

SECOND REGULAR SESSION

SENATE BILL NO. 1093

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6772S.011

AN ACT

To repeal section 281.260, RSMo, and to enact in lieu thereof two new sections relating to pesticides.

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

Section A. Section 281.260, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 281.260 and 281.265, to read as
3 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 [one] **four** hundred fifty
14 dollars for each product registered in any calendar year or part thereof. The fee
15 shall be deposited in the state treasury to the credit of the agriculture protection
16 fund created in section 261.200 to be used solely to administer the pest and
17 pesticide programs of the department of agriculture. **The director may**
18 **deposit up to seven percent of the fee in the pesticide education fund**

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

19 **under section 281.265.** If the funding exceeds the reasonable costs to
20 administer the programs as set forth herein, the department of agriculture shall
21 reduce fees for all registrants [if the fees derived exceed the reasonable cost of
22 administering the pest and pesticide programs of the department of agriculture].
23 All such registrations shall expire on December thirty-first of any one year,
24 unless sooner cancelled. A registration for a special local need pursuant to
25 subsection 6 of this section, which is disapproved by the federal government, shall
26 expire on the effective date of the disapproval.

27 4. Any registration approved by the director and in effect on the
28 thirty-first day of December for which a renewal application has been made and
29 the proper fee paid shall continue in full force and effect until such time as the
30 director notifies the applicant that the registration has been renewed, or
31 otherwise denied, in accord with the provisions of subsection [8] 9 of this
32 section. Forms for reregistration shall be mailed to registrants at least ninety
33 days prior to the expiration date.

34 5. If the renewal of a pesticide registration is not filed prior to January
35 first of any one year, an additional fee of fifty dollars shall be assessed and added
36 to the original fee and shall be paid by the applicant before the registration
37 renewal for that pesticide shall be issued; provided, that, such additional fee shall
38 not apply if the applicant furnishes an affidavit certifying that he **or she** did not
39 distribute such unregistered pesticide during the period of nonregistration. The
40 payment of such additional fee is not a bar to any prosecution for doing business
41 without proper registry. The fee shall be credited to the agriculture protection
42 fund created under section 261.200 to be used solely to administer the pest and
43 pesticide programs of the department of agriculture. If the funding exceeds the
44 reasonable cost to administer the programs as set forth herein, the department
45 of agriculture shall reduce fees for all registrants if the fees derived exceed the
46 reasonable cost of administering the pest and pesticide programs of the
47 department of agriculture.

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

54 7. The director may require the submission of the complete formula of any

55 pesticide to approve or deny product registration. If it appears to the director
56 that the composition and efficacy of the pesticide is such as to warrant the
57 proposed claims for it and if the pesticide and its labeling and other material
58 required to be submitted comply with the requirements of sections 281.210 to
59 281.310, he **or she** shall register the pesticide.

60 8. Provided the state is authorized to issue experimental use permits, the
61 director may:

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

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

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

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

90 10. Notwithstanding any other provision of sections 281.210 to 281.310,

91 registration is not required in the case of a pesticide shipped from one plant or
92 warehouse within this state to another plant or warehouse within this state when
93 such plants are operated by the same persons.

94 11. The director shall not make any lack of essentiality a criterion for
95 denying registration of a pesticide except where none of the labeled uses are
96 present in the state. Where two or more pesticides meet the requirements of
97 sections 281.210 to 281.310, one shall not be registered in preference to the other.

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

281.265. There is hereby created in the state treasury the
2 **“Pesticide Education Fund”, which shall consist of any moneys or fees**
3 **appropriated to the fund as well as a portion of any fees collected by**
4 **the department of agriculture under section 281.260 and deposited by**
5 **the director that are not otherwise placed in the state treasury to the**
6 **credit of the agriculture protection fund under section 261.200. The**
7 **state treasurer shall be custodian of the fund. In accordance with**
8 **sections 30.170 and 30.180, the state treasurer may approve**
9 **disbursements. The fund shall be a dedicated fund and, upon**
10 **appropriation, moneys in the fund shall be used solely to provide**
11 **funding for pesticide applicator certification programs, pesticide**
12 **education programs, and pesticide waste and container disposal**
13 **programs. Notwithstanding the provisions of section 33.080 to the**
14 **contrary, any moneys remaining in the fund at the end of the biennium**
15 **shall not revert to the credit of the general revenue fund. The state**
16 **treasurer shall invest moneys in the fund in the same manner as other**
17 **funds are invested. Any interest and moneys earned on such**
18 **investments shall be credited to the fund.**

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