

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

AMENDED IN ASSEMBLY MARCH 17, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, Swanson. Pesticides: *safe* 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 materials shall not be applied by specified methods for purposes of commercial agriculture, as defined, or a state agricultural pest eradication or control program within ½ mile of a school safety zone, as defined, and that other pesticides shall not be applied by specified methods~~ *aerial applications likely to cause off-site movement of pesticides* for purposes of commercial agriculture or a state agricultural pest eradication or control program within ¼ mile of a school ~~safety zone~~, as defined, *and as provided*. The bill would exempt from these provisions the State Department of Public Health, local vector control agencies, and mosquito abatement and vector control districts, as provided.

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 materials shall not be applied by the methods~~
6 ~~specified in subdivision (g) for purposes of commercial agriculture~~
7 ~~or a state agricultural pest eradication or control program within~~
8 ~~one-half mile of a school safety zone.~~

9 ~~(e) Pesticides not included in subdivision (b)~~
10 *(b) Pesticides shall not be applied by the methods specified in*
11 *subdivision ~~(g)~~ (f) for purposes of commercial agriculture or a*
12 *state agricultural pest eradication or control program within*
13 *one-quarter mile of a school ~~safety zone~~ in session or during*
14 *school-sponsored activities when children are present.*

15 ~~(d)~~
16 *(c) This section does not apply to approved organic pesticides,*
17 *as defined in Section 46015, excluding elemental or lime sulfur,*
18 *used for commercial agriculture.*

19 ~~(e)~~
20 *(d) For purposes of this section, “school safety zone” “school”*
21 *means a schoolsite, as defined in Section 17609 of the Education*
22 *Code. However, “school” does not include school buses or bus*
23 *stops.*

24 ~~(f)~~
25 *(e) For purposes of this section, “commercial agriculture” means*
26 *any person engaged in raising crops, nursery stock, or animals, or*
27 *producing animal products, for commerce.*

28 ~~(g)~~

1 (f) For purposes of this section, prohibited methods of
2 application are ~~aerial application, application by powered~~
3 ~~equipment, chemigation, fumigation, or other methods of~~
4 ~~application~~ *applications* likely to cause offsite movement of
5 pesticides.

6 ~~(h)~~

7 (g) This section does not apply to the following:

8 (1) The State Department of Public Health and local vector
9 control agencies providing services in accordance with Section
10 116180 of the Health and Safety Code.

11 (2) Mosquito abatement and vector control districts authorized
12 under Chapter 1 (commencing with Section 2000) of Division 3
13 of the Health and Safety Code.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.