S T A T E O F N E W Y O R K

1388

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, SCHIMEL, KELLNER -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to prohibiting the use of lawn care pesticides on any daycare facility premises

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The social services law is amended by adding a new section 390-g to read as follows:

S 390-G. PROHIBITION OF LAWN CARE PESTICIDE APPLICATIONS. 1. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE MEANINGS SET FORTH BELOW:

(A) "PESTICIDE" SHALL MEAN A FUNGICIDE USED ON PLANTS, AN INSECTICIDE, A HERBICIDE OR A RODENTICIDE BUT DOES NOT MEAN A SANITIZER, DISINFECTANT, ANTIMICROBIAL AGENT OR A PESTICIDE BAIT, AND "LAWN CARE PESTICIDE" MEANS A PESTICIDE REGISTERED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND LABELED PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT FOR USE IN LAWN, GARDEN AND ORNAMENTAL SITES OR AREAS.

(B) "DAYCARE FACILITY" SHALL MEAN LICENSED AND REGISTERED CHILD DAYCARE HOMES, PROGRAMS AND FACILITIES.

2. NO APPLICATION OF PESTICIDE SHALL BE MADE IN ANY BUILDING OR ON THE GROUNDS OF ANY DAYCARE FACILITY, DURING REGULAR BUSINESS HOURS, EXCEPT THAT AN EMERGENCY APPLICATION MAY BE MADE TO ELIMINATE AN IMMEDIATE THREAT TO HUMAN HEALTH IF IT IS NECESSARY TO MAKE THE APPLICATION DURING REGULAR BUSINESS HOURS, AND SUCH EMERGENCY APPLICATION DOES NOT INVOLVE A RESTRICTED USE PESTICIDE, AS DEFINED IN SECTION 33-0101 OF THE ENVIRONMENTAL CONSERVATION LAW. NO CHILD ENROLLED AT SUCH DAYCARE CENTER OR HOME MAY ENTER AN AREA WHERE PESTICIDES HAVE BEEN APPLIED UNTIL IT IS SAFE TO DO SO ACCORDING TO THE PROVISIONS OF THE PESTICIDE LABEL.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. NO PERSON SHALL APPLY A LAWN CARE PESTICIDE ON THE GROUNDS OF ANY DAYCARE FACILITY, EXCEPT THAT AN EMERGENCY APPLICATION MAY BE MADE TO ELIMINATE AN IMMEDIATE THREAT TO HUMAN HEALTH, INCLUDING BUT NOT LIMITED TO, THE ELIMINATION OF MOSQUITOES, TICKS AND STINGING INSECTS, PROVIDED SUCH EMERGENCY APPLICATION DOES NOT INVOLVE A RESTRICTED USE PESTICIDE, AS DEFINED IN SECTION 33-0101 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.