

AMENDED IN SENATE APRIL 5, 2016

**SENATE BILL**

**No. 1246**

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**Introduced by Senator Nguyen**

February 18, 2016

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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 amended, 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 *aircraft systems* over a residential area, to notify various people and entities, including, but not limited to, affected governmental agencies, school districts, and chambers of ~~commerce~~ *commerce, except as specified due to the presence of an emergency outbreak that threatens the public health or other extenuating circumstances that warrant an immediate response*. 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. (a) *The Legislature finds and declares that*  
2 *mosquito abatement is a vital activity for protecting the public*  
3 *health of Californians.*

4     (b) *It is the intent of the Legislature to increase public awareness*  
5 *of government activities, particularly when the government is*  
6 *involved in spraying pesticides by aircraft over residential*  
7 *neighborhoods.*

8     SECTION 1.

9     SEC. 2. Section 12978.5 is added to the Food and Agricultural  
10 Code, to read:

11     12978.5. (a) At least seven days before administering  
12 pesticides by aircraft or unmanned-aerial-vehicle ~~aircraft systems~~  
13 over a residential area, a pest control operator or pest control  
14 business shall notify affected governmental agencies, school  
15 districts, chambers of commerce or similar entities, California  
16 State Assembly Members, California State Senators, United States  
17 Congressmen, and United States Senators. The notice shall include  
18 all of the following:

19     ~~(a)~~

20     (1) The date and time that the spraying will occur.

21     ~~(b)~~

22     (2) The precise areas in which pesticides will be administered.

1 (e)  
2 (3) The type of pesticides being sprayed, identified by brand  
3 name or common chemical name.

4 (d)  
5 (4) The amount of pesticide to be administered.

6 (e)  
7 (5) Any precautions associated with the pesticide that are printed  
8 on the pesticide product’s label or that are included in applicable  
9 laws or regulations related to the protection of persons during the  
10 application.

11 (b) *Notwithstanding subdivision (a), in the event that a pest*  
12 *control operator or pest control business is unable to provide*  
13 *notification seven days before administering pesticides by aircraft*  
14 *or unmanned aircraft systems over a residential area due to the*  
15 *presence of an emergency outbreak that threatens the public health*  
16 *or other extenuating circumstances that warrant an immediate*  
17 *response, the pest control operator or pest control business may*  
18 *proceed with the aerial spraying. In that case, the pest control*  
19 *operator or pest control business shall notify the entities specified*  
20 *in, and in the manner prescribed in, subdivision (a) anytime after*  
21 *the decision to administer pesticides has been made but no later*  
22 *than seven days after the aerial spraying has occurred. The notice*  
23 *shall also include a summary of the emergency or extenuating*  
24 *circumstance that prevented the pest control operator or pest*  
25 *control business from providing the notice within the time required*  
26 *in subdivision (a).*

27 ~~SEC. 2.~~

28 SEC. 3. Section 2056 is added to the Health and Safety Code,  
29 to read:

30 2056. (a) At least seven days before administering pesticides  
31 by aircraft or unmanned ~~aerial vehicle~~ *aircraft systems* over a  
32 residential area, a district shall notify affected governmental  
33 agencies, school districts, chambers of commerce or similar  
34 entities, California State Assembly Members, California State  
35 Senators, United States Congressmen, and United States Senators.  
36 The notice shall include all of the following:

37 (a)  
38 (1) The date and time that the spraying will occur.

39 (b)  
40 (2) The precise areas in which pesticides will be administered.

1 (e)  
2 (3) The type of pesticides being sprayed, identified by brand  
3 name or common chemical name.

4 (d)  
5 (4) The amount of pesticide to be administered.

6 (e)  
7 (5) Any precautions associated with the pesticide that are printed  
8 on the pesticide product’s label or that are included in applicable  
9 laws or regulations related to the protection of persons during the  
10 application.

11 (b) *Notwithstanding subdivision (a), in the event that a district*  
12 *is unable to provide notification seven days before administering*  
13 *pesticides by aircraft or unmanned aircraft systems over a*  
14 *residential area due to the presence of an emergency outbreak*  
15 *that threatens the public health or other extenuating circumstances*  
16 *that warrant an immediate response, the district may proceed with*  
17 *the aerial spraying. In that case, the district shall notify the entities*  
18 *specified in, and in the manner prescribed in, subdivision (a)*  
19 *anytime after the decision to administer pesticides has been made*  
20 *but no later than seven days after the aerial spraying has occurred.*  
21 *The notice shall also include a summary of the emergency or*  
22 *extenuating circumstance that prevented the district from providing*  
23 *the notice within the time required in subdivision (a).*

24 ~~SEC. 3.~~

25 SEC. 4. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution for certain  
27 costs that may be incurred by a local agency or school district  
28 because, in that regard, this act creates a new crime or infraction,  
29 eliminates a crime or infraction, or changes the penalty for a crime  
30 or infraction, within the meaning of Section 17556 of the  
31 Government Code, or changes the definition of a crime within the  
32 meaning of Section 6 of Article XIII B of the California  
33 Constitution.

34 However, if the Commission on State Mandates determines that  
35 this act contains other costs mandated by the state, reimbursement  
36 to local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

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