

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB1906

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Kory

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Residential automatic pesticide misting systems; prohibition; civil penalties.

5. Summary: This bill prohibits, beginning January 1, 2020, the installation or use of any residential automatic pesticide misting system, which the bill defines as a device that is designed to be installed on the grounds of or on, near, or around the exterior of a residential dwelling and to automatically spray a pesticide solution at timed intervals. The bill authorizes the Board of Agriculture and Consumer Services to assess a penalty for each day of violation and to adopt regulations to carry out the provisions of the bill.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See item 8.

8. Fiscal Implications: The fiscal impact of this bill on the Department of Agriculture and Consumer Services (VDACS) is indeterminate. This bill prohibits the installation or use of a residential automatic pesticide misting system on or around the exterior of a residential dwelling and will require VDACS to regulate a specific type of equipment used to apply pesticides.

Currently, the Pesticide Control Act (Va. Code § 3.2-3900 et seq.) provides authority to VDACS for the registration and application of pesticide products, not the regulation of pesticide application equipment. The agency does not collect information related to inventories of pesticide application equipment; thus, the number of automatic pesticide misting systems used statewide is unknown. The bill provides for the Board of Agriculture and Consumer Services to assess a civil penalty for violation of the provisions of the bill. However, at this time, it is not possible to estimate the number of complaints and associated investigations that may result from this bill. As such, revenue associated with and penalties assessed is indeterminate. The bill does not specify where the civil penalty revenue will be deposited. Administration of the Pesticide Control Act is a nongeneral fund supported program.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services.

10. Technical Amendment Necessary: None.

11. Other Comments: None.