

SECOND REGULAR SESSION

HOUSE BILL NO. 2441

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAVENDER.

5169H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 281, RSMo, by adding thereto one new section relating to application of glyphosates and neonicotinoids.

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

Section A. Chapter 281, RSMo, is amended by adding thereto one new section, to be known as section 281.145, to read as follows:

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

(1) "Department", the department of agriculture;

(2) "Equipment", the same meaning given to such term in section 281.020;

(3) "Neonicotinoid pesticide", any:

(a) Pesticide containing any chemical belonging to the neonicotinoid class of chemicals; or

(b) Insecticide belonging to the neonicotinoid class of pesticides as determined by the United States Environmental Protection Agency.

2. (1) Beginning on January 1, 2021, no person shall apply any glyphosate or neonicotinoid pesticide in this state by using equipment.

(2) This section shall not apply to any existing stock of any neonicotinoid pesticide in any person's possession or purchased on or before December 31, 2020.

3. If the department determines, after inquiry and opportunity for a hearing, that any person has knowingly applied any glyphosate or neonicotinoid pesticide using equipment, the department may assess a civil penalty of not more than ten thousand dollars for each violation. If a person has violated the provisions of this subsection in two consecutive years or in two of the last three years, such person shall be considered a

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

18 chronic violator, and the department may assess a civil penalty of not more than
19 twenty-five thousand dollars for each violation.

20 4. Any person who is penalized under the provisions of this section shall be liable
21 for any reasonable costs associated with the department's investigation and shall remit
22 such costs to the department, not to exceed the department's actual investigative expenses.

23 5. Any penalty collected under this section shall be remitted to the school district
24 in which the violation occurred. If a person penalized under this section fails to pay the
25 penalty, the department may apply to the circuit court of Cole County for, and the court
26 may enter, an order enforcing the assessed penalty.

27 6. The department may, after inquiry and opportunity for a hearing, deny,
28 suspend, revoke, or modify the provisions of any license, permit, or certification issued
29 under sections 281.010 to 281.115 if the department finds that the applicant or holder of
30 such license, permit, or certification has violated any provision of this section or any
31 regulation issued under this section.

32 7. The department may promulgate rules to implement the provisions of this
33 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
34 created under the authority delegated in this section shall become effective only if it
35 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
36 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
37 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
38 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
39 grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
40 shall be invalid and void.

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