

[Third Reprint]

SENATE, No. 2610

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED JANUARY 10, 2011

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator ROBERT M. GORDON

District 38 (Bergen)

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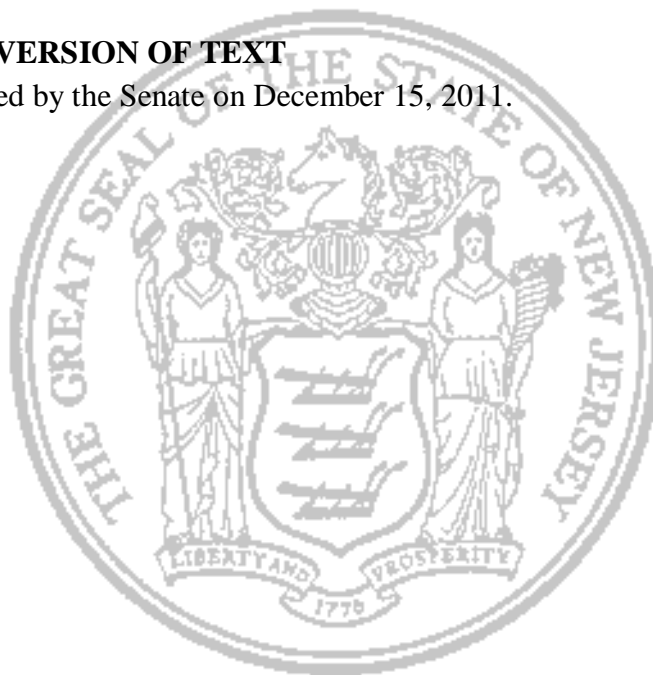
Senators Beck, Greenstein, Addiego, Buono, A.R.Bucco, Bateman, T.Kean, S.Kean, Codey, Allen, Beach, Gill, O'Toole, Pennacchio, Cunningham and Madden

SYNOPSIS

The "Safe Playing Fields Act"; restricts use of lawn care pesticides at child care centers and certain schools, playgrounds, and recreational fields.

CURRENT VERSION OF TEXT

As amended by the Senate on December 15, 2011.



(Sponsorship Updated As Of: 8/26/2011)

1 AN ACT concerning ³the³ use of lawn care pesticides at child care
2 centers ³[,] and certain³ schools ³, playgrounds³ and
3 recreational fields, and supplementing Title 13 of the Revised
4 Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. This act shall be known and may be cited as the "Safe
10 Playing Fields Act."

11
12 2. As used in this act:

13 "Charter school" means a school established pursuant to
14 P.L.1995, c.426 (C.18A:36A-1 et seq.).

15 "Child care center" means a child care center licensed pursuant
16 to the provisions of the "Child Care Center Licensing Act,"
17 P.L.1983, c.492 (C.30:5B-1 et seq.).

18 ³"Community association" means a condominium association, a
19 homeowners' association, a cooperative association, or any other
20 entity created to administer or manage the common elements and
21 facilities of a real property development that, directly or through an
22 authorized agent, enters into a contract for improvement of the real
23 property.³

24 "Lawn care pesticide" means any pesticide labeled, designed or
25 intended for use on lawns, gardens, turf or ornamental plants.

26 ¹"Low impact pesticide" means a low impact pesticide as defined
27 pursuant to section 3 of P.L.2002, c.117 (C.13:1F-21).¹

28 "Pesticide" means a pesticide as defined pursuant to section 3 of
29 P.L.2002, c.117 (C.13:1F-21) ¹[.] but shall not include a "low
30 impact pesticide."¹

31 "Playground" means a playground as defined pursuant to section
32 1 of P.L.1999, c.50 (C.52:27D-123.9).

33 "Recreational field" means an athletic playing field ³[, and
34 includes recreational fields within a municipal, county, or State
35 park]³.

36 "School" means any public school or private school as defined in
37 N.J.S.18A:1-1.

38
39 3. a. No lawn care pesticide shall be applied on the grounds of
40 any child care center, including a playground or recreational field
41 located at the child care center, ¹[during regular business hours,]¹
42 except that a lawn care pesticide may be applied as an emergency

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted January 31, 2011.

²Senate SBA committee amendments adopted June 16, 2011.

³Senate floor amendments adopted December 15, 2011.

1 response to eliminate an immediate threat to human health. Such
2 emergency shall be determined by the chief executive or owner, as
3 appropriate, of the child care center.

4 b. No child enrolled at a child care center shall be permitted
5 access to a pesticide treated area for at least seven hours after the
6 application.

7 c. No later than one year after the effective date of this act, the
8 Commissioner of Environmental Protection, in consultation with the
9 Commissioner of Health and Senior Services, shall adopt rules and
10 regulations in accordance with the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.), concerning pesticide
12 application, record keeping, and staff and parental notification
13 procedures at child care centers consistent with the goal of
14 mitigating potential health risks to young children by reducing or
15 eliminating the use of pesticides, and by first considering the use of
16 low impact pesticides.

17

18 4. No lawn care pesticide shall be applied on the grounds of
19 any school, including a playground or recreational field located at
20 the school, ³which enrolls students in kindergarten or in any grade
21 between grade one through eight,³ except that a lawn care pesticide
22 may be applied as an emergency response to eliminate an
23 immediate threat to human health. Such emergency shall be
24 determined by the superintendent of the school district, the board of
25 trustees of a charter school, or the principal or chief administrator
26 of a private school, as ²**[appropriate]** applicable², in consultation
27 with the local health officer ², as appropriate².

28

29 5. No lawn care pesticide shall be applied on a playground ³**[or**
30 **recreational field]**³, except that a lawn care pesticide may be
31 applied as an emergency response to eliminate an immediate threat
32 to human health. Such emergency shall be determined by the
33 municipal or county governing body in consultation with the local
34 health officer, ²as appropriate,² or by the Commissioner of
35 Environmental Protection, as applicable.

36 ³This section shall not apply to any playground on the grounds of
37 a community association.³

38

39 6. This act shall take effect ²**[immediately]** ³**[two years after]**
40 on the first day of the 13th month following³ the date of enactment²