

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1956

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor) AND MUNZLINGER (Co-sponsor).

Read 1st time January 31, 2008 and copies ordered printed.

Read 2nd time February 4, 2008 and referred to the Special Committee on Agri-business February 21, 2008.

Reported from the Special Committee on Agri-business March 12, 2008 with recommendation that the bill Do Pass by Consent.  
Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 25, 2008 with recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfected by Consent April 1, 2008.

D. ADAM CRUMBLISS, Chief Clerk

4610L.01P

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## AN ACT

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

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

Section A. Sections 281.260, RSMo, is repealed and two new sections enacted in lieu  
2 thereof, to be known as sections 281.217 and 281.260, to read as follows:

**281.217. 1. There is hereby created in the state treasury the "Pesticide Fee Fund",**  
2 **which shall consist of moneys collected from annual registration fees under section 281.260.**  
3 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**  
4 **30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation,**  
5 **money in the fund shall be used solely for the administration of programs within the**  
6 **bureau of pesticide control within the department of agriculture.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7           **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**  
8 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**  
9 **the general revenue fund.**

10           **3. The state treasurer shall invest moneys in the fund in the same manner as other**  
11 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
12 **to the fund.**

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

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

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

8           (2) The name of the pesticide;

9           (3) Classification of the pesticide; and

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

12           **3. Beginning January 1, 2009,** the registrant shall pay an annual fee of [fifteen] **fifty**  
13 **dollars** for each product registered in any calendar year or part thereof. The fee shall be  
14 deposited in the state treasury to the credit of the [general revenue fund] **pesticide fee fund**  
15 **established in section 281.217.** All such registrations shall expire on December thirty-first of  
16 any one year, unless sooner canceled. A registration for a special local need pursuant to  
17 subsection 6 of this section, which is disapproved by the federal government, shall expire on the  
18 effective date of the disapproval.

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

25           5. If the renewal of a pesticide registration is not filed prior to January first of any one  
26 year, an additional fee of five dollars shall be assessed and added to the original fee and shall be  
27 paid by the applicant before the registration renewal for that pesticide shall be issued; provided,  
28 that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he  
29 did not distribute such unregistered pesticide during the period of nonregistration. The payment  
30 of such additional fee is not a bar to any prosecution for doing business without proper registry.

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

36           7. The director may require the submission of the complete formula of any pesticide to  
37 approve or deny product registration. If it appears to the director that the composition and  
38 efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and  
39 its labeling and other material required to be submitted comply with the requirements of sections  
40 281.210 to 281.310, he shall register the pesticide.

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

42           (1) Issue an experimental use permit to any person applying for an experimental use  
43 permit if he determines that the applicant needs such permit in order to accumulate information  
44 necessary to register a pesticide under sections 263.269 to 263.380. An application for an  
45 experimental use permit may be filed at the time of or before or after an application for  
46 registration is filed;

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

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

52           9. If it does not appear to the director that the pesticide is such as to warrant the proposed  
53 claims for it or if the pesticide and its labeling and other material required to be submitted do not  
54 comply with the provisions of sections 281.210 to 281.310 or with federal laws, he shall notify  
55 the registrant of the manner in which the pesticide, labeling, or other material required to be  
56 submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford  
57 the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice,  
58 the registrant insists that such corrections are not necessary and requests in writing that the  
59 pesticide be registered or, in the case of a pesticide that is already registered, that it not be  
60 canceled, the director, within ninety days, shall hold a public hearing to determine if the pesticide  
61 in question should be registered or canceled. If, after such hearing, it is determined that the  
62 pesticide should not be registered or that its registration should be canceled, the director may  
63 refuse registration or cancel an existing registration until the required label changes are  
64 accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310  
65 and federal laws, the pesticide will be registered. Any appeals resulting from administrative  
66 decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.

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

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

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