

SECOND REGULAR SESSION

# HOUSE BILL NO. 2573

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RONE.

6577H.011

D. ADAM CRUMBLISS, Chief Clerk

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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Section A. Section 281.260, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 281.260 and 281.265, to read as follows:

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

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

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

(2) The name of the pesticide;

(3) Classification of the pesticide; and

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

3. The registrant shall pay an annual fee of ~~[one]~~ **four** hundred fifty dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the agriculture protection fund created in section 261.200 to be used solely to administer the pest and pesticide programs of the department of agriculture. **The director may deposit up to seven percent of the fee in the pesticide education fund under section 281.265.** If the funding exceeds the reasonable costs to administer the programs as set

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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