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An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRS §6305 is enacted to read:

§ 6305. Use of pesticides in schools and on school grounds

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act, 7 United States Code, Section 135 et seq.

B. "Lawn care pesticide" means a pesticide registered by the United States Environmental Protection Agency and labeled pursuant to FIFRA for use on lawn, garden and ornamental sites or areas.

C. "Pesticide" means a fungicide, insecticide or herbicide as those terms are defined in Title 22, section 1471C. "Pesticide" does not include substances or mixtures of substances intended for use as a sanitizer, disinfectant or antimicrobial agent.

D. "School" means any public or private elementary school, secondary school or kindergarten or a nursery school that is part of an elementary or secondary school.

E. "School grounds" means land associated with a school building, including playgrounds, athletic fields, lawns, agricultural and recreational fields, walkways, fence lines and any other outdoor area used by students or staff, including property owned by a municipality or private entity that is regularly used for school activities.

2. Pesticides applications in school buildings. The application of pesticides in school buildings must comply with Title 7, chapter 103, subchapter 2A, Title 22, chapter 258A and rules adopted by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control under those chapters.

3. Allowed uses of pesticides on school grounds. Pesticides, including lawn care pesticides, may be used on school grounds only:

A. To control, repel or eliminate stinging or biting insects when there is an urgent threat to the health or safety of a student or staff member; or

B. In response to the presence of animals or insects, including mosquitoes and ticks, identified as a public health nuisance by the Department of Health and Human Services, Maine Center for Disease Control and Prevention or a local public health officer.

Sec. 2. 22 MRSA §8302-A, sub-§1, ¶H, as enacted by PL 1997, c. 494, §10 and affected by §15, is amended to read:

H. The administration of medication; and

Sec. 3. 22 MRSA §8302-A, sub-§1, ¶I, as enacted by PL 1997, c. 494, §10 and affected by §15, is amended to read:

I. Licensing procedures; and

Sec. 4. 22 MRSA §8302-A, sub-§1, ¶J is enacted to read:

J. Use of pesticides.

Sec. 5. Adoption of rules restricting pesticides use on the grounds of child care facilities and nursery schools. No later than January 1, 2012, the Commissioner of Health and Human Services shall adopt rules to restrict the use of pesticides on the grounds of child care facilities and nursery schools licensed under the Maine Revised Statutes, Title 22, chapters 1673 and 1675, respectively. Rules adopted under Title 22, section 8302A must be consistent with the restrictions on pesticides use on school grounds provided in Title 20A, section 6305.

SUMMARY

This bill requires that the use of pesticides on school grounds is restricted to situations that pose a health threat to a student or staff member and when the presence of animals or insects have been identified as a public health nuisance. It requires the Commissioner of Health and Human Services to adopt rules to provide similar restrictions on the use of pesticides on the grounds of child care facilities and nursery schools.