



General Assembly

January Session, 2009

Raised Bill No. 6597

LCO No. 4046

04046_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-79a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section, (1) "pesticide" means a fungicide used on
4 plants, an insecticide, a herbicide or a rodenticide but does not mean a
5 sanitizer, disinfectant, antimicrobial agent or a pesticide bait; [, and] (2)
6 "lawn care pesticide" means a pesticide registered by the United States
7 Environmental Protection Agency and labeled pursuant to the federal
8 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
9 ornamental sites or areas; (3) "certified pesticide applicator" means a
10 pesticide applicator with (A) supervisory certification under section
11 22a-54, or (B) operational certification under section 22a-54, who
12 operates under the direct supervision of a pesticide applicator with
13 said supervisory certification; (4) "licensee" means a person licensed
14 under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87e, inclusive;
15 and (5) "day care facility" means a child day care center, group day
16 care home or family day care home that provides child day care

17 services, as described in section 19a-77.

18 (b) No [application of pesticide may be made in any building or on
19 the grounds of] person other than a certified pesticide applicator shall
20 apply pesticide within any [child] day care [center, group day care
21 home or family day care home, each as described in section 19a-77,
22 during regular business hours] facility except that a person other than
23 a certified pesticide applicator may make an emergency application
24 [may be made] to eliminate an immediate threat to human health. [if
25 (1) it is necessary to make the application during regular business
26 hours] Permissible emergency applications shall include, but are not
27 limited to, applications necessary for the elimination of mosquitoes,
28 ticks and stinging insects, provided (1) the licensee or a designee of the
29 licensee determines such emergency application to be necessary, (2)
30 the licensee or a designee of the licensee deems it impractical to obtain
31 the services of a certified pesticide applicator, and [(2)] (3) such
32 emergency application does not involve a restricted use pesticide, as
33 defined in section 22a-47. [No child enrolled at such center or home
34 may enter an area where pesticides have been applied until it is safe to
35 do so according to the provisions on the pesticide label.]

36 (c) No person shall apply a lawn care pesticide on the grounds of
37 any [child] day care [center or group day care home, as described in
38 section 19a-77] facility, except that an emergency application of
39 pesticide may be made to eliminate an immediate threat to human
40 health, including, but not limited to, the elimination of mosquitoes,
41 ticks and stinging insects, provided (1) the licensee or a designee of the
42 licensee determines such emergency application to be necessary, and
43 (2) such emergency application does not involve a restricted use
44 pesticide, as defined in section 22a-47. The provisions of this
45 subsection shall not apply to a family day care home, as described in
46 section 19a-77, if the grounds of such family day care home are not
47 owned or under the control of the licensee.

48 (d) No licensee or designee of a licensee shall permit any child

49 enrolled in such licensee's day care facility to enter an area where a
50 pesticide has been applied in accordance with this section until it is
51 safe to do so according to the provisions on the pesticide label.

52 (e) Prior to providing for any application of pesticide on the
53 grounds of any day care facility, the licensee or a designee of the
54 licensee shall notify the parents or guardians of each child enrolled in
55 such licensee's day care facility by any means practicable no later than
56 twenty-four hours prior to such application, except that for an
57 emergency application made in accordance with this section, such
58 notice shall be given as soon as practicable. Notice under this
59 subsection shall include (1) the name of the active ingredient of the
60 pesticide being applied, (2) the target pest, (3) the location of the
61 application on the day care facility's property, and (4) the date or
62 proposed date of the application. A copy of the record of each pesticide
63 application at a day care facility shall be maintained at such facility for
64 a period of five years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	19a-79a

Statement of Purpose:

To provide that only a certified pesticide applicator may apply pesticide within a day care center, group day care home or family day care home, with an exemption for emergency applications, to expand the ban on pesticides on the grounds of day care facilities to include family day cares where the licensee has ownership or control over the grounds, and to require that the licensee notify parents when pesticide is applied pursuant to this section.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]