

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1226 Session of
2023

INTRODUCED BY SAPPEY, JAMES, M. MACKENZIE, HOHENSTEIN, SANCHEZ,
MADDEN, BURGOS, PIELLI, HOWARD, SHUSTERMAN, FREEMAN, KINKEAD
AND OTTEN, MAY 24, 2023

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 24, 2023

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in bees, providing for requirements of registration
3 and for notification of pesticide application.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
7 is amended by adding sections to read:

8 § 2105.1. Requirements of registration.

9 (a) Registration.--In accordance with the provisions of
10 section 2105 (relating to registration of apiaries), the owner
11 of an apiary located in this Commonwealth shall register the
12 apiary with the department.

13 (b) Registry.--The department shall maintain a registry of:

14 (1) The name and complete mailing and email address of
15 the owner of the apiary and the name and complete mailing and
16 email address of the person primarily responsible for
17 maintaining and caring for the apiary if different from the

1 owner.

2 (2) The exact location or locations of each apiary.

3 (3) The number of colonies contained in the apiary.

4 (4) A telephone number and nighttime telephone number of
5 the person primarily responsible for caring for the apiary.

6 (5) Such other information as the department may
7 require.

8 (c) Distribution of registry.--The department shall
9 distribute the current registry to each licensed commercial and
10 public pesticide application business on or before March 1 and
11 July 15 of each year. Individuals may not be considered
12 officially included on the registry unless their names appear on
13 the current registry.

14 § 2105.2. Notification of pesticide application.

15 (a) Pesticide application.--Prior to a pesticide application
16 being made by a commercial or public pesticide application
17 business, the following conditions shall be met:

18 (1) Each owner of an apiary or the person primarily
19 responsible for maintaining and caring for the apiary, if
20 different from the owner, who is listed on the current
21 registry and whose primary residence or secondary location's
22 property line is within 500 feet of the application site
23 shall be notified of the pesticide application.

24 (2) Notification shall consist of providing the
25 following information to the owner of an apiary or the person
26 primarily responsible for maintaining and caring for the
27 apiary if different from the owner listed on the registry:

28 (i) Date, location of application site, earliest
29 possible start time and latest possible finish time of
30 application. The range between start and finish times may

1 be no greater than 24 hours.

2 (ii) Brand name, EPA number and active ingredient
3 common name, if on the label, of the pesticide products
4 which may be used.

5 (iii) The name, telephone number and pesticide
6 business license number of the pesticide application
7 business.

8 (iv) A copy of the label for every pesticide used
9 within 10 days of a written request.

10 (3) Notification shall be made between 24 and 72 hours
11 prior to the pesticide application.

12 (4) Notification shall be made by telephone, personal
13 contact or certified mail or, if available, email or
14 facsimile. The following shall apply:

15 (i) Notification requirements are met through
16 constructive notification to each hypersensitive person
17 identified in the register by means of daytime or
18 nighttime communication or if the information is given to
19 an adult contacted by dialing the alternate telephone
20 number.

21 (ii) If notification cannot be made after at least
22 two telephone contact attempts, notification may be made
23 by placing the written notification information on the
24 front door of the listed residence or secondary location
25 listed in the registry within 500 feet of the application
26 site 24 to 72 hours prior to the application and an email
27 notification shall be sent.

28 (iii) A record shall be kept of every contact and
29 contact attempt made under this paragraph.

30 (b) Exceptions.--The following types of application do not

1 require notification under this section:

2 (1) An application of a pesticide in a tamper-resistant
3 bait station.

4 (2) An application of a disinfectant or sanitizer.

5 (3) Application of a pesticide in the care and
6 maintenance of a swimming pool.

7 (c) Recordkeeping.--A record of the notification information
8 required under this section, including the time and method of
9 notification, shall be made within 24 hours following the
10 application and maintained for at least three years and shall be
11 made immediately available to the department upon request.

12 Section 2. This act shall take effect in 60 days.