

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Purdom, Beatty, Roric, Willems, Steele, Hunton, and Curran**

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For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
9 PROMULGATE A LIST OF APPROVED PESTICIDES AND OTHER
10 AGRICULTURAL CHEMICALS WHICH ARE SAFE FOR THE OCCUPATIONAL
11 EXPOSURE OF CHILDREN EMPLOYED IN HAND HARVESTING SHORT
12 SEASON CROPS; AND FOR OTHER PURPOSES."

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Subtitle

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15 "TO AUTHORIZE DEPARTMENT OF HEALTH TO PROMULGATE A LIST OF
16 APPROVED PESTICIDES AND CHEMICALS SAFE FOR OCCUPATIONAL
17 EXPOSURE OF CHILDREN."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. (a) The Director of the Department of Health is authorized
22 to establish by regulation a list of approved pesticides and other
23 agricultural chemicals which are safe for the occupational exposure of
24 children twelve (12) and thirteen (13) years of age employed in hand
25 harvesting short season crops. The Director of the Department of Health is
26 also authorized to establish by regulation safe reentry times for children
27 twelve (12) and thirteen (13) years of age so employed.

28 (b) Any employer, individual, corporation, group or association which
29 proposes the approval of any pesticide or other agricultural chemical for
30 inclusion on this list shall pay the Department of Health a fee for conducting
31 any necessary study or risk assessment. Such fee shall be established by
32 regulation of the Department of Health and shall be deposited in the State
33 Treasury to the Public Health Fund Account.

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35 SECTION 2. Children ages twelve (12) years of age and older may be

1 employed to hand harvest short season crops provided that:

2 (1) school is not in session;

3 (2) written parental consent has been obtained by the employer;

4 (3) an employment certificate has been obtained from the Director of
5 the Department of Labor pursuant to Ark. Code Ann. §11-6-109;

6 (4) no pesticide or other agricultural chemical has been used on the
7 crop except those approved by the Department of Health pursuant to Section 1
8 of this act; and

9 (5) any pesticide or other agricultural chemical used on the crop has
10 been applied and utilized in compliance with the worker protection standards
11 established by the federal Environmental Protection Agency and the Arkansas
12 Department of Health.

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14 SECTION 3. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 4. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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27 SECTION 6. EMERGENCY. It is hereby found and determined by the General
28 Assembly that minor children employed in the harvesting of crops need
29 additional protection from agricultural chemicals applied to those crops; this
30 act will provide more protection, and therefore this act should go into effect
31 immediately. Therefore, an emergency is hereby declared to exist and this act
32 being necessary for the preservation of the public peace, health and safety
33 shall be in full force and effect from and after its passage and approval.

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