

Introduced by Senator NguyenFebruary 18, 2016

An act to add Section 12978.5 to the Food and Agricultural Code, and to add Section 2056 to the Health and Safety Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1246, as introduced, Nguyen. Pesticides: aerial spraying: notice from aerial pesticide sprayers and mosquito and vector control districts.

Existing law regulates the use of pesticides and the business of pest control, and requires a person who operates a pest control business to be licensed by the Director of Pesticide Regulation and registered by the county agricultural commissioner. Existing law also requires a pest control aircraft pilot to be registered with the Department of Pesticide Regulation. A violation of those provisions is a misdemeanor.

Existing law separately provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts.

This bill would require pest control operators, pest control businesses, and mosquito abatement and vector control districts, at least 7 days before administering pesticides by aircraft or unmanned aerial vehicle over a residential area, to notify various people and entities, including, but not limited to, affected governmental agencies, school districts, and chambers of commerce. The bill would specify the information required to be included in the notice. By imposing additional duties on local governmental agencies and because a violation of the bill's provisions relating to pest control operators and pest control businesses would be a crime, the 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 12978.5 is added to the Food and
- 2 Agricultural Code, to read:
- 3 12978.5. At least seven days before administering pesticides
- 4 by aircraft or unmanned aerial vehicle over a residential area, a
- 5 pest control operator or pest control business shall notify affected
- 6 governmental agencies, school districts, chambers of commerce
- 7 or similar entities, California State Assembly Members, California
- 8 State Senators, United States Congressmen, and United States
- 9 Senators. The notice shall include all of the following:
- 10 (a) The date and time that the spraying will occur.
- 11 (b) The precise areas in which pesticides will be administered.
- 12 (c) The type of pesticides being sprayed, identified by brand
- 13 name or common chemical name.
- 14 (d) The amount of pesticide to be administered.
- 15 (e) Any precautions associated with the pesticide that are printed
- 16 on the pesticide product’s label or that are included in applicable
- 17 laws or regulations related to the protection of persons during the
- 18 application.
- 19 SEC. 2. Section 2056 is added to the Health and Safety Code,
- 20 to read:
- 21 2056. At least seven days before administering pesticides by
- 22 aircraft or unmanned aerial vehicle over a residential area, a district
- 23 shall notify affected governmental agencies, school districts,
- 24 chambers of commerce or similar entities, California State
- 25 Assembly Members, California State Senators, United States

1 Congressmen, and United States Senators. The notice shall include
2 all of the following:

- 3 (a) The date and time that the spraying will occur.
- 4 (b) The precise areas in which pesticides will be administered.
- 5 (c) The type of pesticides being sprayed, identified by brand
6 name or common chemical name.
- 7 (d) The amount of pesticide to be administered.
- 8 (e) Any precautions associated with the pesticide that are printed
9 on the pesticide product's label or that are included in applicable
10 laws or regulations related to the protection of persons during the
11 application.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution for certain
14 costs that may be incurred by a local agency or school district
15 because, in that regard, this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty for a crime
17 or infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime within the
19 meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 However, if the Commission on State Mandates determines that
22 this act contains other costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.