STATE OF NEW YORK

3578

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. BURKE, FAHY, McMAHON, KELLES -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the general municipal law, in relation to allowing municipalities to regulate pesticides

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Municipal Oversight Of Natural Systems By Allowing Non-Toxic Options Act".

§ 2. Subdivision 1 of section 33-0303 of the environmental conservation law is amended to read as follows:

1. Jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides, is by this article vested exclusively in the commissioner**, provided, however, that any municipality within the state may adopt local laws to regulate the distribution, sale, use and transportation of pesticides**.

§ 3. The general municipal law is amended by adding a new section 139-e to read as follows:

§ 139-e. Pesticides. The governing boards of municipal corporations as defined in section two of this chapter, may adopt local laws to regulate the distribution, sale, use and transportation of pesticides. Such local laws shall be supplemental and in addition to the provisions of article thirty-three of the environmental conservation law and any rules or regulations relating to pesticides and not in conflict therewith.

§ 4. This act shall take effect immediately.

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

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