

1 AN ACT relating to pesticide application notice requirements.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 217 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Application" means pesticide application by any means, including*
7 *application aerially or by ground;*

8 *(b) "Pest" has the same meaning as in KRS 217.544;*

9 *(c) "Pesticide" has the same meaning as in KRS 217.544; and*

10 *(d) "Residential area" means any land that is zoned for purposes other than*
11 *agricultural purposes and that has a residential density of one (1) or more*
12 *residence per acre.*

13 *(2) Any state or local government entity that engages in or directs the application of*
14 *a pesticide in a residential area for the purposes of controlling disease-bearing*
15 *pest populations shall, no later than forty-eight (48) hours prior to the*
16 *application:*

17 *(a) Directly notify, either in person or by telephone, the county judge/executive*
18 *for the county in which the application will occur and the mayor or the*
19 *highest elective executive officer of any city in which the application will*
20 *occur; and*

21 *(b) Give public notice in the county in which the application will occur, using*
22 *all reasonable means to disseminate information required under this*
23 *paragraph as widely as possible. The public notice shall include but not be*
24 *limited to public or online posting to the entity's Web site of:*

25 *1. A copy of any United States Environmental Protection Agency permit*
26 *or other permit under which the pesticide will be applied;*

27 *2. Any technical information, if available, about the pesticide being*

- 1 applied, including the source of the technical information and its
2 publication date;
- 3 3. The projected area over which the application of the pesticide will
4 occur;
- 5 4. The time and predicted duration of the application period; and
- 6 5. Contact information for the state or local government entity or entities
7 engaging in or directing the application of the pesticide.
- 8 (3) The state or local government entity required to give notice under subsection (2)
9 of this section shall give additional public notice every seven (7) days that the
10 application of pesticide continues from the original application date, and it shall
11 also give notice when the application has terminated.
- 12 (4) If multiple state or local government entities coordinate to engage in or direct the
13 application of a pesticide in a residential area for the purposes of controlling
14 disease-bearing pest populations, then the entities shall also coordinate to
15 determine which single entity shall provide the notices required under
16 subsections (2) and (3) of this section.