

SECOND REGULAR SESSION

# SENATE BILL NO. 622

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3562S.011

## AN ACT

To repeal section 281.260, RSMo, and to enact in lieu thereof one new section relating to pesticide registration.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 281.260, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 281.260, to read as follows:

281.260. 1. Every pesticide which is distributed, sold, offered for sale or  
2 held for sale within this state, or which is delivered for transportation or  
3 transported in intrastate commerce or between points within this state through  
4 any point outside of this state, shall be registered in the office of the director, and  
5 the registration shall be renewed annually.

6 2. The registrant shall file with the director a statement including:

7 (1) The name and address of the registrant and the name and address of  
8 the person whose name will appear on the label, if other than the registrant;

9 (2) The name of the pesticide;

10 (3) Classification of the pesticide; and

11 (4) A complete copy of the labeling accompanying the pesticide and a  
12 statement of all claims to be made for it, including directions for use.

13 3. [The registrant shall pay an annual fee of fifteen dollars] For each  
14 product registered in any calendar year or part thereof, **the registrant shall**  
15 **pay an annual fee of one hundred fifty dollars plus one-fifth of one**  
16 **percent of the product's gross sales within the state, with the combined**  
17 **fee total not to exceed one thousand five hundred dollars per**  
18 **product. Fifteen dollars from** the fee shall be deposited in the state treasury  
19 to the credit of the general revenue fund **and the remainder shall be credited**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 **to the pesticide fee fund created in this section.** All such registrations  
21 shall expire on December thirty-first of any one year, unless sooner canceled. A  
22 registration for a special local need pursuant to subsection 6 of this section, which  
23 is disapproved by the federal government, shall expire on the effective date of the  
24 disapproval.

25 4. Any registration approved by the director and in effect on the  
26 thirty-first day of December for which a renewal application has been made and  
27 the proper fee paid shall continue in full force and effect until such time as the  
28 director notifies the applicant that the registration has been renewed, or  
29 otherwise denied, in accord with the provisions of subsection 8 of this  
30 section. Forms for reregistration shall be mailed to registrants at least ninety  
31 days prior to the expiration date.

32 5. If the renewal of a pesticide registration is not filed prior to January  
33 first of any one year, an additional fee of [five] **fifty** dollars shall be assessed and  
34 added to the original fee and shall be paid by the applicant before the registration  
35 renewal for that pesticide shall be issued; provided, that, such additional fee shall  
36 not apply if the applicant furnishes an affidavit certifying that he did not  
37 distribute such unregistered pesticide during the period of nonregistration. The  
38 payment of such additional fee is not a bar to any prosecution for doing business  
39 without proper registry. **Five dollars of any fee collected under this**  
40 **subsection shall be credited to the general revenue fund and the**  
41 **remainder of the fee shall be credited to the pesticide fee fund created**  
42 **in this section.**

43 6. Provided the state complies with requirements of the federal  
44 government to register pesticides to meet special local needs, the director shall  
45 require that registrants comply with sections 281.210 to 281.310 and pertinent  
46 federal laws and regulations. Where two or more pesticides meet the  
47 requirements of this subsection, one shall not be registered in preference to the  
48 other.

49 7. The director may require the submission of the complete formula of any  
50 pesticide to approve or deny product registration. If it appears to the director  
51 that the composition and efficacy of the pesticide is such as to warrant the  
52 proposed claims for it and if the pesticide and its labeling and other material  
53 required to be submitted comply with the requirements of sections 281.210 to  
54 281.310, he shall register the pesticide.

55 8. Provided the state is authorized to issue experimental use permits, the

56 director may:

57 (1) Issue an experimental use permit to any person applying for an  
58 experimental use permit if he determines that the applicant needs such permit  
59 in order to accumulate information necessary to register a pesticide under  
60 sections 281.210 to 281.310. An application for an experimental use permit may  
61 be filed at the time of or before or after an application for registration is filed;

62 (2) Prescribe terms, conditions, and period of time for the experimental  
63 permit which shall be under the supervision of the director;

64 (3) Revoke any experimental permit, at any time, if he finds that its terms  
65 or conditions are being violated, or that its terms and conditions are inadequate  
66 to avoid unreasonable adverse effects on the environment.

67 9. If it does not appear to the director that the pesticide is such as to  
68 warrant the proposed claims for it or if the pesticide and its labeling and other  
69 material required to be submitted do not comply with the provisions of sections  
70 281.210 to 281.310 or with federal laws, he shall notify the registrant of the  
71 manner in which the pesticide, labeling, or other material required to be  
72 submitted fail to comply with sections 281.210 to 281.310 or with federal laws so  
73 as to afford the registrant an opportunity to make the necessary corrections. If,  
74 upon receipt of such notice, the registrant insists that such corrections are not  
75 necessary and requests in writing that the pesticide be registered or, in the case  
76 of a pesticide that is already registered, that it not be canceled, the director,  
77 within ninety days, shall hold a public hearing to determine if the pesticide in  
78 question should be registered or canceled. If, after such hearing, it is determined  
79 that the pesticide should not be registered or that its registration should be  
80 canceled, the director may refuse registration or cancel an existing registration  
81 until the required label changes are accomplished. If the pesticide is shown to  
82 be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide  
83 will be registered. Any appeals resulting from administrative decisions by the  
84 director will be taken in accordance with sections 536.100 to 536.140, RSMo.

85 10. Notwithstanding any other provision of sections 281.210 to 281.310,  
86 registration is not required in the case of a pesticide shipped from one plant or  
87 warehouse within this state to another plant or warehouse within this state when  
88 such plants are operated by the same persons.

89 11. The director shall not make any lack of essentiality a criterion for  
90 denying registration of a pesticide except where none of the labeled uses are  
91 present in the state. Where two or more pesticides meet the requirements of

92 sections 281.210 to 281.310, one shall not be registered in preference to the other.

93           12. Notwithstanding any other provision of law to the contrary, the  
94 director may allow a reasonable period of time for the retailer to dispose of  
95 existing stocks of pesticides after the manufacturer or distributor has ceased to  
96 register the product with the state. The method of disposal shall be determined  
97 by the director.

98           **13. There is hereby created in the state treasury the "Pesticide**  
99 **Fee Fund", which shall consist of money collected under this**  
100 **section. The state treasurer shall be custodian of the fund and may**  
101 **approve disbursements from the fund in accordance with sections**  
102 **30.170 and 30.180. Upon appropriation, money in the fund shall be used**  
103 **solely for the administration of programs by the department of**  
104 **agriculture. Notwithstanding the provisions of section 33.080 to the**  
105 **contrary, any moneys remaining in the fund at the end of the biennium**  
106 **shall not revert to the credit of the general revenue fund. The state**  
107 **treasurer shall invest moneys in the fund in the same manner as other**  
108 **funds are invested. Any interest and moneys earned on such**  
109 **investments shall be credited to the fund.**

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