

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2768 Session of
2000

INTRODUCED BY McILHINNEY, HENNESSEY, HORSEY, JAMES, KENNEY,
McGILL, ORIE, SOLOBAY AND WASHINGTON, SEPTEMBER 27, 2000

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
SEPTEMBER 27, 2000

AN ACT

1 Amending the act of March 1, 1974 (P.L.90, No.24), entitled "An
2 act relating to the labeling, distribution, storage,
3 transportation, use, application and disposal of pesticides
4 and devices; providing for registration and examination of
5 such materials; the licensing of pesticide dealers and pest
6 management consultants and imposing penalties," further
7 providing for prohibited acts; providing for local law
8 enforcement; and further providing for criminal penalties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 8 of the act of March 1, 1974 (P.L.90,
12 No.24), known as the Pennsylvania Pesticide Control Act of 1973,
13 is amended by adding a subsection to read:

14 Section 8. Prohibited Acts.--* * *

15 (u) No person shall apply a pesticide within 500 feet of the
16 real property of any person whose name has been placed on the
17 pesticide hypersensitivity registry maintained by the
18 department.

19 Section 2. The act is amended by adding a section to read:

20 Section 27.1. Local Law Enforcement.--A law enforcement

1 officer of a municipality may collect evidence, labels and
2 samples of pesticides on behalf of the department in the
3 enforcement of section 8(u).

4 Section 3. Section 29(a) of the act is amended and the
5 section is amended by adding a subsection to read:

6 Section 29. Criminal Penalties.--(a) [Any] Except as
7 otherwise provided by subsection (d), any person engaging in
8 unlawful conduct as set forth in section 28 of this act, upon
9 conviction thereof in a summary proceeding, may be sentenced to
10 pay a fine of not more than three hundred dollars (\$300) or to
11 undergo imprisonment for a term which shall be fixed at not more
12 than ninety days, or both.

13 (b) Any person, other than a private applicator, who, within
14 three years after being convicted of an offense pursuant to
15 subsection (a) of this section, engages in similar unlawful
16 conduct, or who violates any provision of this act after such
17 person was issued a written warning by the secretary pursuant to
18 the provisions of this act, shall be guilty of a misdemeanor of
19 the second degree and, upon conviction thereof, may be sentenced
20 to pay a fine of not more than five thousand dollars (\$5,000) or
21 imprisonment for a term that shall be fixed at not more than two
22 years, or both.

23 (c) Any person who, being a private applicator, within three
24 years after being convicted of an offense pursuant to subsection
25 (a) of this section, engages in similar unlawful conduct, or who
26 violates any provision of this act after such person was issued
27 a written warning by the secretary pursuant to the provisions of
28 this act, shall be guilty of a misdemeanor of the third degree
29 and, upon conviction thereof, may be sentenced to pay a fine of
30 not more than two thousand five hundred dollars (\$2,500) or

1 imprisonment for a term that shall be fixed at not more than one
2 year, or both.

3 (d) Any person engaging in unlawful conduct as set forth in
4 section 8(u) of this act, upon conviction thereof shall be
5 sentenced to pay a fine of five thousand dollars (\$5,000) or
6 imprisonment for a term that shall be fixed at six months, plus
7 court costs, relocation and medical expenses, if any, of the
8 person whose name was placed on the pesticide hypersensitivity
9 registry and who suffered injury as a result of the pesticide.

10 Section 4. This act shall take effect in 60 days.