

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 662

99TH GENERAL ASSEMBLY

0071H.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 281, RSMo, by adding thereto one new section relating to the misuse of herbicides, with penalty provisions and an emergency clause.

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

Section A. Chapter 281, RSMo, is amended by adding thereto one new section, to be known as section 281.120, to read as follows:

281.120. 1. As used in this section, the following terms shall mean:

(1) **“Department”**, the department of agriculture;

(2) **“Field”**, agricultural land which is operated as part of a farm and which is separated from the rest of the farm by permanent boundaries including, but not limited to, fences, permanent waterways, woodlands, croplines not subject to change due to farming practices, and other similar features;

(3) **“Herbicide”**, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed;

(4) **“Volatile compound”**, a herbicide that is inherently volatile and has a vapor pressure of 10^{-3} mmHg or higher.

2. **If the department determines, after inquiry and opportunity for a hearing, that any individual has knowingly applied a herbicide to a crop for which the herbicide was not labeled for use, which resulted in the herbicide drifting or coming into contact with another individual’s field other than the field for which the herbicide was intended or onto another individual’s personal property, which resulted in damage to such field or personal property, the department shall have the authority to assess a civil penalty of up to one thousand dollars per applied acre. If an individual has violated the provisions of this**

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.

18 subsection in two consecutive years or in two of the last three years, he or she shall be
19 considered a chronic violator, and the department shall have the authority to assess a civil
20 penalty of up to two thousand dollars per applied acre.

21 3. During an active complaint investigation, the department may subpoena
22 witnesses and compel the production of books, documents, and certification records of any
23 individual relating to the individual's application of any herbicide to any field. If an
24 individual refuses to submit such information, the department may assess a civil penalty
25 of up to one thousand dollars per applied acre.

26 4. Any individual who is penalized under the provisions of this section shall be
27 liable for any reasonable costs associated with the department's testing of fields or personal
28 property affected by such herbicide use and shall remit such costs to the department.

29 5. Any penalty collected under this section shall be remitted to the school district
30 in which the violation occurred. If an individual penalized under this section fails to pay
31 the penalty, the department may apply to the circuit court of Cole County for, and the
32 court is authorized to enter, an order enforcing the assessed penalty.

33 6. The department, after inquiry and opportunity for a hearing, may deny,
34 suspend, revoke, or modify the provisions of any license, permit, or certification issued
35 under sections 281.010 to 281.115 if it finds that the applicant or holder of such license,
36 permit, or certification has violated any provision of this section or any regulation issued
37 hereunder.

38 7. The department may promulgate rules to implement the provisions of this
39 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
40 created under the authority delegated in this section shall become effective only if it
41 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
42 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
43 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
44 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
45 grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,
46 shall be invalid and void.

Section B. Because immediate action is necessary to ensure the vitality of the agricultural
2 industry in this state by preventing the devastating effects of the misuse of herbicides, the
3 enactment of section 281.120 of section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the enactment of section 281.120 of
6 section A of this act shall be in full force and effect upon its passage and approval.

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