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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2569 Session of  
2024

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INTRODUCED BY O'MARA, SANCHEZ, BOROWSKI, GUENST, HILL-EVANS,  
GIRAL, DALEY AND GREEN, SEPTEMBER 19, 2024

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 19, 2024

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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 delegation of duties and exclusion of local  
8 laws and regulations.

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

11 Section 1. Section 37 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 to read:

14 Section 37. Delegation of Duties; [Exclusion] Limitation of  
15 Local Laws and Regulations.--(a) All authority vested in the  
16 secretary by virtue of the provisions of this act may with like  
17 force and effect be executed by such employes of the  
18 Commonwealth as the secretary may from time to time designate  
19 for said purpose.

20 (b) This act and its provisions are of Statewide concern and  
21 occupy the whole field of regulation regarding the registration,

1 sale, transportation, distribution, notification of use, and use  
2 of pesticides to the exclusion of all local regulations. Except  
3 as otherwise specifically provided in this act, no ordinance or  
4 regulation of any political subdivision or home rule  
5 municipality may prohibit or in any way attempt to regulate any  
6 matter relating to the registration, sale, transportation,  
7 handling or use of pesticides, if any of these ordinances, laws  
8 or regulations are in conflict with this act.

9 (c) Notwithstanding subsection (b), a municipal corporation  
10 may, by ordinance, establish a restricted application district  
11 in a contiguous geographic area where the population density is  
12 not less than three hundred persons per square mile. The  
13 ordinance under this subsection may limit or prohibit the  
14 application of specified pesticides in outdoor areas by a  
15 commercial applicator, or a pesticide application technician on  
16 behalf of a commercial applicator, on privately held property.  
17 The scope of authority under this subsection shall not include  
18 the regulation of aerial application, applications on public  
19 property, applications on agricultural property or applications  
20 by public applicators.

21 (d) The Department of Community and Economic Development  
22 shall, within one hundred twenty days of the effective date of  
23 this subsection, prepare a sample advisory ordinance that may be  
24 used by a municipal corporation to exercise the authority  
25 delegated under subsection (c).

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