

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,
2 Section 84.400, Line 14, by inserting after all of said section and line the following:

3
4 "281.015. Sections 281.005 to 281.115 shall be administered by the director of the
5 department of agriculture of the state of Missouri[, hereafter referred to as the "director"].

6 281.020. As used in sections 281.010 to 281.115, the following terms mean:

7 (1) "Animal", all vertebrate and invertebrate species, including but not limited to man and
8 other mammals, birds, fish, and shellfish;

9 (2) "Applicator, operator or technician":

10 (a) "Certified applicator", any certified commercial applicator, certified noncommercial
11 applicator, certified private applicator, certified provisional private applicator, or certified public
12 operator;

13 (b) "Certified commercial applicator", any individual, whether or not [he] the individual is a
14 private applicator with respect to some uses, who is certified by the director as authorized to use,
15 supervise the use of, [or] determine the need for the use of, or supervise the determination of need
16 for any pesticide, whether classified for restricted use or for general use, while [he] the individual is
17 engaged in the business of using pesticides on the lands of another as a direct service to the public in
18 exchange for a fee or compensation;

19 [(b)] (c) "Certified noncommercial applicator", any individual, whether or not [he] the
20 individual is a private applicator with respect to some uses, who is certified by the director as
21 authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only
22 on lands owned or rented by [him] the individual or [his] the individual's employer;

23 [(e)] (d) "Certified private applicator", any individual who is certified by the director as
24 authorized to use[, or to supervise the use of,] any pesticide [which] that is classified for restricted
25 use for purposes of producing any agricultural commodity on property owned or rented by [him] the
26 individual or [his] the individual's employer or on the property of another person, if used without
27 compensation other than trading of personal services between producers of agricultural
28 commodities[, on the property of another person];

29 [(d)] (e) "Certified provisional private applicator", any individual who is sixteen or
30 seventeen years of age, an immediate family member of a certified private applicator, and certified
31 by the director to use any pesticide that is classified for restricted use for purposes of producing any
32 agricultural commodity on property owned or rented by the individual's immediate family member,
33 as long as the following requirements are met:

34 a. The restricted use pesticide is not a fumigant;

35 b. The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;

36 c. The individual does not apply any restricted use pesticide using aerial application

Action Taken _____ Date _____

1 equipment;

2 d. The individual does not supervise the use of any restricted use pesticide; and

3 e. The individual does not purchase any restricted use pesticide;

4 (f) "Certified public operator", any individual who is certified by the director as authorized
5 to use, or to supervise the use of, any pesticide classified for restricted use in the performance of
6 [his] the individual's duties as an official or employee of any agency of the state of Missouri or any
7 political subdivision thereof, or any other governmental agency;

8 [(e)] (g) "Noncertified restricted use pesticide applicator", any person who is not certified in
9 accordance with sections 281.010 to 281.115 who uses or determines the need for the use of
10 restricted use pesticides under the direct supervision of a certified commercial applicator or uses
11 restricted use pesticides under the direct supervision of a certified noncommercial applicator or
12 certified public operator;

13 (h) "Private applicator", any person not holding a certified private applicator's license or
14 certified provisional private applicator's license who [shall be required to obtain a permit for the use
15 of any restricted use pesticide] uses general use pesticides or minimum risk pesticides for the
16 purposes of producing any agricultural commodity on property owned or rented by [him] the person
17 or [his] the person's employer or on the property of another person, if used without compensation
18 other than trading of personal services between producers of agricultural commodities[, such permit
19 shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a
20 one-time emergency use of that pesticide];

21 [(f)] (i) "Pesticide technician", any individual working under the direct supervision of a
22 commercial applicator certified in categories as specified by regulation, and who having met the
23 competency requirements of [this chapter] sections 281.010 to 281.115, is authorized by the director
24 to determine the need for the use of any pesticide as well as to the use of any pesticide;

25 [(g)] (j) "Pesticide technician trainee", any individual working in the physical presence and
26 under the direct supervision of a certified commercial applicator to gain the required on-the-job
27 training in preparation for obtaining a pesticide technician's license;

28 (3) "Beneficial insects", those insects [which] that, during their life cycle, are effective
29 pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

30 (4) "Defoliant", any substance or mixture of substances intended for causing the leaves or
31 foliage to drop from a plant, with or without causing abscission;

32 (5) "Department" or "department of agriculture", the state department of agriculture, and
33 when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the
34 director of the department of agriculture is authorized to perform such duty;

35 (6) "Desiccant", any substance or mixture of substances intended for artificially accelerating
36 the drying of plant tissue;

37 [(6)] (7) "Determining the need for the use of any pesticide", the act of inspecting land for
38 the presence of pests for the purpose of contracting for their control or prevention through the use of
39 pesticides in categories as specified by regulation;

40 [(7)] (8) "Device", any instrument or contrivance, other than a firearm, [which] that is
41 intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or
42 animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living
43 man or other living animals, but not including equipment used for the application of pesticides when
44 sold separately therefrom;

45 (9) "Director", the director of the department of agriculture or the director's designee;

46 (10) "Distribute", to sell, offer for sale, hold for sale, deliver for transportation in intrastate
47 commerce, or transport in intrastate commerce;

48 [(8)] (11) "Environment" includes, but is not limited to, water, air, land, and all plants and
49 man and other animals living therein, and the interrelationships [which] that exist among these;

[9] (12) "Equipment" ~~[means]~~, any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[10] (13) "Fungus", any nonchlorophyll-bearing thallophyte, ~~[that]~~ which is, any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, such as, ~~[for example,]~~ rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) "General use pesticide", any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;

(15) "Immediate family", familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, "first cousin" means the child of a parent's sibling, i.e., the child of an aunt or uncle;

[11] (16) "Individual", any responsible, natural human being;

[12] (17) "Insect", any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, such as, ~~[for example,]~~ beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, such as, ~~[for example,]~~ spiders, mites, ticks, centipedes, and wood lice;

[13] (18) "Land", all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) "Minimum risk pesticide", any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[14] (20) "Misuse of a pesticide", a use of any ~~[registered]~~ pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

[15] (21) "Nematode", invertebrate animals of the phylum Nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) "Nontarget organism", any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[16] (23) "Person", any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

[17] (24) "Pest":

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, ~~[which]~~ that is normally considered to be a pest;

[18] (25) "Pesticide":

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or

mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

~~[(19)]~~ (26) "Pesticide dealer", any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) "Pesticide dealership", any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

~~[(20)]~~ (28) "Plant regulator", any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient mixtures or soil amendments ~~[which]~~ that are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and ~~[which]~~ that are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

~~[(21)]~~ "Private applicator permit", a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;

~~———(22)]~~ (29) "Restricted use pesticide" or "RUP", any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

~~[(23)]~~ (30) "Sale", selling or offering for sale any pesticide;

~~[(24)]~~ (31) "Snails" or "slugs" includes all harmful mollusks;

~~[(25)]~~ (32) "Unreasonable adverse effects on the environment", any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

~~[(26)]~~ (33) "Under the direct supervision of a certified applicator", when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

~~[(27)]~~ (34) "Use", mixing, loading, or applying~~[-, storing or disposing of a]~~ any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, or other pesticide-containing materials;

~~[(28)]~~ (35) "Weed", any plant ~~[which]~~ that grows where not wanted; ~~and~~

~~———(29)]~~ (36) "Wildlife", all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall

encompass all reasonable factors ~~[which]~~ that the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if ~~[he]~~ the director finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. ~~[The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]~~

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides ~~[which]~~ that have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator~~[-, or a private applicator with a permit]~~. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. 1. The director may, by regulation, classify ~~[certified applicator, operator or technician]~~ licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, provisional private applicators, public operators ~~[or]~~ , pesticide technicians, or noncertified RUP applicators. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if ~~[he]~~ the individual is certified in one or all of the certification categories provided under the license for which ~~[he]~~ the individual has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the use

1 of, supervising the use of, supervising the determination of the need for the use of, or using any
 2 pesticide, in categories as specified by regulation, on the lands of another at any time without a
 3 certified commercial applicator's license issued by the director. A certified commercial applicator
 4 shall not determine the need for the use of, supervise the use of, supervise the determination of the
 5 need for the use of, or use any pesticide for any particular purpose unless ~~[he or she]~~ the certified
 6 commercial applicator has demonstrated ~~[his or her]~~ such certified commercial applicator's
 7 competence to use pesticides for that purpose by being certified by the director in the proper
 8 certification category. The director shall require an annual fee of sixty-five dollars for each certified
 9 commercial applicator's license issued. No certified commercial applicator shall knowingly
 10 authorize, direct, or instruct any individual to engage in determining the need for the use of or using
 11 any general use pesticide or minimum risk pesticide on the land of another at any time unless such
 12 individual is a pesticide technician or pesticide technician trainee in such categories as specified by
 13 regulation or is working under the direct supervision of a certified commercial applicator so
 14 authorizing, directing or instructing, in which case the certified commercial applicator shall be liable
 15 for any use of a general use pesticide or minimum risk pesticide by an individual operating under
 16 ~~[his or her]~~ the certified commercial applicator's direct supervision. The certified commercial
 17 applicator or the employer shall assure that the director is informed in writing within ten ~~[working]~~
 18 days of the employment of any person as a pesticide technician or pesticide technician trainee.

19 2. No certified commercial applicator shall knowingly authorize, direct, or instruct any
 20 individual to engage in determining the need for the use of or using any restricted use pesticide on
 21 the land of another at any time unless such individual is licensed as a noncertified RUP applicator
 22 while working under the direct supervision of a certified commercial applicator so authorizing,
 23 directing, or instructing, in which case the certified commercial applicator shall be liable for any use
 24 of a restricted use pesticide by an individual operating under the certified commercial applicator's
 25 direct supervision.

26 3. Application for a certified commercial applicator's license shall be ~~[made in writing]~~
 27 submitted to the director on a designated form obtained from the ~~[director's office]~~ department.
 28 Each application shall include such information as prescribed by the director by regulation.

29 ~~[3.]~~ 4. The director shall not issue a certified commercial applicator's license until the
 30 applicant is certified by passing an examination provided by the director to demonstrate to the
 31 director ~~[his or her]~~ the applicant's competence and knowledge of the proper use of pesticides under
 32 the classifications ~~[he or she]~~ the applicant had applied for, and ~~[his or her]~~ the applicant's
 33 knowledge of the standards prescribed by regulations for the certification of commercial applicators.

34 ~~[4.]~~ 5. The director may renew any certified commercial applicator's license under the
 35 classification for which such applicant is licensed, ~~[subject to]~~ upon successful completion of
 36 approved recertification training or reexamination for additional knowledge that may be required to
 37 use pesticides safely and properly either manually or with equipment the applicant has been licensed
 38 to operate.

39 ~~[5.]~~ 6. If the director finds the applicant qualified to use pesticides in the classification for
 40 which application has been made, and if the applicant files evidence that the requirement for bonds
 41 or insurance has been met as required under section 281.065, the director shall issue a certified
 42 commercial applicator's license limited to the classifications for which ~~[he or she]~~ the applicant is
 43 qualified, which shall expire one year from date of issuance unless ~~[it]~~ the license has been revoked
 44 or suspended prior thereto by the director for cause; provided, such financial responsibility required
 45 under section 281.065 does not expire at an earlier date, in which case ~~[said]~~ the license shall expire
 46 upon the expiration date of the financial responsibility. The director may limit the license of the
 47 applicant to the use of certain ~~[restricted use]~~ pesticides, or to certain areas, or to certain types of
 48 equipment if the applicant is only so qualified. If a license is not issued as applied for, the director
 49 shall inform the applicant in writing of the reasons therefor.

[6-] 7. The director shall require each certified commercial applicator or ~~[his or her]~~ the certified commercial applicator's employer to maintain records with respect to applications of any pesticide, including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or ~~[his or her]~~ the certified commercial applicator's employer.

[7-] 8. A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of ~~[his or her]~~ such person's or individual's sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of ~~[his or her]~~ such person's or individual's sole certified commercial applicator.

[8-] 9. Every certified commercial applicator shall display ~~[his or her]~~ the certified commercial applicator's license in a prominent place at the site, location, or office from which ~~[he or she]~~ the certified commercial applicator will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9-] 10. Every certified commercial applicator who changes the address from which ~~[he or she]~~ the certified commercial applicator will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045~~], or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040]~~ shall not use, or supervise the use of, any ~~[restricted-use]~~ restricted use pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless ~~[he or she]~~ the certified noncommercial applicator has demonstrated ~~[his or her]~~ the certified noncommercial applicator's competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

3. Application for a certified noncommercial applicator license shall be ~~[made in writing]~~ submitted to the director on a designated form obtained from the ~~[director's office]~~ department. Each application shall include such information as prescribed by the director by regulation.

[3-] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director ~~[his or her]~~ the applicant's competence and knowledge of the proper use of pesticides under the classifications for which ~~[he or she]~~ the applicant has applied, and ~~[his or her]~~ the applicant's

1 knowledge of the standards prescribed by regulations for the certification of noncommercial
2 applicators.

3 [4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the
4 classification for which ~~[he or she]~~ the applicant has applied, the director shall issue a certified
5 noncommercial applicator license limited to the applicator categories in which ~~[he or she]~~ the
6 applicant is certified. The license shall expire one year from the date of issuance unless ~~[it]~~ the
7 license has been revoked or suspended prior thereto by the director for cause. The director may
8 limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or
9 to certain types of equipment if the applicant is only so qualified. If a license is not issued as
10 applied for, the director shall inform the applicant in writing of the reasons therefor.

11 [5.] 6. The director may renew any certified noncommercial applicator license under the
12 classification for which the license is issued ~~[subject to]~~ upon successful completion of approved
13 recertification training or reexamination for additional knowledge ~~[which]~~ that may be required to
14 apply pesticides safely and properly.

15 [6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial
16 applicator license issued.

17 [7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted
18 use pesticides only to or on lands or structures owned, leased or rented by ~~[himself or herself]~~ the
19 certified noncommercial applicator or ~~[his or her]~~ the certified noncommercial applicator's
20 employer.

21 [8.] 9. The director shall require the certified noncommercial applicator or ~~[his or her]~~ the
22 certified noncommercial applicator's employer to maintain records with respect to applications of
23 restricted use pesticides. Any relevant information ~~[which]~~ that the director may deem necessary
24 may be required by regulation. Such records shall be kept for a period of three years from the date
25 of the application of the pesticide to which such records refer, and the director shall, upon request in
26 writing, be furnished with a copy of such records by any certified noncommercial applicator or ~~[his~~
27 ~~or her]~~ the certified noncommercial applicator's employer.

28 [9.] 10. Every certified noncommercial applicator shall display ~~[his or her]~~ the certified
29 noncommercial applicator's license in a prominent place at the site, location, or office from which
30 ~~[he or she]~~ the certified noncommercial applicator will operate as a certified noncommercial
31 applicator; that place, location, or office being at the address printed on the license.

32 [10.] 11. Every certified noncommercial applicator who changes the address from which ~~[he~~
33 ~~or she]~~ the certified noncommercial applicator will operate as a certified noncommercial applicator
34 shall immediately notify the director. The director shall immediately issue a revised license upon
35 which shall be printed the changed address. The director shall not collect a fee for the issuance of a
36 revised license. The expiration date of the revised license shall be the same as the expiration date
37 for the original license.

38 281.038. 1. ~~[After July 1, 1990,]~~ No individual working under the direct supervision of a
39 certified commercial applicator shall determine the need for the use of or use any general use
40 pesticide ~~[nor use any]~~ or minimum risk pesticide in categories as specified by regulation, unless
41 and until the individual has met the requirements of ~~[this chapter]~~ sections 281.010 to 281.115.

42 2. Application for a pesticide technician's license shall be ~~[made in writing]~~ submitted to
43 the director on a designated form obtained from the ~~[director's office]~~ department. Each application
44 shall include such information as prescribed by the director by regulation and shall be received by
45 the director within forty-five days of employment of the pesticide technician or pesticide technician
46 trainee.

47 3. The director shall not issue a pesticide technician's license until the individual has
48 demonstrated ~~[his or her]~~ the applicant's competence by completion of an approved training program
49 to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which ~~[he or she]~~ the applicant is qualified, which shall expire one year from date of issuance unless ~~[it]~~ the license has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any ~~[restricted-use]~~ restricted use pesticide unless ~~[he]~~ the private applicator first complies with the requirements determined pursuant to subsection ~~[2 or 5]~~ 3 of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license or a certified provisional private applicator's license by [either] attending [a course or completing an online course of instruction] an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage, and application of [restricted-use] restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] certification training program, completion of the online certification training program, or passage of the required private applicator certification examination, the director shall issue a certified private applicator's license or certified provisional private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license~~[-, but the]~~. University of Missouri Extension [service may] shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online. [However, no fee] Such fees shall be assessed [or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.] based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote

unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:

- (1) The director;
- (2) The director of the University of Missouri Extension, or such director's designee;
- (3) The president of a statewide corn producers organization who actively grows corn, or such president's designee;
- (4) The president of a statewide soybean producers organization who actively grows soybeans, or such president's designee; and
- (5) The president of the state's largest general farm membership organization, or such president's designee.

~~[3.]~~ 4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] upon successful completion of approved recertification training or by passing the required private applicator certification examination.

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] 6. If the director does not qualify the private applicator under this section [he] , the director shall inform the applicant in writing of the reasons therefor.

~~[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]~~

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] the certified public operator has demonstrated [his] the certified public operator's competence to use pesticides for that purpose by being certified by the director in the proper certification category. ~~[Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]~~

3. No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified

1 public operator so authorizing, directing, or instructing, in which case the certified public operator
 2 shall be liable for any use of a restricted use pesticide by an individual operating under the certified
 3 public operator's direct supervision.

4 4. Application for a certified public operator license shall be ~~[made in writing]~~ submitted to
 5 the director on a designated form obtained from the ~~[director's office]~~ department. Each application
 6 shall include all information prescribed by the director by regulation.

7 ~~[4.]~~ 5. The director shall not issue a certified public operator license until the applicant is
 8 certified by passing an examination provided by the director to demonstrate to the director ~~[his]~~ the
 9 applicant's competence and knowledge of the proper use of pesticides under the classifications for
 10 which ~~[he]~~ the applicant has applied, and ~~[his]~~ the applicant's knowledge of the standards prescribed
 11 by regulations for the certification of public operators.

12 ~~[5.]~~ 6. If the director finds the applicant qualified to use pesticides in the classification for
 13 which ~~[he]~~ the applicant has applied, the director shall issue a license, without a fee, to the certified
 14 public operator who has so qualified. The certified public operator license shall be valid only when
 15 the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the
 16 course of ~~[his]~~ the operator's employment. A certified public operator license shall expire three
 17 years from the date of issuance unless ~~[it]~~ the license has been revoked or suspended prior thereto by
 18 the director for cause. The director may limit the license of the applicant to the use of certain
 19 restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only
 20 so qualified. If a license is not issued as applied for, the director shall inform the applicant in
 21 writing of the reasons therefor.

22 ~~[6.]~~ 7. The director may renew any certified public operator license under the classification
 23 for which that applicant is licensed~~[-, subject to]~~ upon successful completion of approved
 24 recertification training or reexamination for additional knowledge ~~[which]~~ that may be required to
 25 use pesticides safely and properly either manually or with equipment the applicant has been licensed
 26 to operate.

27 ~~[7.]~~ 8. The director shall require the certified public operator, or ~~[his]~~ the certified public
 28 operator's employer, to maintain records with respect to applications of restricted use pesticides.
 29 Any relevant information which the director may deem necessary may be required by regulation.
 30 Such records shall be kept for a period of three years from the date of the application of the pesticide
 31 to which such records refer, and the director shall, upon request in writing, be furnished with a copy
 32 of such records by any certified public operator or ~~[his]~~ the certified public operator's employer.

33 ~~[8.]~~ 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any
 34 person damaged by any use of any pesticide, which may be brought in the county where the damage
 35 or any part thereof occurred.

36 ~~[9.]~~ 10. Every certified public operator shall display ~~[his]~~ the certified public operator's
 37 license in a prominent place at the site, location, or office from which ~~[he]~~ the certified public
 38 operator will operate as a certified public operator, that place, location, or office being at the address
 39 printed on the license.

40 ~~[10.]~~ 11. Every certified public operator who changes the address from which ~~[he]~~ the
 41 certified public operator will operate as a certified public operator shall immediately notify the
 42 director. The director shall immediately issue a revised license upon which shall be printed the
 43 changed address. The director shall not collect a fee for the issuance of a revised license. The
 44 expiration date of the revised license shall be the same as the expiration date for the original license.

45 12. Any person who volunteers to work for a public agency may use general use pesticides
 46 without a license under the supervision of the public agency on lands owned or managed by the state
 47 agency, political subdivision, or governmental agency.

48 281.048. 1. No individual shall use or determine the need for the use of any restricted use
 49 pesticide while working under the direct supervision of a certified commercial applicator until the

1 individual has met the requirements of this section.

2 2. No individual shall use restricted use pesticides while working under the direct
 3 supervision of a certified noncommercial applicator or certified public operator until the individual
 4 has met the requirements of this section.

5 3. Application for a noncertified RUP applicator's license shall be submitted to the director
 6 on a designated form obtained from the department. Each application shall include such
 7 information as prescribed by the director by regulation.

8 4. The director shall issue or renew a noncertified RUP applicator license once an individual
 9 has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an
 10 annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license
 11 shall be valid for one year unless revoked or suspended by the department prior to its expiration.
 12 Any individual whose application is denied shall receive a written explanation as to the
 13 determination of the denial.

14 5. Individuals holding a valid noncertified RUP applicator license may use and determine
 15 the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides
 16 under the direct supervision of a certified commercial applicator and only for the categories in
 17 which the commercial applicator is certified. The director may limit the license of the applicant to
 18 the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only
 19 so qualified.

20 6. Every certified commercial applicator, certified noncommercial applicator, or certified
 21 public operator providing direct supervision to a licensed noncertified RUP applicator shall
 22 immediately notify the director when the licensed noncertified RUP applicator has changed address
 23 from which the applicator or operator will operate as a licensed noncertified RUP applicator or
 24 when the noncertified RUP applicator's employment has been terminated. The director shall
 25 immediately issue a revised license upon which shall be printed the change of address. The director
 26 shall not collect a fee for the issuance of a revised license. The expiration date of the revised license
 27 shall be the same as the expiration date for the original license.

28 7. A noncertified RUP applicator may complete retraining requirements and renew the
 29 applicator's license without a certified commercial applicator, certified noncommercial applicator, or
 30 certified public operator working from the same physical location.

31 8. Every licensed noncertified RUP applicator shall display the applicator's license in a
 32 prominent place at the site, location, or office from which the applicator will operate as a
 33 noncertified RUP applicator, that place, location, or office being at the address printed on the
 34 license.

35 281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in
 36 the business of, advertise as, or assume to act as a pesticide dealer unless ~~he or she~~ the individual
 37 has obtained a license from the director ~~[which]~~ that shall expire one year from date of issuance.
 38 ~~[An individual shall be required to obtain a license for]~~ Each pesticide dealership location or outlet
 39 from which ~~[such]~~ restricted use pesticides are distributed, sold, held for sale, or offered for sale at
 40 retail or wholesale direct to the end user~~[- Pesticide dealers may be designated by the director as~~
 41 ~~agents of the state for the purpose of issuing permits for restricted use pesticides to private~~
 42 ~~applicators]~~ shall have at least one individual licensed as a pesticide dealer. Any individual
 43 possessing restricted use pesticides and selling or holding and offering for sale restricted use
 44 pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the
 45 purposes of this subsection, "selling or holding and offering for sale" shall not include solely
 46 transporting product in commerce. No individual shall be issued more than one pesticide dealer
 47 license.

48 2. Application for a pesticide dealer's license shall be made on a designated form obtained
 49 from the ~~[director's office]~~ department. The director shall collect a fee of thirty-five dollars for the

1 issuance of each license. The provisions of this section shall not apply to a pesticide applicator who
 2 sells pesticides only as an integral part of ~~[his or her]~~ the applicator's pesticide application service
 3 when such pesticides are dispensed only through apparatuses used for such pesticide applications.
 4 The provisions of this section shall not apply to any federal, state, or county agency ~~[which]~~ that
 5 provides pesticides for its own programs.

6 3. Each applicant shall satisfy the director as to ~~[his or her]~~ the applicant's knowledge of the
 7 laws and regulations governing the use and sale of pesticides and ~~[his or her]~~ the applicant's
 8 responsibility in carrying on the business of a pesticide dealer by passing a pesticide dealer
 9 examination provided by the director. Each licensed pesticide dealer shall be responsible for
 10 insuring that all of ~~[his or her]~~ the dealer's employees and agents who sell or recommend restricted
 11 use pesticides have adequate knowledge of the laws and regulations governing the use and sale of
 12 such restricted use pesticides.

13 4. Each pesticide dealer shall be responsible for the acts of each person employed by ~~[him or~~
 14 ~~her]~~ the dealer in the solicitation and sale of pesticides and all claims and recommendations for use
 15 of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a
 16 hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the
 17 dealer's officer, agent or employee.

18 5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use
 19 pesticides to anyone but certified commercial applicators, certified noncommercial applicators [or] certified public operators, or to certified private applicators [who have met the requirements of
 20 subsection 5 of section 281.040,] holding valid certifications in proper certification categories or to
 21 other licensed pesticide dealers, except that pesticide dealers may allow the designated
 22 representative of such certified applicators, operators or private applicators to take possession of
 23 restricted use pesticides when those restricted use pesticides are purchased by and for use by or
 24 under the direct supervision of such certified applicator, operator or private applicator.

25 6. The director shall require the pesticide dealer, or ~~[his or her]~~ the dealer's employer, to
 26 maintain books and records with respect to sales of restricted use pesticides at each dealership
 27 location or outlet. Such relevant information as the director may deem necessary may be specified
 28 by regulation. Such records shall be kept for a period of three years from the date of sale of the
 29 restricted use pesticide to which such records refer, and the director shall upon request in writing be
 30 furnished with a copy of such records by any licensed pesticide dealer or ~~[his or her]~~ the dealer's
 31 employer.

32 7. Every licensed pesticide dealer who changes ~~[his or her]~~ the dealer's address or place of
 33 business shall immediately notify the director.

34 281.055. 1. If the ~~[application for]~~ renewal of any license~~;~~ or certification ~~[or permit]~~
 35 provided for in ~~[this chapter]~~ sections 281.010 to 281.115 is not filed prior to the expiration date in
 36 any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be
 37 paid by the applicant before the license~~;~~ or certification ~~[or permit]~~ shall be renewed~~;~~ provided,
 38 ~~that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not~~
 39 ~~engaged in the business subsequent to the expiration of his license, certification or permit].~~ Any
 40 person holding a current valid license~~;~~ or certification ~~[or permit]~~ may renew the license~~;~~ or
 41 certification ~~[or permit]~~ for the next year without taking another examination unless the director
 42 determines that additional knowledge related to classifications for which the applicant has applied
 43 makes a new examination necessary. However, if the license is not renewed within sixty days
 44 following the date of expiration ~~[then]~~ , the license shall be cancelled and the licensee shall be
 45 required to satisfy all the requirements of licensure as if such person was never licensed.

46 2. The director may promulgate reasonable regulations requiring additional training and
 47 instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

48 3. The director shall have prepared for prospective licensee's use~~;~~ a book of guidelines of
 49

1 factual necessary information related to the requirements of sections 281.010 to 281.115. A
2 reasonable fee may be collected for ~~[said]~~ the publication.

3 281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny,
4 suspend, revoke, or modify the provisions of any license~~[-, permit,]~~ or certification issued under
5 sections 281.010 to 281.115, if ~~[he]~~ the director finds that the applicant or the holder of a license~~[-,~~
6 ~~permit,]~~ or certification has violated any provision of sections 281.010 to 281.115, or any regulation
7 issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal
8 penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or
9 has been convicted, or is the subject of prosecution, in ~~[another]~~ this state or in any state or
10 protectorate of the United States, or has had a pesticide applicator license~~[-]~~ or certificate ~~[or permit]~~
11 denied, suspended, revoked or modified by ~~[another]~~ any state or protectorate of the United States,
12 or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo
13 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
14 offense reasonably related to the qualifications, functions, or duties of any profession licensed or
15 regulated under ~~[this chapter]~~ sections 281.010 to 281.115, for any offense an essential element of
16 which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,
17 whether or not sentence is imposed. Licensed certified applicators, licensed noncertified RUP
18 applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department
19 within ten days of any conviction of or plea to any offense listed in this section.

20 2. If the director determines, after inquiry and opportunity for a hearing, that any
21 ~~[individual]~~ person is in violation of any provision of sections 281.010 to 281.115, or any
22 regulations issued thereunder, the director shall have the authority to assess a civil penalty of not
23 more than one thousand dollars for each violation, and in addition, may order that restitution be
24 made to any person.

25 3. In the event that a person penalized or ordered to pay restitution under this section fails
26 to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and
27 the court is authorized to enter, an order enforcing the assessed penalty or restitution.

28 281.063. The director may subpoena witnesses and compel the production of books,
29 documents, and records anywhere in the state in any hearing affecting the authority or privilege
30 granted by a license~~[-]~~ or certificate ~~[or permit]~~ issued under the provisions of sections 281.010 to
31 281.115.

32 281.065. 1. The director shall not issue a certified commercial applicator's license until the
33 applicant or the employer of the applicant has furnished evidence of financial responsibility with the
34 director consisting either of a surety bond or a liability insurance policy or certification thereof,
35 protecting persons who may suffer legal damages as a result of ~~[the operations of]~~ pesticide use by
36 the applicant; except that, such surety bond or liability insurance policy need not apply to damages
37 or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the
38 initial license, the certified commercial applicator shall not be required to furnish evidence of
39 financial responsibility to the department for the purpose of license renewal unless upon request.
40 Annual renewals for surety bonds or liability insurance shall be maintained at the business location
41 from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance
42 certificates shall be available for inspection by the director ~~[or his or her designee]~~ at a reasonable
43 time during regular business hours or, upon a request in writing, the director shall be furnished a
44 copy of the surety bond or liability insurance certificate within ten ~~[working]~~ days of receipt of the
45 request.

46 2. The amount of the surety bond or liability insurance required by this section shall be not
47 less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be
48 maintained at not less than that sum at all times during the licensed period. The director shall be
49 notified by the surety or insurer within twenty days prior to any cancellation or reduction of the

surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute and submit to the director a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in ~~[his or her]~~ the bond- or policyholder's application of pesticides.

3. If the surety becomes unsatisfactory, the commercial applicator license shall expire and become invalid and the bond- or policyholder shall immediately execute and submit to the director a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if ~~he or she~~ the bond- or policyholder fails to do so, the director shall cancel ~~[his or her]~~ the bond- or policyholder license, or deny the license of an applicant, and give ~~[him or her]~~ the bond- or policyholder notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages ~~[which]~~ that result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that ~~he~~ the person has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and ~~he~~ the director shall make ~~[his]~~ the director's inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and ~~[his]~~ the licensee's representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the

1 maintenance of any criminal or civil action. The failure to file such a report shall not be a violation
 2 of sections 281.010 to 281.115. However, if the person failing to file such report is the only one
 3 injured from such use or application of a pesticide by others, the director may, when in the public
 4 interest, refuse to hold a hearing for the denial, suspension, or revocation of a license ~~or permit~~
 5 issued under sections 281.010 to 281.115 until such report is filed.

6 4. The director may in the conduct of any investigation or hearing authorized or held by
 7 him the director:

- 8 (1) Examine, or cause to be examined, under oath, any person;
- 9 (2) Examine, or cause to be examined, books and records of the sale or use of any pesticide
 10 directly related to the investigation;
- 11 (3) Hear such testimony and take such evidence as will assist him the director in the
 12 discharge of ~~his~~ the director's duties under ~~this chapter~~ sections 281.010 to 281.115;
- 13 (4) Administer or cause to be administered ~~oath~~ oaths; and
- 14 (5) Issue subpoenas to require the attendance of witnesses and the production of books and
 15 records directly related to the investigation.

16 281.075. ~~[4.]~~ The director may issue a ~~license or~~ pesticide applicator certification on a
 17 reciprocal basis with other states without examination to a nonresident who is licensed ~~or~~ as a
 18 certified ~~[in another state substantially]~~ applicator in accordance with the reciprocating state's
 19 requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be
 20 issued in accordance with the provisions of sections 281.010 to 281.115; except that, financial
 21 responsibility ~~must~~ shall be filed pursuant to section 281.065. Fees collected shall be the same as
 22 for resident licenses or certification.

23 ~~[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or~~
 24 ~~281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the~~
 25 ~~agent of such nonresident upon whom process may be served as provided by law; except that, any~~
 26 ~~such nonresident who has designated a resident agent upon whom process may be served as~~
 27 ~~provided by law shall not be required to designate the secretary of state as such agent. The secretary~~
 28 ~~of state shall be allowed such fees therefor as provided by law for designating resident agents. The~~
 29 ~~director shall be furnished with a copy of such designation of the secretary of state or of a resident~~
 30 ~~agent, such copy to be certified by the secretary of state.]~~

31 281.085. No person shall discard, transport, or store any pesticide or pesticide containers in
 32 such a manner that is inconsistent with label directions or as to cause injury to humans, vegetation,
 33 crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may
 34 promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide
 35 containers. In determining these rules and regulations the director shall take into consideration any
 36 regulations issued by the federal Environmental Protection Agency.

37 281.101. 1. It shall be unlawful for any ~~individual~~ person to violate any provision of
 38 sections 281.010 to 281.115, or any regulation issued thereunder.

39 2. The following are determined to be unlawful acts:

40 (1) It shall be unlawful to recommend for use, ~~to~~ cause to use, use, or ~~to~~ supervise the
 41 use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of
 42 FIFRA, the Missouri pesticide use act or the Missouri pesticide registration act;

43 (2) It shall be unlawful for any ~~individual~~ person to misuse any pesticide;

44 (3) It shall be unlawful for any person to use or supervise the use of pesticides that are
 45 cancelled or suspended;

46 (4) It shall be unlawful for any person not holding a valid certified applicator license in
 47 proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use
 48 pesticides;

49 (5) It shall be unlawful to make any false or misleading statements during the course of an

1 investigation into the sale, distribution, use, or misuse of any pesticide;

2 ~~[(4)]~~ (6) It shall be unlawful to make any false or misleading statement on any application,
3 form, or document submitted to the director concerning licensing pursuant to sections 281.010 to
4 281.115 or any regulations issued thereunder;

5 ~~[(5)]~~ (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim,
6 through any media, ~~[which]~~ that misrepresents the effects of any pesticide, the methods to be
7 utilized in the application of any pesticide, or the qualifications of the person determining the need
8 for the use of any pesticide or using any pesticide;

9 ~~[(6)]~~ (8) It shall be unlawful to make any false or misleading statement specifying[,] or
10 inferring that a person or ~~[his]~~ the person's methods are recommended by any branch of government
11 or that any pesticide work done will be inspected by any branch of government;

12 ~~[(7)]~~ (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading
13 the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire
14 with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115
15 or any regulation issued thereunder; and

16 (10) It shall be unlawful for any person to steal or attempt to steal pesticide certification
17 examinations or examination materials, cheat on pesticide certification examinations, evade
18 completion of recertification or retraining requirements, or to aid or abet any person in stealing or
19 attempting to steal examinations or examination materials, cheating on examinations, or evading
20 recertification or retraining requirements.

21 3. Other acts ~~[which]~~ that are not specified, but ~~[which]~~ that violate sections 281.010 to
22 281.115 or regulations issued thereunder, shall nevertheless be unlawful."; and

23
24 Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and
25 line the following:

26
27 "Section B. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030,
28 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065,
29 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section
30 281.048 of section A of this act shall become effective on July 1, 2024."; and

31
32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.