

ASSEMBLY BILL

No. 1721

Introduced by Assembly Member Swanson

February 2, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as introduced, 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 for purposes of production agriculture or a state pest eradication or control program may not be applied within $\frac{1}{2}$ mile of a school safety zone, as defined, and that other pesticides, as specified, may not be applied within $\frac{1}{4}$ 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 for purposes of production
6 agriculture or a state pest eradication or control program may not
7 be applied within one-half mile of a school safety zone, as defined
8 in subdivision (e), within 24 hours of when children are or will be
9 present.

10 (c) For all other pesticides not included in subdivision (b), those
11 pesticides may not be applied within one-quarter mile of a school
12 safety zone, as defined in subdivision (e), within 24 hours of when
13 children are or will be present.

14 (d) This section does not apply to approved organic pesticides
15 used for production agriculture.

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

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

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