



General Assembly

**Substitute Bill No. 257**

January Session, 2009

\* SB00257KIDPH\_030309 \*

**AN ACT CONCERNING THE APPLICATION OF PESTICIDE AT 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 Section 19a-79a of the general statutes is repealed and the  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, "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  
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.

10 (b) No [application of pesticide may be made] person shall apply  
11 pesticide in any building or on the grounds of any child day care  
12 center, group day care home or family day care home, each as  
13 described in section 19a-77, [during regular business hours] except that  
14 [an emergency application may be made] a pesticide applicator with  
15 supervisory certification under section 22a-54 or a pesticide applicator  
16 with operational certification under section 22a-54 under the direct  
17 supervision of a supervisory pesticide applicator, may make an  
18 emergency application to eliminate an immediate threat to human  
19 health [if (1) it is necessary to make the application during regular

20 business hours, and (2)] as determined by the local health director or  
21 the Commissioner of Public Health, including, but not limited to, for  
22 the elimination of mosquitoes, ticks and stinging insects, provided  
23 such emergency application does not involve a restricted use pesticide,  
24 as defined in section 22a-47. No child enrolled at such center or home  
25 may enter an area where pesticides have been applied until it is safe to  
26 do so according to the provisions on the pesticide label.

27 [(c) No person shall apply a lawn care pesticide on the grounds of  
28 any child day care center or group day care home, as described in  
29 section 19a-77, except that an emergency application may be made to  
30 eliminate an immediate threat to human health, including, but not  
31 limited to, the elimination of mosquitoes, ticks and stinging insects,  
32 provided such emergency application does not involve a restricted use  
33 pesticide, as defined in section 22a-47.]

34 (c) On and after October 1, 2009, each provider of child day care  
35 services, as defined in section 19a-77, shall, within available resources,  
36 provide the parents or guardians of each child enrolled for such  
37 services an annual written statement of the provider's policy on  
38 pesticide applications and a description of any pesticide application  
39 made at the day care facility during the previous twelve months. Such  
40 statement shall indicate that the parents or guardians may request  
41 prior notice of pesticide applications at the day care facility. Prior to  
42 providing for any application of pesticide within any building or on  
43 the grounds of any day care facility, the provider shall notify the  
44 parents and guardians who have requested prior notice under this  
45 subsection by any means practicable no later than twenty-four hours  
46 prior to such application. Notice under this subsection shall include (1)  
47 the name of the active ingredient of the pesticide being applied, (2) the  
48 target pest, (3) the location of the application on the day care facility  
49 property, and (4) the proposed date of the application. A copy of the  
50 record of each pesticide application at a day care facility shall be  
51 maintained at such facility for a period of five years. For the purposes  
52 of this subsection, "day care facility" means a child day care facility,

53 group day care home or family day care home that provides "child day  
54 care services", as defined in section 19a-77.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	19a-79a
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***KID***

*Joint Favorable Subst. C/R*

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