

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 588

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RONE.

0872H.01P

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof eleven new sections relating to fees charged by the department of agriculture.

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

Section A. Sections 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 261.140, 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, 281.260, and 281.265, to read as follows:

**261.140. 1. The department of agriculture shall convene a work group every five years to review all fees charged by the department. The review shall include both fees set by statute and fees set by regulation.**

**2. After each review required under this section, the department of agriculture shall prepare and submit a report to the general assembly on any recommended changes to the fees that would ensure adequate funding for the department.**

264.061. 1. It is unlawful to move, carry, transport or ship bees, combs or used beekeeping equipment into the state of Missouri unless accompanied by a valid permit issued by the director of the department of agriculture. Applications for permit to transport bees or used beekeeping equipment into the state shall be submitted on a form approved by the director. This application form must be accompanied by a certificate of health, issued by the authorized official of the state from which the bees are to be moved, certifying that the bees and used beekeeping

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

7 equipment have been inspected by an approved inspector, during a period of active brood  
8 rearing, within ninety days prior to the proposed date of movement, and that such bees and used  
9 beekeeping equipment were found apparently free from any diseases or pests. Each application  
10 shall disclose the number of colonies of bees to be transported and a description of the location  
11 or locations where said bees are to be kept. Upon receipt of an application for a permit to move  
12 bees or used beekeeping equipment into the state, accompanied by a proper certificate of health  
13 and an application fee of [~~five~~] **ten** dollars per application, the director shall issue the desired  
14 permit. This shall not apply to honey bees from quarantined areas outside the state of Missouri.  
15 These quarantines shall include all federal, state or Missouri exterior quarantines. Importation  
16 of honey bees from quarantined areas shall be in accordance with the rules made pursuant to this  
17 chapter.

18         2. Regardless of the above provisions of this section, the director shall have the authority  
19 to issue a permit without inspection to the person or persons owning such bees and equipment  
20 if he **or she** is satisfied that such bees and equipment were certified and moved from the state  
21 of Missouri within ninety days prior to the desired date of reentry and have not been exposed to  
22 diseased or pest infected bees or equipment.

23         3. A verbal authorization may be allowed by the Missouri director if the written permit  
24 outlined above has been requested but has not been received by the time that the bees are to be  
25 moved.

26         4. Combless packages of bees or queens, or both, are admitted into Missouri, without  
27 a Missouri permit, when accompanied by a valid certificate of inspection from the state of origin  
28 stating they are free of diseases and pests. This shall not apply to honey bees from quarantined  
29 areas outside the state of Missouri. These quarantines shall include all federal, state or Missouri  
30 exterior quarantines. Importation of honey bees from quarantined areas shall be in accordance  
31 with the rules made pursuant to this chapter.

266.031. 1. Any person who sells, distributes, offers or exposes for sale any agricultural  
2 or vegetable seed in the state of Missouri shall obtain a seed permit from the director of  
3 agriculture unless exempted as in section 266.080. Seed dealers must purchase permits for each  
4 seed sales classification performed, selling or taking orders for seed from other than an  
5 established place of business, selling seed from a retail place of business, selling seed from a  
6 wholesale place of business, or negotiating sales as a broker. A separate permit shall be required  
7 for each place of business from which seed regulated by this law is sold. A separate permit shall  
8 also be required of each person selling or taking orders for seed from other than an established  
9 place of business. Seed permit fees will be assessed as follows:

10         (1) Place of business selling vegetable seed packets of one pound or less or lawn seed  
11 packages to the end user         ~~[\$5.00]~~ **\$20.00**

12 (2) Person that sells only labeled seed grown on their own property [~~\$5.00~~] **\$20.00**

13 (3) Retail place of business or person not otherwise identified that sells or offers for  
 14 sale agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user  
 15 and which does not provide storage facilities [~~\$5.00~~] **\$20.00**

16 (4) Retail place of business or person not otherwise identified that sells or offers for  
 17 sale agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user  
 18 and which provides storage facilities. A permit to sell agricultural or bulk vegetable seed will  
 19 suffice for selling seed as listed in (1) and (2) [~~\$15.00~~] **\$60.00**

20 (5) Wholesale place of business selling labeled seed for resale, or negotiating sales  
 21 as a seed broker [~~\$100.00~~] **\$400.00**

22 2. Farmers and seed producers shall be classed as seedsmen and must comply with all  
 23 the provisions of sections 266.011 to 266.111 when the farmers or seed producers:

- 24 (1) Offer, sell or expose for sale seed not of their own production;
- 25 (2) Sell and deliver seed to a purchaser by way of common carrier;
- 26 (3) Sell seed by any public sales service;
- 27 (4) Advertise or label seed referring to the purity or germination.

28 3. No permit is transferable. All persons holding a Missouri seed permit shall post the  
 29 permit in a conspicuous place in the place of business to which it applies. The licensing year  
 30 shall be twelve months, or any fraction thereof, beginning on January first and ending December  
 31 thirty-first. All permit fees shall be paid to the Missouri department of agriculture and shall be  
 32 deposited in the state treasury **to the credit of the agriculture protection fund created in**  
 33 **section 261.200.**

34 4. If the application for renewal of any seed permit is not filed prior to expiration date  
 35 in any year, a penalty of fifty percent shall be assessed and added to the original fee and shall be  
 36 paid by the applicant before that renewal license shall be issued; provided, that such penalty shall  
 37 not apply if the applicant furnishes an affidavit certifying that he **or she** has not engaged in  
 38 selling, distributing, offering or exposing seed for sale, subsequent to the expiration date of his  
 39 **or her** license.

266.165. 1. Any person who manufactures a commercial feed within the state, or who  
 2 distributes a commercial feed in or into the state, or whose name appears on the label of a  
 3 commercial feed as guarantor, or any person who acts as an independent consultant shall obtain  
 4 a license for each facility authorizing such person to manufacture or distribute commercial feed  
 5 or act as an independent consultant in the formulation of feeds before such person engages in  
 6 such activity. Any person who makes only retail sales of commercial feed which bears labeling  
 7 or other approved indication that the commercial feed is from a licensed manufacturer, guarantor,  
 8 or distributor who has assumed full responsibility for the tonnage inspection fee due under

9 sections 266.152 to 266.220 is not required to obtain a license. Any person who acts as an  
10 independent consultant shall also obtain such a license. Any person who is required to obtain  
11 such a license shall submit an application on a form provided or approved by the state  
12 department of agriculture accompanied by a license fee of ~~twenty-five~~ **thirty-five** dollars and  
13 specified by rule promulgated pursuant to section 266.195. The license year shall be July first  
14 through June thirtieth. Each license shall expire on the thirtieth day of June of the year for which  
15 it is issued; provided that any license shall be valid through July thirty-first of the next ensuing  
16 year or until the issuance of the renewal license, whichever event first occurs, if the holder of  
17 such license has filed a renewal application with the state on or before June thirtieth of the year  
18 for which the current license was issued. Any new applicant who fails to obtain a license within  
19 fifteen working days of notification of the requirement to obtain a license, or any licensee who  
20 fails to comply with license renewal requirements, shall pay a twenty-five dollar late fee in  
21 addition to the license fee.

22         2. The license application shall be established by rules adopted by the state department  
23 of agriculture.

24         3. The state, under conditions specified by rule, may request copies of labels and labeling  
25 at any time from a license applicant or licensee in order to determine compliance with the  
26 provisions of sections 266.152 to 266.220.

27         4. The state may refuse to issue a license to any person not in compliance with the  
28 provisions of sections 266.152 to 266.220. The department may suspend or revoke any license  
29 issued to any person found not to be in compliance with any provision of sections 266.152 to  
30 266.220. The director of the department of agriculture may place conditions that limit  
31 production or distribution of a particular commercial feed on the license of any person not found  
32 to be in compliance with sections 266.152 to 266.220. No license shall be conditionalized,  
33 suspended, refused or revoked unless the applicant or licensee shall first be given an opportunity  
34 to be heard before the director or a hearing officer designated by the director in order to comply  
35 with the requirements of sections 266.152 to 266.220.

36         5. The state, under conditions specified by rule, may require independent consultants  
37 formulating consultant-formula feeds to furnish signed copies of their formulations and  
38 specifications along with directions for use and appropriate warning statements to the  
39 manufacturer and end user of the product. Consultant recommendations found to be inadequate  
40 are subject to all the penalties as described in section 266.210.

266.190. 1. An inspection fee at the rate of ~~ten~~ **fourteen** cents per ton shall be paid on  
2 commercial feeds distributed in this state by the person whose name appears on the label as the  
3 manufacturer, guarantor or distributor, except that a person other than the first manufacturer,  
4 guarantor or distributor may assume liability for the inspection fee, subject to the following:

5 (1) Assumption of liability for the payment of fees must be established by requesting to  
6 be put on deferment list with the director;

7 (2) No fee shall be paid on a commercial feed if the payment has been made by a  
8 previous distributor;

9 (3) No fee shall be paid on customer-formula feeds if the inspection fee is paid on the  
10 commercial feeds which are used as ingredients therein;

11 (4) No fee shall be paid on commercial feeds which are used as ingredients for the  
12 manufacture of commercial feeds. If the fee has already been paid, credit shall be given for such  
13 payment;

14 (5) In the case of pet food which is distributed in the state only in packages of ten pounds  
15 or less, ~~[an annual fee of twenty-five dollars and]~~ a listing of each product must be submitted  
16 annually on forms provided by the director and accompanied by ~~[the]~~ **an annual** payment of  
17 ~~[twenty-five]~~ **ninety** dollars per product **or, in the case of a person whose total amount of**  
18 **gross annual sales does not exceed five thousand dollars, twenty-five dollars per product,**  
19 which shall be paid in lieu of the inspection fee specified above. Payment is required by January  
20 first of each year. Payments not received until after January thirty-first are subject to a late fee  
21 of fifty percent of the payment due. The inspection fee required by subsection 1 of this section  
22 shall apply to pet food distributed in packages exceeding ten pounds. The assessment of these  
23 penalty fees shall not prevent the director from taking other actions as provided in this chapter.  
24 **The department of agriculture may promulgate rules to allow for the review of records of**  
25 **persons claiming gross annual sales not exceeding five thousand dollars in order to ensure**  
26 **that they qualify for the reduced payment. Any rule or portion of a rule, as that term is**  
27 **defined in section 536.010, that is created under the authority delegated in this section shall**  
28 **become effective only if it complies with and is subject to all of the provisions of chapter**  
29 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**  
30 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**  
31 **to delay the effective date, or to disapprove and annul a rule are subsequently held**  
32 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
33 **after August 28, 2019, shall be invalid and void;**

34 (6) The minimum inspection fee shall be five dollars per quarter;

35 (7) In the case of specialty pet food which is distributed in the state only in packages of  
36 one pound or less, a listing of each product shall be submitted annually on forms provided by the  
37 director and accompanied by payment of ~~[twenty-five]~~ **ninety** dollars per product ~~[up to a~~  
38 ~~maximum annual fee of one thousand dollars per manufacturer]~~ in lieu of an inspection fee.  
39 Payment is required by January first of each year. Payments not received until after January  
40 thirty-first are subject to a late fee of fifty percent of the payment due. The inspection fee

41 required by subsection 1 of this section shall apply to specialty pet food distributed in packages  
42 exceeding one pound. The assessment of these penalty fees shall not prevent the director from  
43 taking other actions as provided in this chapter.

44 2. Each person who is liable for the payment of such fee shall:

45 (1) File, not later than the last day of January, April, July and October of each year, a  
46 quarterly tonnage report, setting forth the number of net tons of commercial feeds distributed in  
47 this state during the preceding calendar quarter; and upon filing such statement shall pay the  
48 inspection fee at the rate stated in subsection 1 of this section. Inspection fees which are due and  
49 owing and have not been remitted to the director within fifteen days following the due date shall  
50 have a penalty fee of twenty percent of the amount due, or five dollars, whichever is greater,  
51 added to the amount due when payment is finally made. The assessment of this penalty fee shall  
52 not prevent the director from taking other actions as provided in this chapter;

53 (2) Keep such records as may be necessary or required by the director to indicate  
54 accurately the tonnage of commercial feed distributed in this state. The director shall have the  
55 right to examine such records to verify statements of tonnage. Failure to make an accurate  
56 statement of tonnage or to pay the inspection fee or comply with the requirements of this  
57 subdivision may constitute sufficient cause for the cancellation of the company's license.

58 3. Fees collected shall constitute a fund for the payment of the costs of inspection,  
59 sampling, analysis, and other expenses necessary for the administration of sections 266.152 to  
60 266.220 and shall be deposited in the state treasury [~~and credited to the general revenue fund~~]  
61 **to the credit of the agriculture protection fund created in section 261.200.**

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

16 writing within ten working days of the employment of any person as a pesticide technician or  
17 pesticide technician trainee.

18         2. Application for a certified commercial applicator's license shall be made in writing  
19 to the director on a designated form obtained from the director's office. Each application shall  
20 include such information as prescribed by the director by regulation.

21         3. The director shall not issue a certified commercial applicator's license until the  
22 applicant is certified by passing an examination provided by the director to demonstrate to the  
23 director his **or her** competence and knowledge of the proper use of pesticides under the  
24 classifications he **or she** had applied for, and his **or her** knowledge of the standards prescribed  
25 by regulations for the certification of commercial applicators.

26         4. The director may renew any certified commercial applicator's license under the  
27 classification for which such applicant is licensed, subject to reexamination for additional  
28 knowledge that may be required to use pesticides safely and properly either manually or with  
29 equipment the applicant has been licensed to operate.

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

41         6. The director shall require each certified commercial applicator or his **or her** employer  
42 to maintain records with respect to applications of any pesticide. Such relevant information as  
43 the director may deem necessary may be specified by regulation. Such records shall be kept for  
44 a period of three years from the date of the application of the pesticide to which such records  
45 refer, and the director shall, upon request in writing, be furnished with a copy of such records by  
46 any certified commercial applicator or his **or her** employer.

47         7. A person or individual engaged in the business of using pesticides on the lands of  
48 another, who is deprived of his **or her** sole certified commercial applicator by reason of death,  
49 illness, incapacity or any absence which the director determines is unavoidable, is authorized to  
50 continue business operations without the services of a certified commercial applicator for a  
51 period of time deemed appropriate by the director, but not to exceed sixty days; except that, no

52 restricted use pesticide shall be used, or caused to be used, by such person or individual. Any  
53 such person or individual shall immediately notify the director as to the absence of his **or her**  
54 sole certified commercial applicator.

55 8. Every certified commercial applicator shall display his **or her** license in a prominent  
56 place at the site, location or office from which he **or she** will operate as a certified commercial  
57 applicator; that place, location or office being at the address printed on the license.

58 9. Every certified commercial applicator who changes the address from which he **or she**  
59 will operate as a certified commercial applicator shall immediately notify the director. The  
60 director shall immediately issue a revised license upon which shall be printed the changed  
61 address. The director shall not collect a fee for the issuance of a revised license. The expiration  
62 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  
2 or 281.045, or has not been issued a private applicator permit pursuant to subsection 5 of section  
3 281.040 shall not use, or supervise the use of, any restricted use pesticide without a certified  
4 noncommercial applicator license. A certified noncommercial applicator shall not use, or  
5 supervise the use of, any restricted use pesticide for any purpose unless he **or she** has  
6 demonstrated his **or her** competence to use pesticides for that purpose by being certified by the  
7 director in the proper certification category.

8 2. Application for a certified noncommercial applicator license shall be made in writing  
9 to the director on a designated form obtained from the director's office. Each application shall  
10 include such information as prescribed by the director by regulation.

11 3. The director shall not issue a certified noncommercial applicator license until the  
12 applicant is certified by passing an examination provided by the director to demonstrate to the  
13 director his **or her** competence and knowledge of the proper use of pesticides under the  
14 classifications for which he **or she** has applied, and his **or her** knowledge of the standards  
15 prescribed by regulations for the certification of noncommercial applicators.

16 4. If the director finds the applicant qualified to use restricted use pesticides in the  
17 classification for which he **or she** has applied, the director shall issue a certified noncommercial  
18 applicator license limited to the applicator categories in which he **or she** is certified. The license  
19 shall expire one year from the date of issuance unless it has been revoked or suspended prior  
20 thereto by the director for cause. The director may limit the license of the applicant to the use  
21 of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the  
22 applicant is only so qualified. If a license is not issued as applied for, the director shall inform  
23 the applicant in writing of the reasons therefor.



24           5. The director may renew any certified noncommercial applicator license under the  
25 classification for which the license is issued subject to reexamination for additional knowledge  
26 which may be required to apply pesticides safely and properly.

27           6. The director shall collect a fee of [~~twenty-five~~] **fifty** dollars for each certified  
28 noncommercial applicator license issued.

29           7. Any certified noncommercial applicator may use, or supervise the use of, restricted  
30 use pesticides only to or on lands or structures owned, leased or rented by himself **or herself** or  
31 his **or her** employer.

32           8. The director shall require the certified noncommercial applicator or his **or her**  
33 employer to maintain records with respect to applications of restricted use pesticides. Any  
34 relevant information which the director may deem necessary may be required by regulation.  
35 Such records shall be kept for a period of three years from the date of the application of the  
36 pesticide to which such records refer, and the director shall, upon request in writing, be furnished  
37 with a copy of such records by any certified noncommercial applicator or his **or her** employer.

38           9. Every certified noncommercial applicator shall display his **or her** license in a  
39 prominent place at the site, location or office from which he **or she** will operate as a certified  
40 noncommercial applicator; that place, location or office being at the address printed on the  
41 license.

42           10. Every certified noncommercial applicator who changes the address from which he  
43 **or she** will operate as a certified noncommercial applicator shall immediately notify the director.  
44 The director shall immediately issue a revised license upon which shall be printed the changed  
45 address. The director shall not collect a fee for the issuance of a revised license. The expiration  
46 date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. After July 1, 1990, no individual working under the direct supervision of  
2 a certified commercial applicator shall determine the need for the use of any pesticide nor use  
3 any pesticide in categories as specified by regulation, unless and until the individual has met the  
4 requirements of this chapter.

5           2. Application for a pesticide technician's license shall be made in writing to the director  
6 on a designated form obtained from the director's office. Each application shall include such  
7 information as prescribed by the director by regulation and shall be received by the director  
8 within forty-five days of employment of the pesticide technician or pesticide technician trainee.

9           3. The director shall not issue a pesticide technician's license until the individual has  
10 demonstrated his **or her** competence by completion of an approved training program to the  
11 satisfaction of the director.

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

15           5. The director shall collect a fee of [~~twenty-five~~] **fifty** dollars for each pesticide  
16 technician license issued.

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

          281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage  
2 in the business of, advertise as, or assume to act as a pesticide dealer unless he **or she** has  
3 obtained a license from the director which shall expire one year from date of issuance. An  
4 individual shall be required to obtain a license for each location or outlet from which such  
5 pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to  
6 the end user. Pesticide dealers may be designated by the director as agents of the state for the  
7 purpose of issuing permits for restricted use pesticides to private applicators.

8           2. Application for a pesticide dealer's license shall be made on a designated form  
9 obtained from the director's office. The director shall collect a fee of [~~twenty-five~~] **fifty** dollars  
10 for the issuance of each license. The provisions of this section shall not apply to a pesticide  
11 applicator who sells pesticides only as an integral part of his **or her** pesticide application service  
12 when such pesticides are dispensed only through apparatuses used for such pesticide  
13 applications. The provisions of this section shall not apply to any federal, state, or county agency  
14 which provides pesticides for its own programs.

15           3. Each applicant shall satisfy the director as to his **or her** knowledge of the laws and  
16 regulations governing the use and sale of pesticides and his **or her** responsibility in carrying on  
17 the business of a pesticide dealer. Each licensed pesticide dealer shall be responsible for insuring  
18 that all of his **or her** employees and agents who sell or recommend restricted use pesticides have  
19 adequate knowledge of the laws and regulations governing the use and sale of such restricted use  
20 pesticides.

21           4. Each pesticide dealer shall be responsible for the acts of each person employed by  
22 him **or her** in the solicitation and sale of pesticides and all claims and recommendations for use  
23 of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a

24 hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by  
25 the dealer's officer, agent or employee.

26 5. No pesticide dealer shall sell, give away or otherwise make available any restricted  
27 use pesticides to anyone but certified applicators or operators, or to private applicators who have  
28 met the requirements of subsection 5 of section 281.040, or to other pesticide dealers, except that  
29 pesticide dealers may allow the designated representative of such certified applicators, operators  
30 or private applicators to take possession of restricted use pesticides when those restricted use  
31 pesticides are purchased by and for use by or under the direct supervision of such certified  
32 applicator, operator or private applicator.

33 6. The director shall require the pesticide dealer, or his **or her** employer, to maintain  
34 books and records with respect to sales of restricted use pesticides. Such relevant information  
35 as the director may deem necessary may be specified by regulation. Such records shall be kept  
36 for a period of three years from the date of sale of the restricted use pesticide to which such  
37 records refer, and the director shall upon request in writing be furnished with a copy of such  
38 records by any licensed pesticide dealer or his **or her** employer.

39 7. Every licensed pesticide dealer who changes his **or her** address or place of business  
40 shall immediately notify the director.

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

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

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

8 (2) The name of the pesticide;

9 (3) Classification of the pesticide; and

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

12 3. The registrant shall pay an annual fee of ~~[one]~~ **two** hundred ~~[fifty]~~ dollars for each  
13 product registered in any calendar year or part thereof. The fee shall be deposited in the state  
14 treasury to the credit of the agriculture protection fund created in section 261.200 to be used  
15 solely to administer the pest and pesticide programs of the department of agriculture. **The**  
16 **director may deposit up to seven percent of the fee in the pesticide education fund under**  
17 **section 281.265.** If the funding exceeds the reasonable costs to administer the programs as set  
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, unless  
21 sooner cancelled. A registration for a special local need pursuant to subsection 6 of this section,  
22 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  
2 Fund", which shall consist of any moneys or fees appropriated to the fund as well as a  
3 portion of any fees collected by the department of agriculture under section 281.260 and**

4 deposited by the director that are not otherwise placed in the state treasury to the credit  
5 of the agriculture protection fund under section 261.200. The state treasurer shall be  
6 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer  
7 may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,  
8 moneys in the fund shall be used solely to provide funding for pesticide applicator  
9 certification programs, pesticide education programs, and pesticide waste and container  
10 disposal programs. Notwithstanding the provisions of section 33.080 to the contrary, any  
11 moneys remaining in the fund at the end of the biennium shall not revert to the credit of  
12 the general revenue fund. The state treasurer shall invest moneys in the fund in the same  
13 manner as other funds are invested. Any interest and moneys earned on such investments  
14 shall be credited to the fund.

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