

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by
2 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;

1 ~~(9)~~ (12) "Equipment" ~~[means]~~, any type of ground, water, or aerial equipment or
 2 contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on
 3 land and anything that may be growing, habitating, or stored on or in such land, but shall not include
 4 any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or
 5 contrivance of which the person who is applying the pesticide is the source of power or energy in
 6 making such pesticide application;

7 ~~(10)~~ (13) "Fungus", any nonchlorophyll-bearing thallophyte, ~~[that]~~ which is, any
 8 nonchlorophyll-bearing plant of a lower order than mosses and liverworts, such as ~~[, for example,]~~
 9 rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living
 10 animals, and except those on or in processed food, beverages, or pharmaceuticals;

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

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

20 ~~(11)~~ (16) "Individual", any responsible, natural human being;

21 ~~(12)~~ (17) "Insect", any of the numerous small invertebrate animals generally having the
 22 body more or less obviously segmented, for the most part belonging to the class Insecta, comprising
 23 six-legged, usually winged forms, such as ~~[, for example,]~~ beetles, bugs, bees, flies, and to other
 24 allied classes of arthropods whose members are wingless and usually have more than six legs, such
 25 as ~~[, for example,]~~ spiders, mites, ticks, centipedes, and wood lice;

26 ~~(13)~~ (18) "Land", all land and water areas, including airspace, and all plants, animals,
 27 structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or
 28 mobile, including any used for transportation;

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

32 ~~(14)~~ (20) "Misuse of a pesticide", a use of any ~~[registered]~~ pesticide in a manner
 33 inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the
 34 label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes,
 35 and when requested in writing by the person on whose behalf a pesticide is used;

36 ~~(15)~~ (21) "Nematode", invertebrate animals of the phylum Nematelminthes and class
 37 Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered
 38 with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

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

41 ~~(16)~~ (23) "Person", any individual, partnership, association, fiduciary, corporation, or any
 42 organized group of persons whether incorporated or not;

43 ~~(17)~~ (24) "Pest":

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

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

48 ~~(18)~~ (25) "Pesticide":

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

1 mitigating any pest; or

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

4 ~~[(19)]~~ (26) "Pesticide dealer", any individual who is engaged in the business of distributing,
5 selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any
6 pesticide classified for restricted use;

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

9 ~~[(20)]~~ (28) "Plant regulator", any substance or mixture of substances, intended, through
10 physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for
11 otherwise altering the behavior of plants or the produce thereof, but shall not include substances to
12 the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant
13 inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient
14 mixtures or soil amendments ~~[which]~~ that are commonly known as vitamin-hormone horticultural
15 products, intended for improvement, maintenance, survival, health, and propagation of plants, and
16 ~~[which]~~ that are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package
17 concentration;

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

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

27 ~~[(23)]~~ (30) "Sale", selling or offering for sale any pesticide;

28 ~~[(24)]~~ (31) "Snails" or "slugs" includes all harmful mollusks;

29 ~~[(25)]~~ (32) "Unreasonable adverse effects on the environment", any unreasonable risk to
30 man or the environment, taking into account the economic, social, and environmental costs and
31 benefits of the use of any pesticide;

32 ~~[(26)]~~ (33) "Under the direct supervision of a certified applicator", when a pesticide is used
33 by a competent person acting under the instructions and control of a certified applicator who is
34 available if and when needed, even though such certified applicator is not physically present at the
35 time and place the pesticide is used;

36 ~~[(27)]~~ (34) "Use", mixing, loading, or applying~~[, storing or disposing of a]~~ any pesticide;
37 cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix,
38 equipment wash waters, or other pesticide-containing materials;

39 ~~[(28)]~~ (35) "Weed", any plant ~~[which]~~ that grows where not wanted; ~~and~~

40 ~~———~~(29) (36) "Wildlife", all living things that are neither human, domesticated, or pests,
41 including, but not limited to, mammals, protected birds, and aquatic life.

42 281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to
43 281.115 and shall have authority to issue regulations after a public hearing following due notice of
44 not less than thirty days to all interested persons, in conformance with the provisions of chapter 536,
45 to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such
46 regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such
47 regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods,
48 materials, and amounts and concentrations, in connection with the use of the pesticide, and may
49 restrict or prohibit use of pesticides in designated areas during specified periods of time and shall

1 encompass all reasonable factors ~~[which]~~ that the director deems necessary to prevent damage or
2 injury. In issuing such regulations, the director may give consideration to pertinent research
3 findings and recommendations of other agencies of this state, the federal government, or other
4 reliable sources. The director may by regulation require that notice of a proposed application of a
5 pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity
6 thereof, if ~~[he]~~ the director finds that such notice is necessary to carry out the purpose of sections
7 281.010 to 281.115. ~~[The director may, by regulation, provide for the one-time emergency purchase
8 and one-time emergency use of a restricted use pesticide by a private applicator.]~~

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

19 3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to
20 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard,
21 to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be
22 given by regular mail to any person who has registered with the director for purposes of notice of
23 such public hearings, in accordance with procedures prescribed by the director.

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

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

33 281.030. 1. The director may, by regulation, classify ~~[certified applicator, operator or
34 technician]~~ licenses to be issued under sections 281.010 to 281.115. Such classifications may
35 include but not be limited to commercial applicators, noncommercial applicators, private
36 applicators, provisional private applicators, public operators ~~[or]~~ , pesticide technicians, or
37 noncertified RUP applicators. Separate classifications may be specified as to ground, aerial, or
38 manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of
39 pests.

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

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

49 281.035. 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.

1 ~~[6-]~~ 7. The director shall require each certified commercial applicator or ~~[his or her]~~ the
 2 certified commercial applicator's employer to maintain records with respect to applications of any
 3 pesticide, including pesticides used under direct supervision by licensed pesticide technicians,
 4 pesticide technician trainees, and licensed noncertified RUP applicators. Such relevant information
 5 as the director may deem necessary may be specified by regulation. Such records shall be kept for a
 6 period of three years from the date of the application of the pesticide to which such records refer,
 7 and the director shall, upon request in writing, be furnished with a copy of such records by any
 8 certified commercial applicator or ~~[his or her]~~ the certified commercial applicator's employer.

9 ~~[7-]~~ 8. A person or individual engaged in the business of using pesticides on the lands of
 10 another, who is deprived of ~~[his or her]~~ such person's or individual's sole certified commercial
 11 applicator by reason of death, illness, incapacity, or any absence which the director determines is
 12 unavoidable, is authorized to continue business operations without the services of a certified
 13 commercial applicator for a period of time deemed appropriate by the director, but not to exceed
 14 sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such
 15 person or individual. Any such person or individual shall immediately notify the director as to the
 16 absence of ~~[his or her]~~ such person's or individual's sole certified commercial applicator.

17 ~~[8-]~~ 9. Every certified commercial applicator shall display ~~[his or her]~~ the certified
 18 commercial applicator's license in a prominent place at the site, location, or office from which ~~[he or~~
 19 ~~she]~~ the certified commercial applicator will operate as a certified commercial applicator; that place,
 20 location, or office being at the address printed on the license.

21 ~~[9-]~~ 10. Every certified commercial applicator who changes the address from which ~~[he or~~
 22 ~~she]~~ the certified commercial applicator will operate as a certified commercial applicator shall
 23 immediately notify the director. The director shall immediately issue a revised license upon which
 24 shall be printed the changed address. The director shall not collect a fee for the issuance of a
 25 revised license. The expiration date of the revised license shall be the same as the expiration date
 26 for the original license.

27 281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or
 28 281.045~~], or has not been issued a private applicator permit pursuant to subsection 5 of section~~
 29 ~~281.040]~~ shall not use, or supervise the use of, any ~~[restricted-use]~~ restricted use pesticide without a
 30 certified noncommercial applicator license. A certified noncommercial applicator shall not use, or
 31 supervise the use of, any restricted use pesticide for any purpose unless ~~[he or she]~~ the certified
 32 noncommercial applicator has demonstrated ~~[his or her]~~ the certified noncommercial applicator's
 33 competence to use pesticides for that purpose by being certified by the director in the proper
 34 certification category.

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

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

46 ~~[3-]~~ 4. The director shall not issue a certified noncommercial applicator license until the
 47 applicant is certified by passing an examination provided by the director to demonstrate to the
 48 director ~~[his or her]~~ the applicant's competence and knowledge of the proper use of pesticides under
 49 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.

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

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

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

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

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

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

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

22 281.040. 1. No private applicator shall use any ~~[restricted-use]~~ restricted use pesticide
23 unless ~~[he]~~ the private applicator first complies with the requirements determined pursuant to
24 subsection ~~[2 or 5]~~ 3 of this section, as necessary to prevent unreasonable adverse effects on the
25 environment, including injury to the applicator or other persons, for that specific pesticide use.

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

30 3. The private applicator shall qualify for a certified private applicator's license or a certified
31 provisional private applicator's license by [either] attending [a course or completing an online course
32 of instruction] an approved certification training program provided by University of Missouri
33 Extension, completing an online certification training program provided by University of Missouri
34 Extension, or by passing the required private applicator certification examination provided by the
35 director on the use, handling, storage, and application of [restricted-use] restricted use pesticides in
36 the proper certification categories as specified by regulation. The content of the instruction shall be
37 determined and revised as necessary by the director. Upon completion of the [course] certification
38 training program, completion of the online certification training program, or passage of the required
39 private applicator certification examination, the director shall issue a certified private applicator's
40 license or certified provisional private applicator's license to the applicant. The director shall not
41 collect a fee for the issuance of such license[; but the] . University of Missouri Extension [service
42 may] shall collect [a fee for the actual cost of the materials necessary to complete the course of
43 instruction] reasonable fees for study materials and for enrollment in certification or recertification
44 programs administered in-person or online. [However, no fee] Such fees shall be assessed [or
45 collected from an individual completing an online course of instruction. Both the director of the
46 department and of the University of Missouri Extension service shall review such costs annually.]
47 based on the majority decision of a review committee convened every five years or as needed by the
48 director. Such committee shall be provided revenue and expense information for the training
49 program from the University of Missouri Extension and information on the content of the instruction

1 and method of delivery from the director. The review committee shall also determine a maximum
 2 in-seat training time limit for the training programs. The committee shall report its minutes, fee
 3 decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the
 4 House of Representatives and Senate agriculture or equivalent committees. The review committee
 5 shall be composed of five members including:

6 (1) The director;

7 (2) The director of the University of Missouri Extension, or such director's designee;

8 (3) The president of a statewide corn producers organization who actively grows corn, or
 9 such president's designee;

10 (4) The president of a statewide soybean producers organization who actively grows
 11 soybeans, or such president's designee; and

12 (5) The president of the state's largest general farm membership organization, or such
 13 president's designee.

14 ~~[3.]~~ 4. A certified private applicator's license shall expire five years from date of issuance
 15 and may then be renewed without charge or additional fee. Any certified private applicator holding
 16 a valid license may renew that license for the next five years [without additional training unless the
 17 director determines that additional knowledge related to the use of agricultural pesticides makes
 18 additional training necessary.] upon successful completion of approved recertification training or by
 19 passing the required private applicator certification examination.

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

25 ~~[4.]~~ 6. If the director does not qualify the private applicator under this section [he] , the
 26 director shall inform the applicant in writing of the reasons therefor.

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

33 281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and
 34 any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and
 35 rules adopted thereunder concerning the use of restricted use pesticides.

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

44 3. No certified public operator shall knowingly authorize, direct, or instruct any individual
 45 to engage in using any restricted use pesticide on lands or structures unless such individual is
 46 licensed as a noncertified RUP applicator while working under the direct supervision of a certified
 47 public operator so authorizing, directing, or instructing, in which case the certified public operator
 48 shall be liable for any use of a restricted use pesticide by an individual operating under the certified
 49 public operator's direct supervision.

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

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

9 ~~[5.]~~ 6. If the director finds the applicant qualified to use pesticides in the classification for
10 which ~~[he]~~ the applicant has applied, the director shall issue a license, without a fee, to the certified
11 public operator who has so qualified. The certified public operator license shall be valid only when
12 the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the
13 course of ~~[his]~~ the operator's employment. A certified public operator license shall expire three
14 years from the date of issuance unless ~~[it]~~ the license has been revoked or suspended prior thereto by
15 the director for cause. The director may limit the license of the applicant to the use of certain
16 restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only
17 so qualified. If a license is not issued as applied for, the director shall inform the applicant in
18 writing of the reasons therefor.

19 ~~[6.]~~ 7. The director may renew any certified public operator license under the classification
20 for which that applicant is licensed ~~[, subject to]~~ upon successful completion of approved
21 recertification training or reexamination for additional knowledge ~~[which]~~ that may be required to
22 use pesticides safely and properly either manually or with equipment the applicant has been licensed
23 to operate.

24 ~~[7.]~~ 8. The director shall require the certified public operator, or ~~[his]~~ the certified public
25 operator's employer, to maintain records with respect to applications of restricted use pesticides.
26 Any relevant information which the director may deem necessary may be required by regulation.
27 Such records shall be kept for a period of three years from the date of the application of the pesticide
28 to which such records refer, and the director shall, upon request in writing, be furnished with a copy
29 of such records by any certified public operator or ~~[his]~~ the certified public operator's employer.

30 ~~[8.]~~ 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any
31 person damaged by any use of any pesticide, which may be brought in the county where the damage
32 or any part thereof occurred.

33 ~~[9.]~~ 10. Every certified public operator shall display ~~[his]~~ the certified public operator's
34 license in a prominent place at the site, location, or office from which ~~[he]~~ the certified public
35 operator will operate as a certified public operator, that place, location, or office being at the address
36 printed on the license.

37 ~~[10.]~~ 11. Every certified public operator who changes the address from which ~~[he]~~ the
38 certified public operator will operate as a certified public operator shall immediately notify the
39 director. The director shall immediately issue a revised license upon which shall be printed the
40 changed address. The director shall not collect a fee for the issuance of a revised license. The
41 expiration date of the revised license shall be the same as the expiration date for the original license.

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

45 281.048. 1. No individual shall use or determine the need for the use of any restricted use
46 pesticide while working under the direct supervision of a certified commercial applicator until the
47 individual has met the requirements of this section.

48 2. No individual shall use restricted use pesticides while working under the direct
49 supervision of a certified noncommercial applicator or certified public operator until the individual

1 has met the requirements of this section.

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

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

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

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

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

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

32 281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in
 33 the business of, advertise as, or assume to act as a pesticide dealer unless ~~he or she~~ the individual
 34 has obtained a license from the director ~~[which]~~ that shall expire one year from date of issuance.
 35 ~~[An individual shall be required to obtain a license for]~~ Each pesticide dealership location or outlet
 36 from which ~~[such]~~ restricted use pesticides are distributed, sold, held for sale, or offered for sale at
 37 retail or wholesale direct to the end user~~[-Pesticide dealers may be designated by the director as~~
 38 ~~agents of the state for the purpose of issuing permits for restricted use pesticides to private~~
 39 ~~applicators]~~ shall have at least one individual licensed as a pesticide dealer. Any individual
 40 possessing restricted use pesticides and selling or holding and offering for sale restricted use
 41 pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the
 42 purposes of this subsection, "selling or holding and offering for sale" shall not include solely
 43 transporting product in commerce. No individual shall be issued more than one pesticide dealer
 44 license.

45 2. Application for a pesticide dealer's license shall be made on a designated form obtained
 46 from the ~~[director's office]~~ department. The director shall collect a fee of thirty-five dollars for the
 47 issuance of each license. The provisions of this section shall not apply to a pesticide applicator who
 48 sells pesticides only as an integral part of ~~[his or her]~~ the applicator's pesticide application service
 49 when such pesticides are dispensed only through apparatuses used for such pesticide applications.

1 The provisions of this section shall not apply to any federal, state, or county agency ~~[which]~~ that
2 provides pesticides for its own programs.

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

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

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

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

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

32 281.055. 1. If the ~~[application for]~~ renewal of any license~~;~~ or certification ~~[or permit]~~
33 provided for in ~~[this chapter]~~ sections 281.010 to 281.115 is not filed prior to the expiration date in
34 any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be
35 paid by the applicant before the license~~;~~ or certification ~~[or permit]~~ shall be renewed~~;~~ provided,
36 ~~that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not~~
37 ~~engaged in the business subsequent to the expiration of his license, certification or permit]~~. Any
38 person holding a current valid license~~;~~ or certification ~~[or permit]~~ may renew the license~~;~~ or
39 certification ~~[or permit]~~ for the next year without taking another examination unless the director
40 determines that additional knowledge related to classifications for which the applicant has applied
41 makes a new examination necessary. However, if the license is not renewed within sixty days
42 following the date of expiration ~~[then]~~ , the license shall be cancelled and the licensee shall be
43 required to satisfy all the requirements of licensure as if such person was never licensed.

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

46 3. The director shall have prepared for prospective licensee's use~~;~~ a book of guidelines of
47 factual necessary information related to the requirements of sections 281.010 to 281.115. A
48 reasonable fee may be collected for ~~[said]~~ the publication.

49 281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny,

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

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

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

25 281.063. The director may subpoena witnesses and compel the production of books,
 26 documents, and records anywhere in the state in any hearing affecting the authority or privilege
 27 granted by a license~~[,]~~ or certificate ~~[or permit]~~ issued under the provisions of sections 281.010 to
 28 281.115.

29 281.065. 1. The director shall not issue a certified commercial applicator's license until the
 30 applicant or the employer of the applicant has furnished evidence of financial responsibility with the
 31 director consisting either of a surety bond or a liability insurance policy or certification thereof,
 32 protecting persons who may suffer legal damages as a result of ~~[the operations of]~~ pesticide use by
 33 the applicant; except that, such surety bond or liability insurance policy need not apply to damages
 34 or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the
 35 initial license, the certified commercial applicator shall not be required to furnish evidence of
 36 financial responsibility to the department for the purpose of license renewal unless upon request.
 37 Annual renewals for surety bonds or liability insurance shall be maintained at the business location
 38 from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance
 39 certificates shall be available for inspection by the director ~~[or his or her designee]~~ at a reasonable
 40 time during regular business hours or, upon a request in writing, the director shall be furnished a
 41 copy of the surety bond or liability insurance certificate within ten ~~[working]~~ days of receipt of the
 42 request.

43 2. The amount of the surety bond or liability insurance required by this section shall be not
 44 less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be
 45 maintained at not less than that sum at all times during the licensed period. The director shall be
 46 notified by the surety or insurer within twenty days prior to any cancellation or reduction of the
 47 surety bond or liability insurance. If the surety bond or liability insurance policy which provides the
 48 financial responsibility for the certified commercial applicator is provided by the employer of the
 49 certified commercial applicator, the employer of the certified commercial applicator shall

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

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

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

28 281.070. 1. The director may investigate the use of any pesticide or claims of damages
29 ~~[which]~~ that result from the use of any pesticide.

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

45 3. The filing of or the failure to file need not be alleged in any complaint which might be
46 filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the
47 maintenance of any criminal or civil action. The failure to file such a report shall not be a violation
48 of sections 281.010 to 281.115. However, if the person failing to file such report is the only one
49 injured from such use or application of a pesticide by others, the director may, when in the public

1 interest, refuse to hold a hearing for the denial, suspension, or revocation of a license ~~or permit~~
2 issued under sections 281.010 to 281.115 until such report is filed.

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

5 (1) Examine, or cause to be examined, under oath, any person;

6 (2) Examine, or cause to be examined, books and records of the sale or use of any pesticide
7 directly related to the investigation;

8 (3) Hear such testimony and take such evidence as will assist ~~him~~ the director in the
9 discharge of ~~his~~ the director's duties under ~~this chapter~~ sections 281.010 to 281.115;

10 (4) Administer or cause to be administered ~~oath~~ oaths; and

11 (5) Issue subpoenas to require the attendance of witnesses and the production of books and
12 records directly related to the investigation.

13 281.075. ~~1.~~ The director may issue a ~~license or~~ pesticide applicator certification on a
14 reciprocal basis with other states without examination to a nonresident who is licensed ~~or~~ as
15 a certified ~~in another state substantially~~ applicator in accordance with the reciprocating state's
16 requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be
17 issued in accordance with the provisions of sections 281.010 to 281.115; except that, financial
18 responsibility ~~must~~ shall be filed pursuant to section 281.065. Fees collected shall be the same as
19 for resident licenses or certification.

20 ~~2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or~~
21 ~~281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the~~
22 ~~agent of such nonresident upon whom process may be served as provided by law; except that, any~~
23 ~~such nonresident who has designated a resident agent upon whom process may be served as~~
24 ~~provided by law shall not be required to designate the secretary of state as such agent. The secretary~~
25 ~~of state shall be allowed such fees therefor as provided by law for designating resident agents. The~~
26 ~~director shall be furnished with a copy of such designation of the secretary of state or of a resident~~
27 ~~agent, such copy to be certified by the secretary of state.]~~

28 281.085. No person shall discard, transport, or store any pesticide or pesticide containers in
29 such a manner that is inconsistent with label directions or as to cause injury to humans, vegetation,
30 crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may
31 promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide
32 containers. In determining these rules and regulations the director shall take into consideration any
33 regulations issued by the federal Environmental Protection Agency.

34 281.101. 1. It shall be unlawful for any ~~individual~~ person to violate any provision of
35 sections 281.010 to 281.115, or any regulation issued thereunder.

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

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

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

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

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

46 (5) It shall be unlawful to make any false or misleading statements during the course of an
47 investigation into the sale, distribution, use, or misuse of any pesticide;

48 ~~(4)~~ (6) It shall be unlawful to make any false or misleading statement on any application,
49 form, or document submitted to the director concerning licensing pursuant to sections 281.010 to

1 281.115 or any regulations issued thereunder;

2 ~~[(5)]~~ (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim,
3 through any media, ~~[which]~~ that misrepresents the effects of any pesticide, the methods to be
4 utilized in the application of any pesticide, or the qualifications of the person determining the need
5 for the use of any pesticide or using any pesticide;

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

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

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

18 3. Other acts ~~[which]~~ that are not specified, but ~~[which]~~ that violate sections 281.010 to
19 281.115 or regulations issued thereunder, shall nevertheless be unlawful."; and

20
21 Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and
22 line the following:

23
24 "Section B. Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038,
25 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075,
26 281.085, and 281.101 of section A of this act shall become effective on July 1, 2024."; and

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.
30