The training *course* shall  
14 include ~~safe pesticide use and~~ integrated pest management *and the*  
15 *safe use of pesticides in relation to the unique nature of schoolsites*  
16 *and children's health*.

17 SEC. 7. Section 12996 of the Food and Agricultural Code is  
18 amended to read:

19 12996. (a) Every person who violates any provision of this  
20 division relating to pesticides, or any regulation issued pursuant  
21 to a provision of this division relating to pesticides, is guilty of a  
22 misdemeanor and upon conviction shall be punished by a fine of  
23 not less than five hundred dollars (\$500) nor more than five  
24 thousand dollars (\$5,000), or by imprisonment of not more than  
25 six months, or by both fine and imprisonment. Upon a second or  
26 subsequent conviction of the same provision of this division  
27 relating to pesticides, a person shall be punished by a fine of not  
28 less than one thousand dollars (\$1,000) nor more than ten thousand  
29 dollars (\$10,000), or by imprisonment of not more than six months  
30 or by both fine and imprisonment. Each violation constitutes a  
31 separate offense.

32 (b) Notwithstanding the penalties prescribed in subdivision (a),  
33 if the offense involves an intentional or negligent violation that  
34 created or reasonably could have created a hazard to human health  
35 or the environment, the convicted person shall be punished by  
36 imprisonment in the county jail not exceeding one year or in the  
37 state prison or by fine of not less than five thousand dollars  
38 (\$5,000) nor more than fifty thousand dollars (\$50,000), or by both  
39 the fine and imprisonment.

1 (c) This section does not apply to violations of Chapter 7.5  
2 (commencing with Section 15300) or Section 13186.5.

3 SEC. 8. Section 12999.4 of the Food and Agricultural Code is  
4 amended to read:

5 12999.4. (a) In lieu of civil prosecution by the director, the  
6 director may levy a civil penalty against a person violating Sections  
7 12115, 12116, 12671, 12992, 12993, Chapter 10 (commencing  
8 with Section 12400) of Division 6, Article 4.5 (commencing with  
9 Section 12841), Section 13186.5, Chapter 7.5 (commencing with  
10 Section 15300), or the regulations adopted pursuant to those  
11 provisions, of not more than five thousand dollars (\$5,000) for  
12 each violation.

13 (b) Before a civil penalty is levied, the person charged with the  
14 violation shall be given a written notice of the proposed action,  
15 including the nature of the violation and the amount of the proposed  
16 penalty, and shall have the right to request a hearing within 20  
17 days after receiving notice of the proposed action. A notice of the  
18 proposed action that is sent by certified mail to the last known  
19 address of the person charged shall be considered received even  
20 if delivery is refused or the notice is not accepted at that address.  
21 If a hearing is requested, notice of the time and place of the hearing  
22 shall be given at least 10 days before the date set for the hearing.  
23 Prior to the hearing, the person shall be given an opportunity to  
24 review the director's evidence. At the hearing, the person shall be  
25 given the opportunity to present evidence on his or her own behalf.  
26 If a hearing is not timely requested, the director may take the action  
27 proposed without a hearing.

28 (c) If the person against whom the director levied a civil penalty  
29 requested and appeared at a hearing, the person may seek review  
30 of the director's decision within 30 days of the date of the decision  
31 pursuant to Section 1094.5 of the Code of Civil Procedure.

32 (d) After the exhaustion of the review procedure provided in  
33 this section, the director, or his or her representative, may file a  
34 certified copy of a final decision of the director that directs the  
35 payment of a civil penalty and, if applicable, any order that denies  
36 a petition for a writ of administrative mandamus, with the clerk  
37 of the superior court of any county. Judgment shall be entered  
38 immediately by the clerk in conformity with the decision or order.  
39 No fees shall be charged by the clerk of the superior court for the

1 performance of any official service required in connection with  
2 the entry of judgment pursuant to this section.

3 (e) Any money recovered under this section shall be paid into  
4 the Department of Pesticide Regulation Fund for use by the  
5 department, upon appropriation, in administering this division and  
6 Division 6 (commencing with Section 11401).

7 ~~SEC. 7.~~

8 *SEC. 9.* Section 13181 of the Food and Agricultural Code is  
9 amended to read:

10 13181. (a) Notwithstanding any other law, for purposes of this  
11 article, “integrated pest management” means a pest management  
12 strategy that focuses on long-term prevention or suppression of  
13 pest problems through a combination of techniques such as  
14 monitoring for pest presence and establishing treatment threshold  
15 levels, using nonchemical practices to make the habitat less  
16 conducive to pest development, improving sanitation, and  
17 employing mechanical and physical controls. Pesticides that pose  
18 the least possible hazard and are effective in a manner that  
19 minimizes risks to people, property, and the environment, are used  
20 only after careful monitoring indicates they are needed according  
21 to preestablished guidelines and treatment thresholds. This  
22 definition shall apply only to integrated pest management at school  
23 facilities and child day care facilities.

24 (b) For purposes of this article “IPM coordinator” has the same  
25 meaning as school designee or IPM coordinator, as those terms  
26 are defined in subdivision (e) of Section 17609 of the Education  
27 Code.

28 ~~SEC. 8.~~

29 *SEC. 10.* Section 13182 of the Food and Agricultural Code is  
30 amended to read:

31 13182. It is the policy of the state that effective least toxic pest  
32 management practices should be the preferred method of managing  
33 pests at schoolsites and that the state, in order to reduce children’s  
34 exposure to toxic pesticides, shall take the necessary steps, pursuant  
35 to this article, to facilitate the adoption of effective least toxic pest  
36 management practices at schoolsites. It is the intent of the  
37 Legislature that all school personnel involved in the application  
38 of pesticide at a schoolsite be trained in ~~the safe use of pesticides~~  
39 ~~and~~ *integrated pest management and the safe use of pesticides in*  
40 *relation to the unique nature of schoolsites and children’s health.*

1 ~~SEC. 9.~~

2 *SEC. 11.* Section 13183 of the Food and Agricultural Code is  
3 amended to read:

4 13183. (a) The department shall promote and facilitate the  
5 voluntary adoption of integrated pest management programs for  
6 schoolsites, excluding privately operated child day care facilities,  
7 as defined in Section 1596.750 of the Health and Safety Code, that  
8 voluntarily choose to do so. For these schoolsites, the department  
9 shall do all of the following:

10 (1) Establish an integrated pest management program for  
11 schoolsites consistent with Section 13181. In establishing the  
12 program, the department shall:

13 (A) Develop criteria for identifying least-hazardous pest control  
14 practices and encourage their adoption as part of an integrated pest  
15 management program at each schoolsite.

16 (B) Develop a model program guidebook that prescribes  
17 essential program elements for schoolsites that have adopted a  
18 least-hazardous integrated pest management program. At a  
19 minimum, this guidebook shall include guidance on all of the  
20 following:

- 21 (i) Adopting an IPM policy.
- 22 (ii) Selecting and training an IPM coordinator.
- 23 (iii) Identifying and monitoring pest populations and damage.
- 24 (iv) Establishing a community-based school district advisory  
25 committee.
- 26 (v) Developing a pest management plan for making  
27 least-hazardous pest control choices.
- 28 (vi) Contracting for integrated pest management services.
- 29 (vii) Training and licensing opportunities.
- 30 (viii) Establishing a community-based right-to-know standard  
31 for notification and posting of pesticide applications.
- 32 (ix) Recordkeeping and program review.

33 (C) Develop a training ~~program~~ *course* to train any person who  
34 intends to apply pesticides on a schoolsite. The training ~~program~~  
35 *course* shall cover ~~the safe use of pesticides and~~ integrated pest  
36 management *and the safe use of pesticides in relation to the unique*  
37 *nature of schoolsites and children’s health*. The training ~~program~~  
38 *course* shall be provided by the department or an agent authorized  
39 by the department.

1 (D) *Develop a template for an integrated pest management plan*  
2 *to be used by schoolsites. The template shall outline a strategy for*  
3 *integrated pest management as described in Section 13180.*

4 (2) Make the model program guidebook available to schoolsites  
5 and establish a process for systematically updating the guidebook  
6 and supporting documentation.

7 (b) The department shall promote and facilitate the voluntary  
8 adoption of integrated pest management programs at child day  
9 care facilities, as defined in Section 1596.750 of the Health and  
10 Safety Code, through the following:

11 (1) Modifying the department's existing integrated pest  
12 management program for schoolsites as described in subdivision  
13 (a) of Section 13183 for the child day care setting.

14 (2) Creating or modifying existing educational and informational  
15 materials on integrated pest management for the child day care  
16 setting.

17 (3) Making the materials available to child day care facilities  
18 and establishing a process for systematically updating them.

19 ~~SEC. 10.~~

20 *SEC. 12.* Section 13186.5 is added to the Food and Agricultural  
21 Code, to read:

22 13186.5. A person hired to apply a pesticide at a schoolsite  
23 subject to this article shall annually complete a training *course*  
24 provided by the department or an agent authorized by the  
25 department. The training shall include ~~safe pesticide use and~~  
26 *integrated pest management and the safe use of pesticides in*  
27 *relation to the unique nature of schoolsites and children's health.*

28 ~~SEC. 11.~~

29 *SEC. 13.* Section 13187 of the Food and Agricultural Code is  
30 amended to read:

31 13187. Sections 13186 and 13186.5 shall not apply to any  
32 agency signatory to a cooperative agreement with the State  
33 Department of Public Health pursuant to Section 116180 of the  
34 Health and Safety Code.

35 ~~SEC. 12.~~ ~~No reimbursement is required by this act pursuant to~~  
36 ~~Section 6 of Article XIII B of the California Constitution because~~  
37 ~~the only costs that may be incurred by a local agency or school~~  
38 ~~district will be incurred because this act creates a new crime or~~  
39 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
40 ~~for a crime or infraction, within the meaning of Section 17556 of~~

- 1 ~~the Government Code, or changes the definition of a crime within~~
- 2 ~~the meaning of Section 6 of Article XIII B of the California~~
- 3 ~~Constitution.~~

O