SPONSOR: Rep. Schwartzkopf & Rep. D. Short & Sen. Lopez & Sen. Ennis
Reps. Baumbach, Bentz, Carson, Dukes, Gray, Heffernan, Hensley, Hudson, Jaques, Q. Johnson, Keeley, Kenton, Kowalko, Longhurst, Lynn, Miro, Mitchell, Mulrooney, Osienski, Outten, Potter, Ramone, B. Short, M. Smith, Smyk, Spiegelman, Viola, K. Williams, Wilson, Yearick; Sens. Blevins, Bushweller, Hall-Long, Henry, Hocker, Lavelle, Marshall, McDowell, Pettyjohn, Richardson, Sokola

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 290

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO TICK CONTROL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 30J. Tick Control.

§ 3001J. Definitions.

As used in this chapter:

(1) "Department" means the Department of Natural Resources and Environmental Control.

(2) "Public lands" includes federal, state, county, municipal, or other government-owned lands.

(3) "Secretary" means the Secretary of the Department of Natural Resources and Environmental Control.

§ 3002J. Tick Control.

To further the State's interest in tick control for the prevention or reduction of tick-borne diseases, the Department may take all necessary and appropriate actions as follows:

(1) Enter upon public lands for the purposes of determining the nature and extent of tick-infested areas and the presence of tick-host animals or tick-inhabited vegetation, taking control actions as warranted, and providing relevant educational programs.

a. Control actions on public lands may include:

1. Selective acaricide use.

2. Use of biological controls, management of tick-host animal populations or tick-inhabited vegetation, or other appropriate methods.

b. When performing control actions on public lands, the Department shall:

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1. Coordinate all tick-related survey or control work on public lands with the appropriate public lands owner or manager.

2. Perform all control actions in an environmentally responsible manner and, to the extent practicable, avoid adversely affecting flora and fauna.

3. Perform all control actions only after any required federal or state permits have been obtained.

4. Educate public lands owners or managers about:

A. Tick-prone habitats on their lands.

B. Tick control or habitat management practices that may assist in reducing tick populations on public lands.

(2) On invitation or approval of private property owners or their authorized representatives, enter upon private property for any of the following purposes:

a. Undertaking Department-conducted, tick-related scientific research or tick surveys.

b. Identifying tick-prone habitats.

c. Advising private property owners as to proper tick control or habitat management measures that may reduce tick populations on their lands.

(3) Develop and implement a statewide Integrated Pest Management strategy for tick control.

(4) At the Secretary's discretion, the Department may promulgate regulations to effectuate the purposes of this chapter.

Section 2. This Act shall become effective upon the General Assembly appropriating funds required to carry out the purpose of this Act.

SYNOPSIS

This Act is the result of the findings of the Lyme Disease Prevention Task Force ("the Task Force"). On June 1, 2015, the Task Force issued a report that made several recommendations. One of the recommendations was to "[d]evelop on a statewide basis a science-based Integrated Pest Management strategy incorporating acaricide use, biological controls, management of tick-host animals and backyard habitat management." To implement this strategy, the Task Force recommended a change to state law to allow the Department of Natural Resources and Environmental Control to address ticks and be involved in field control operations for ticks.

This Act amends the powers and duties of the Department of Natural Resources and Environmental Control by granting it the authority to address tick mitigation in the manner recommended by the Task Force.