

**Representative Brian S. King** proposes the following substitute bill:

**PESTICIDE APPLICATION NOTIFICATION AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires a public school to provide certain notification related to the application of a pesticide product.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a local education agency (LEA) to annually notify a school community of all pesticide products intended for use at the school;
- requires an LEA to notify the school community before applying a pesticide product that the LEA did not include in the annual notification;
- provides exceptions to the pesticide product notification requirements; and
- requires the State Board of Education to make rules.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



26 [53A-3-432](#), Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section [53A-3-432](#) is enacted to read:

30 **[53A-3-432](#). Pesticide application notification requirements.**

31 (1) As used in this section:

32 (a) "Board" means the State Board of Education.

33 (b) "Local education agency" or "LEA" means:

34 (i) a school district;

35 (ii) a charter school; or

36 (iii) the Utah Schools for the Deaf and the Blind.

37 (c) "Pest" means the same as that term is defined in Section [4-14-2](#).

38 (d) (i) "Pesticide product" means a product containing a substance or mixture of  
 39 substances that is intended to prevent, destroy, repel, control, or mitigate pests.

40 (ii) "Pesticide product" does not include living organisms.

41 (e) "School community" means individuals associated with a school, including:

42 (i) a student enrolled in the school;

43 (ii) a parent of a student enrolled in the school; or

44 (iii) a school employee.

45 (2) On or before October 1 of each school year, an LEA shall provide written  
 46 notification to members of the school community of all pesticide products that the LEA plans  
 47 to apply inside a school building or on school grounds during that school year.

48 (3) In the annual notification described in Subsection (2), the LEA shall include:

49 (a) the name  $\hat{H} \rightarrow$  and Environmental Protection Agency registration number  $\leftarrow \hat{H}$  of  
 49a each pesticide product;

50 (b) the active ingredients in each pesticide product; and

51 (c) the intended or planned frequency of application for each pesticide product.

52 (4) (a) Except as provided in Subsection (5), if an LEA plans to apply a pesticide  
 53 product that the LEA did not include in the annual notification described in Subsection (2), the  
 54 LEA shall notify the school community of the pesticide product application no less than 72  
 55 hours before the application by:

56 (i) posting written notification at the school, in a location visible to the school

57 community; and

58 (ii) any other notification system that the LEA routinely uses to inform the school  
59 community of matters relating to the school.

60 (b) The notification described in Subsection (4)(a) shall include the pesticide product's  
61 name and active ingredients.

62 (5) An LEA is not required to provide notification for application of a pesticide  
63 product that the LEA did not include in the annual notification described in Subsection (2) if:

64 (a) the urgent need of the pesticide product application makes it impractical for the  
65 LEA to provide advance notice;

66 (b) ~~an~~ a public ~~entity~~ entity other than the school or LEA, including a mosquito  
66a ~~abatement~~ district, is requiring  
67 the pesticide product application; or

68 (c) the planned pesticide product application meets other criteria for exception from the  
69 notification requirement, as defined by rule made under Subsection (7).

70 (6) Nothing in this section prohibits an LEA from notifying a school community before  
71 each pesticide product application.

72 (7) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
73 Administrative Rulemaking Act, to establish:

74 (a) procedures for complying with the requirements of this section; and

75 (b) as appropriate, exceptions to the notification requirements described in this section.