

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 662**  
**99TH GENERAL ASSEMBLY**

0071H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**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.

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*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  
2 known as section 281.120, to read as follows:

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

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

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

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

9 **(4) “Volatile compound”, a herbicide that is inherently volatile and has a vapor**  
10 **pressure of 10<sup>-3</sup> mmHg or higher.**

11 **2. If the department determines, after inquiry and opportunity for a hearing, that**  
12 **any individual has knowingly applied a herbicide to a crop for which the herbicide was not**  
13 **labeled for use, which resulted in the herbicide drifting or coming into contact with**  
14 **another individual’s field other than the field for which the herbicide was intended or onto**  
15 **another individual’s personal property, which resulted in damage to such field or personal**  
16 **property, the department shall have the authority to assess a civil penalty of up to one**  
17 **thousand dollars per applied acre. If an individual has violated the provisions of this**  
18 **subsection in two consecutive years or in two of the last three years, he or she shall be**

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.

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

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