

**Senate File 397 - Introduced**

SENATE FILE 397

BY DOTZLER

**A BILL FOR**

1 An Act regulating the application of certain pesticides in  
2 proximity to a child care facility or school, and making  
3 penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 206.2, Code 2019, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 6A. "*Child care facility*" means the same  
4 as defined in section 237A.1.

5 NEW SUBSECTION. 11A. "*Drift*" means the movement of a  
6 pesticide during or immediately after application through air  
7 to a site other than the intended site of application.

8 NEW SUBSECTION. 25A. "*Restricted use farm pesticide*" means  
9 a restricted use pesticide commonly applied as part of a row  
10 crop farming operation as listed in rules adopted under section  
11 206.20.

12 NEW SUBSECTION. 26A. "*School*" means a public or private  
13 school that provides facilities for teaching any grade from  
14 kindergarten through grade twelve.

15 Sec. 2. NEW SECTION. 206.31A **Application of pesticides in**  
16 **proximity to child care facility or school.**

17 1. A person shall not apply a restricted use farm pesticide  
18 within twenty-five feet from the real property comprising a  
19 child care facility or school between 6:00 a.m. and 6:00 p.m.  
20 Monday through Friday.

21 2. a. The department shall adopt rules adjusting the  
22 requirements described in subsection 1 based on the risk of  
23 exposure to the drift by children or adults present at a  
24 child care facility or school, which may include any of the  
25 following:

26 (1) The period when children or adults ordinarily  
27 congregate or do not ordinarily congregate on the real  
28 property.

29 (2) The weather or climate conditions existing at the time  
30 of application.

31 (3) The type of restricted use farm pesticide used.

32 (4) The type of pesticide application equipment used.

33 (5) The application method used.

34 b. The department may adjust the separation distance  
35 requirement described in subsection 1, from zero to one

1 thousand twenty feet based on the risk factors described in  
2 paragraph "a".

3

EXPLANATION

4           The inclusion of this explanation does not constitute agreement with  
5           the explanation's substance by the members of the general assembly.

6       BILL'S PROVISIONS. This bill amends the "Pesticide Act  
7 of Iowa" in Code chapter 206, administered and enforced  
8 by the department of agriculture and land stewardship, by  
9 prohibiting a person from applying a restricted use farm  
10 pesticide, as classified by the department, within 25 feet from  
11 the real property comprising a child care facility or K-12  
12 school between 6:00 a.m. and 6:00 p.m. Monday through Friday.  
13 However, the department is required to adopt rules adjusting  
14 those requirements based on the risk of exposure to the drift  
15 by children or adults present at a child care facility or  
16 school.

17       APPLICABLE PENALTY. A person violating the bill's  
18 provisions is guilty of a serious misdemeanor. A serious  
19 misdemeanor is punishable by confinement for no more than one  
20 year and a fine of at least \$315 but not more than \$1,875.