

HOUSE BILL 995

M4, F1, O4

5lr0314

By: **Delegates Hixson, Carr, Cullison, Gutierrez, Kaiser, Luedtke, Moon, Platt, S. Robinson, and Turner**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Lawn Care Pesticides – Child Care Centers, Schools, and Recreation Facilities –**
3 **Prohibition**

4 FOR the purpose of prohibiting, with a certain exception, a person from applying a lawn
5 care pesticide on the grounds of certain child care centers, schools, and recreation
6 centers and on certain other recreational fields; authorizing a person to apply a lawn
7 care pesticide on the grounds of certain child care centers, schools, and recreation
8 centers, and on certain recreational fields, in accordance with certain provisions of
9 law, if a certain person determines that an emergency application is necessary to
10 eliminate an immediate threat to human health; prohibiting children from accessing
11 a certain area treated with a lawn care pesticide for a certain time period; requiring
12 certain child care centers, schools, and recreation centers to designate a certain
13 contact person and keep a written record of any emergency application of a lawn care
14 pesticide for a certain time period; requiring certain child care centers and schools
15 to provide, to each parent, guardian, and staff member, a certain notice of the
16 emergency application of a lawn care pesticide within a certain time period;
17 requiring the Department of Agriculture to adopt certain regulations; defining
18 certain terms; and generally relating to the application of lawn care pesticides on
19 recreational fields and the grounds of child care centers, schools, and recreation
20 centers.

21 BY repealing and reenacting, without amendments,
22 Article – Agriculture
23 Section 5–201(a) and (l)
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2014 Supplement)

26 BY adding to
27 Article – Agriculture
28 Section 5–208.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2007 Replacement Volume and 2014 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Family Law
5 Section 5–570(c)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2014 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That the Laws of Maryland read as follows:

10 **Article – Agriculture**

11 5–201.

12 (a) In this subtitle the following words have the meanings indicated.

13 (l) “Pesticide” means any substance or mixture of substances intended for:

14 (1) Preventing, destroying, repelling, or mitigating any pest;

15 (2) Use as a plant regulator, defoliant, or desiccant; or

16 (3) Use as a spray adjuvant such as a wetting agent or adhesive.

17 **5–208.2.**

18 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 (2) **“CHILD CARE CENTER” HAS THE MEANING STATED IN § 5–570 OF**
21 **THE FAMILY LAW ARTICLE.**

22 (3) **“GROUNDS” INCLUDES PLAYGROUNDS, RECREATIONAL FIELDS,**
23 **WALKWAYS, AND PATHS.**

24 (4) (I) **“LAWN CARE PESTICIDE” MEANS A PESTICIDE REGISTERED**
25 **BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND LABELED PURSUANT TO**
26 **THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FOR USE IN LAWN,**
27 **GARDEN, OR ORNAMENTAL SITES AND AREAS.**

28 (II) **“LAWN CARE PESTICIDE” INCLUDES:**

1 1. **FUNGICIDES, HERBICIDES, INSECTICIDES, AND**
2 **RODENTICIDES; AND**

3 2. **ORGANIC PESTICIDES REGISTERED BY THE U.S.**
4 **ENVIRONMENTAL PROTECTION AGENCY.**

5 (5) **“SCHOOL” INCLUDES:**

6 (I) **ANY SCHOOL IN WHICH AN INSTRUCTIONAL PROGRAM IS**
7 **OFFERED OR PROVIDED FOR CHILDREN IN ANY GRADE FROM KINDERGARTEN**
8 **THROUGH GRADE 12; AND**

9 (II) **A PRESCHOOL.**

10 (B) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON**
11 **MAY NOT APPLY A LAWN CARE PESTICIDE ON THE GROUNDS OF ANY CHILD CARE**
12 **CENTER, SCHOOL, OR RECREATION CENTER, OR ON ANY OTHER RECREATIONAL**
13 **FIELD THAT IS USED BY A CHILD UNDER THE AGE OF 18 YEARS.**

14 (C) (1) **IF AN EMERGENCY APPLICATION OF A LAWN CARE PESTICIDE IS**
15 **NECESSARY TO ELIMINATE AN IMMEDIATE THREAT TO HUMAN HEALTH, A PERSON**
16 **MAY APPLY A LAWN CARE PESTICIDE ON THE GROUNDS OF A CHILD CARE CENTER,**
17 **SCHOOL, OR RECREATION CENTER, OR ON A RECREATIONAL FIELD, IN ACCORDANCE**
18 **WITH THIS SUBSECTION.**

19 (2) **THE DETERMINATION OF WHETHER AN EMERGENCY**
20 **APPLICATION OF A LAWN CARE PESTICIDE IS NECESSARY SHALL BE MADE BY:**

21 (I) **THE SECRETARY;**

22 (II) **THE HEAD OF THE COUNTY HEALTH DEPARTMENT; OR**

23 (III) **FOR A PUBLIC SCHOOL, THE LOCAL SUPERINTENDENT OF**
24 **SCHOOLS.**

25 (3) **IF AN EMERGENCY APPLICATION OF A LAWN CARE PESTICIDE**
26 **OCCURS ON THE GROUNDS OF A CHILD CARE CENTER, SCHOOL, OR RECREATION**
27 **CENTER, OR ON A RECREATIONAL FIELD, CHILDREN SHALL BE PROHIBITED FROM**
28 **ACCESS TO THE AREA TREATED WITH THE LAWN CARE PESTICIDE FOR AT LEAST THE**
29 **AMOUNT OF TIME SPECIFIED ON THE PESTICIDE LABEL.**

30 (4) **EACH CHILD CARE CENTER, SCHOOL, AND RECREATION CENTER**
31 **SHALL:**

1 **(I) DESIGNATE A CONTACT PERSON WHO SHALL MAINTAIN THE**
2 **PESTICIDE LABEL OR MATERIAL SAFETY DATA SHEET OR EACH LAWN CARE**
3 **PESTICIDE USED ON THE GROUNDS OF THE CHILD CARE CENTER, SCHOOL, OR**
4 **RECREATION CENTER; AND**

5 **(II) KEEP AND MAINTAIN A WRITTEN RECORD OF ANY**
6 **EMERGENCY APPLICATION OF A LAWN CARE PESTICIDE ON THE GROUNDS OF THE**
7 **CHILD CARE CENTER, SCHOOL, OR RECREATION CENTER FOR AT LEAST 5 YEARS.**

8 **(5) WITHIN 24 HOURS AFTER THE EMERGENCY APPLICATION OF A**
9 **LAWN CARE PESTICIDE, OR ON THE NEXT SCHOOL DAY, A CHILD CARE CENTER OR**
10 **SCHOOL SHALL NOTIFY EACH PARENT, GUARDIAN, AND STAFF MEMBER THAT A**
11 **LAWN CARE PESTICIDE WAS APPLIED FOR EMERGENCY PEST CONTROL.**

12 **(6) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (5) OF THIS**
13 **SUBSECTION SHALL INCLUDE:**

14 **(I) THE COMMON NAME OF THE LAWN CARE PESTICIDE**
15 **APPLIED;**

16 **(II) THE LOCATION OF THE APPLICATION;**

17 **(III) THE DATE AND TIME OF THE APPLICATION;**

18 **(IV) THE REASON FOR THE APPLICATION;**

19 **(V) IF THE NOTIFICATION IS MADE IN WRITING, THE**
20 **FOLLOWING LANGUAGE:**

21 **“THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES**
22 **ENVIRONMENTAL PROTECTION AGENCY HAS STATED:**

23 **“WHERE POSSIBLE, PERSONS WHO POTENTIALLY ARE MORE SENSITIVE, SUCH**
24 **AS PREGNANT WOMEN AND INFANTS (LESS THAN 2 YEARS OLD), SHOULD AVOID ANY**
25 **UNNECESSARY PESTICIDE EXPOSURE.”;**

26 **(VI) A BRIEF DESCRIPTION OF THE POTENTIAL ADVERSE**
27 **EFFECTS OF LAWN CARE PESTICIDE USE BASED ON THE PESTICIDE LABEL OR**
28 **MATERIAL SAFETY DATA SHEET OF THE LAWN CARE PESTICIDE APPLIED; AND**

29 **(VII) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE**
30 **CONTACT PERSON DESIGNATED UNDER PARAGRAPH (4) OF THIS SUBSECTION.**

1 **(7) NOTIFICATION UNDER PARAGRAPHS (5) AND (6) OF THIS**
2 **SUBSECTION MAY BE MADE BY:**

3 **(I) TELEPHONE CALL;**

4 **(II) DIRECT CONTACT; OR**

5 **(III) WRITTEN NOTICE SENT HOME WITH THE CHILD OR**
6 **PROVIDED TO THE STAFF MEMBER.**

7 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
8 **SECTION.**

9 **Article – Family Law**

10 5–570.

11 (c) (1) “Child care center” means an agency, institution, or establishment that,
12 for part or all of a day, or on a 24–hour basis on a regular schedule, and at least twice a
13 week, offers or provides child care to children who do not have the same parentage except
14 as otherwise provided for in law or regulation.

15 (2) “Child care center” shall include a nonpublic nursery school in which
16 an instructional program is offered or provided for children who are under the age of 5
17 years.

18 (3) “Child care center” does not include:

19 (i) a nonpublic kindergarten in which an instructional program is
20 offered or provided for children who are at least 5 years old;

21 (ii) a nonpublic elementary school in which an instructional program
22 is offered or provided for children who are in grades 1 through 8;

23 (iii) a child care home, a child care institution, or other child care
24 facility that offers or provides a residential placement for a child and is established,
25 licensed, or registered under this subtitle, Title 9 of the Human Services Article, or Title 10
26 of the Health – General Article; or

27 (iv) a family child care home or large family child care home that is
28 required to be registered or is registered under this subtitle.

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **October 1, 2015.**