

SECOND REGULAR SESSION

SENATE BILL NO. 1082

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

Read 1st time February 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5584S.011

AN ACT

To repeal sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo, and to enact in lieu thereof nineteen new sections relating to pesticide certification and training, with a delayed effective date.

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

Section A. Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, to read as follows:

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

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

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

(2) "Applicator, operator or technician":

(a) **"Certified applicator", includes certified commercial applicator, certified noncommercial applicator, certified private applicator, or certified public operator;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

28 [(d)] **(e)** "Certified public operator", any individual who is certified by the
29 director as authorized to use, or to supervise the use of, any pesticide classified
30 for restricted use in the performance of [his] **the individual's** duties as an
31 official or employee of any agency of the state of Missouri or any political
32 subdivision thereof, or any other governmental agency;

33 **(f)** "Noncertified RUP applicator", any person who is not certified
34 **in accordance with sections 281.010 to 281.115 who uses or determines**
35 **the need for the use of restricted use pesticides under the direct**
36 **supervision of a certified commercial applicator or uses restricted use**
37 **pesticides under the direct supervision of a certified noncommercial**
38 **applicator or certified public operator;**

39 [(e)] **(g)** "Private applicator", any person not holding a certified private
40 applicator's license who [shall be required to obtain a permit for the use of any
41 restricted use pesticide] **uses general use pesticides or minimum risk**
42 **pesticides** for the purposes of producing any agricultural commodity on property
43 owned or rented by [him] **the person** or [his] **the person's** employer or on the
44 property of another person, if used without compensation other than trading of

45 personal services between producers of agricultural commodities[, such permit
46 shall authorize the one-time emergency purchase of a restricted use pesticide for
47 the purpose of a one-time emergency use of that pesticide];

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

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

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

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

63 (5) **"Department" or "department of agriculture", the state**
64 **department of agriculture, and when by sections 281.010 to 281.115 the**
65 **department of agriculture is charged to perform a duty, the director of**
66 **the department of agriculture is authorized to perform such duty;**

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

69 [(6)] (7) "Determining the need for the use of any pesticide", the act of
70 inspecting land for the presence of pests for the purpose of contracting for their
71 control or prevention through the use of pesticides in categories as specified by
72 regulation;

73 [(7)] (8) "Device", any instrument or contrivance, other than a firearm,
74 [which] **that** is intended for trapping, destroying, repelling, or mitigating any
75 pest or any other form of plant or animal life, other than man and other than
76 bacteria, viruses, or other microorganisms on or in living man or other living
77 animals, but not including equipment used for the application of pesticides when
78 sold separately therefrom;

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

81 **(10) "Distribute", to sell, offer for sale, hold for sale, deliver for**
82 **transportation in intrastate commerce, or transport in intrastate**
83 **commerce;**

84 [(8)] **(11) "Environment" includes, but is not limited to, water, air,**
85 **land, and all plants and man and other animals living therein, and the**
86 **interrelationships [which] that exist among these;**

87 [(9)] **(12) "Equipment" [means], any type of ground, water, or aerial**
88 **equipment or contrivance using motorized, mechanical, or pressurized power and**
89 **used to apply any pesticide on land and anything that may be growing,**
90 **habitating, or stored on or in such land, but shall not include any pressurized**
91 **hand-sized household apparatus used to apply any pesticide, or any equipment**
92 **or contrivance of which the person who is applying the pesticide is the source of**
93 **power or energy in making such pesticide application;**

94 [(10)] **(13) "Fungus", any nonchlorophyll-bearing thallophyte, [that]**
95 **which is[,] any nonchlorophyll-bearing plant of a lower order than mosses and**
96 **liverworts, such as[, for example,] rust, smut, mildew, mold, yeast, and bacteria,**
97 **except those on or in living man or other living animals, and except those on or**
98 **in processed food, beverages, or pharmaceuticals;**

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

105 [(11)] **(15) "Individual", any responsible, natural human being;**

106 [(12)] **(16) "Insect", any of the numerous small invertebrate animals**
107 **generally having the body more or less obviously segmented, for the most part**
108 **belonging to the class Insecta, comprising six-legged, usually winged forms, such**
109 **as[, for example,] beetles, bugs, bees, flies, and to other allied classes of**
110 **arthropods whose members are wingless and usually have more than six legs,**
111 **such as[, for example,] spiders, mites, ticks, centipedes, and wood lice;**

112 [(13)] **(17) "Land", all land and water areas, including airspace, and all**
113 **plants, animals, structures, buildings, contrivances and machinery, appurtenant**
114 **thereto or situated thereon, fixed or mobile, including any used for**
115 **transportation;**

116 **(18) "Minimum risk pesticide", any pesticide product exempted**

117 **under 40 C.F.R. Section 152.25(f) from registration requirements under**
118 **the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as**
119 **amended;**

120 [(14)] **(19)** "Misuse of a pesticide", a use of any [registered] pesticide in
121 a manner inconsistent with its labeling; provided, that the use of a lesser
122 concentration than provided on the label shall not be considered the misuse of a
123 pesticide when used strictly for agricultural purposes, and when requested in
124 writing by the person on whose behalf a pesticide is used;

125 [(15)] **(20)** "Nematode", invertebrate animals of the phylum
126 Nemathelminthes and class Nematoda, that is, unsegmented round worms with
127 elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil,
128 water, plants, or plant parts; may also be called nemas or eelworms;

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

131 [(16)] **(22)** "Person", any individual, partnership, association, fiduciary,
132 corporation, or any organized group of persons whether incorporated or not;

133 [(17)] **(23)** "Pest":

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

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

139 [(18)] **(24)** "Pesticide":

140 (a) Any substance or mixture of substances intended for preventing,
141 destroying, repelling, or mitigating any pest; or

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

144 [(19)] **(25)** "Pesticide dealer", any individual who is engaged in the
145 business of distributing, selling, offering for sale, or holding for sale at retail, or
146 direct wholesale to the end user, any pesticide classified for restricted use;

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

149 [(20)] **(27)** "Plant regulator", any substance or mixture of substances,
150 intended, through physiological action, for accelerating or retarding the rate of
151 growth or rate of maturation, or for otherwise altering the behavior of plants or
152 the produce thereof, but shall not include substances to the extent that they are

153 intended as plant nutrients, trace elements, nutritional chemicals, plant
154 inoculants, or soil amendments. The term "plant regulator" does not include any
155 of those nutrient mixtures or soil amendments [which] **that** are commonly known
156 as vitamin-hormone horticultural products, intended for improvement, maintenance,
157 survival, health, and propagation of plants, and [which] **that** are not for pest
158 destruction and are nontoxic, nonpoisonous in the undiluted package
159 concentration;

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

165 [(22)] **(28)** "Restricted use pesticide", any pesticide when applied in
166 accordance with its directions for use, warnings and cautions and for the uses for
167 which it is registered, or for one or more of such uses, or in accordance with a
168 widespread and commonly recognized practice, the director determines may cause,
169 without additional regulatory restrictions, unreasonable adverse effects on the
170 environment, including injury to the applicator;

171 [(23)] **(29)** "Sale", selling or offering for sale any pesticide;

172 [(24)] **(30)** "Snails" or "slugs" includes all harmful mollusks;

173 [(25)] **(31)** "Unreasonable adverse effects on the environment", any
174 unreasonable risk to man or the environment, taking into account the economic,
175 social, and environmental costs and benefits of the use of any pesticide;

176 [(26)] **(32)** "Under the direct supervision of a certified applicator", when
177 a pesticide is used by a competent person acting under the instructions and
178 control of a certified applicator who is available if and when needed, even though
179 such certified applicator is not physically present at the time and place the
180 pesticide is used;

181 [(27)] **(33)** "Use", mixing, **loading, or applying**[, storing or disposing of
182 **a] any pesticide; cleaning pesticide equipment; or storing or disposing of**
183 **pesticide containers, pesticides, spray mix, equipment wash waters, and**
184 **other pesticide-containing materials;**

185 [(28)] **(34)** "Weed", any plant [which] **that** grows where not wanted; [and

186 [(29)] **(35)** "Wildlife", all living things that are neither human, domesticated,
187 or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of

2 sections 281.010 to 281.115 and shall have authority to issue regulations after a
3 public hearing following due notice of not less than thirty days to all interested
4 persons, in conformance with the provisions of chapter 536, to carry out the
5 provisions of sections 281.010 to 281.115. Where the director finds that such
6 regulations are needed to carry out the purpose and intent of sections 281.010 to
7 281.115, such regulations may relate to, but need not be limited to, prescribing
8 the time, place, manner, methods, materials, and amounts and concentrations, in
9 connection with the use of the pesticide, and may restrict or prohibit use of
10 pesticides in designated areas during specified periods of time and shall
11 encompass all reasonable factors [which] **that** the director deems necessary to
12 prevent damage or injury. In issuing such regulations, the director may give
13 consideration to pertinent research findings and recommendations of other
14 agencies of this state, the federal government, or other reliable sources. The
15 director may by regulation require that notice of a proposed application of a
16 pesticide be given to landowners adjoining the property to be treated or in the
17 immediate vicinity thereof, if [he] **the director** finds that such notice is
18 necessary to carry out the purpose of sections 281.010 to 281.115. [The director
19 may, by regulation, provide for the one-time emergency purchase and one-time
20 emergency use of a restricted use pesticide by a private applicator.]

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

34 3. No regulation, or any amendment or repeal thereof, provided for in
35 sections 281.010 to 281.115 shall be adopted, except after public hearing giving
36 an opportunity to the public to be heard, to be held after no less than thirty days'
37 prior notice of the date, time, and place of hearing, to be given by regular mail to

38 any person who has registered with the director for purposes of notice of such
39 public hearings, in accordance with procedures prescribed by the director.

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

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

281.030. 1. The director may, by regulation, classify [certified applicator,
2 operator or technician] licenses to be issued under sections 281.010 to
3 281.115. Such classifications may include but not be limited to commercial
4 applicators, noncommercial applicators, private applicators, public operators [or],
5 pesticide technicians, **or noncertified RUP applicators**. Separate
6 classifications may be specified as to ground, aerial, or manual methods used by
7 any licensee to apply pesticides or to the use of pesticides for the control of pests.

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

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

281.035. 1. No individual shall engage in the business of determining the
2 need for the use of, supervising the use of, **supervising the determination of**
3 **the need for the use of**, or using any pesticide, in categories as specified by

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

26 2. **No certified commercial applicator shall knowingly authorize,**
27 **direct, or instruct any individual to engage in determining the need for**
28 **the use of or using any restricted use pesticide on the land of another**
29 **at any time unless such individual is licensed as a noncertified RUP**
30 **applicator while working under the direct supervision of a certified**
31 **commercial applicator so authorizing, directing, or instructing, in**
32 **which case the certified commercial applicator shall be liable for any**
33 **use of a restricted use pesticide by an individual operating under the**
34 **certified commercial applicator's direct supervision.**

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

39 [3.] 4. The director shall not issue a certified commercial applicator's

40 license until the applicant is certified by passing an examination provided by the
41 director to demonstrate to the director [his or her] **the applicant's** competence
42 and knowledge of the proper use of pesticides under the classifications [he or she]
43 **the applicant** had applied for, and [his or her] **the applicant's** knowledge of
44 the standards prescribed by regulations for the certification of commercial
45 applicators.

46 [4.] **5.** The director may renew any certified commercial applicator's
47 license under the classification for which such applicant is licensed, subject to
48 reexamination for additional knowledge that may be required to use pesticides
49 safely and properly either manually or with equipment the applicant has been
50 licensed to operate.

51 [5.] **6.** If the director finds the applicant qualified to use pesticides in the
52 classification for which application has been made, and if the applicant files
53 evidence that the requirement for bonds or insurance has been met as required
54 under section 281.065, the director shall issue a certified commercial applicator's
55 license limited to the classifications for which [he or she] **the applicant** is
56 qualified, which shall expire one year from date of issuance unless [it] **the**
57 **license** has been revoked or suspended prior thereto by the director for cause;
58 provided, such financial responsibility required under section 281.065 does not
59 expire at an earlier date, in which case [said] **the** license shall expire upon the
60 expiration date of the financial responsibility. The director may limit the license
61 of the applicant to the use of certain [restricted use] pesticides, or to certain
62 areas, or to certain types of equipment if the applicant is only so qualified. If a
63 license is not issued as applied for, the director shall inform the applicant in
64 writing of the reasons therefor.

65 [6.] **7.** The director shall require each certified commercial applicator or
66 [his or her] **the certified commercial applicator's** employer to maintain
67 records with respect to applications of any pesticide, **including pesticides used**
68 **under direct supervision by licensed pesticide technicians, pesticide**
69 **technician trainees, and licensed noncertified RUP applicators.** Such
70 relevant information as the director may deem necessary may be specified by
71 regulation. Such records shall be kept for a period of three years from the date
72 of the application of the pesticide to which such records refer, and the director
73 shall, upon request in writing, be furnished with a copy of such records by any
74 certified commercial applicator or [his or her] **the certified commercial**
75 **applicator's** employer.

76 [7.] 8. A person or individual engaged in the business of using pesticides
77 on the lands of another, who is deprived of [his or her] **such person's or**
78 **individual's** sole certified commercial applicator by reason of death, illness,
79 incapacity or any absence which the director determines is unavoidable, is
80 authorized to continue business operations without the services of a certified
81 commercial applicator for a period of time deemed appropriate by the director, but
82 not to exceed sixty days; except that, no restricted-use pesticide shall be used, or
83 caused to be used, by such person or individual. Any such person or individual
84 shall immediately notify the director as to the absence of [his or her] **such**
85 **person's or individual's** sole certified commercial applicator.

86 [8.] 9. Every certified commercial applicator shall display [his or her]
87 **the certified commercial applicator's** license in a prominent place at the
88 site, location, or office from which [he or she] **the certified commercial**
89 **applicator** will operate as a certified commercial applicator; that place, location,
90 or office being at the address printed on the license.

91 [9.] 10. Every certified commercial applicator who changes the address
92 from which [he or she] **the certified commercial applicator** will operate as
93 a certified commercial applicator shall immediately notify the director. The
94 director shall immediately issue a revised license upon which shall be printed the
95 changed address. The director shall not collect a fee for the issuance of a revised
96 license. The expiration date of the revised license shall be the same as the
97 expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section
2 281.035, 281.040, or 281.045[, or has not been issued a private applicator permit
3 pursuant to subsection 5 of section 281.040] shall not use, or supervise the use
4 of, any restricted-use pesticide without a certified noncommercial applicator
5 license. A certified noncommercial applicator shall not use, or supervise the use
6 of, any restricted use pesticide for any purpose unless [he or she] **the certified**
7 **noncommercial applicator** has demonstrated [his or her] **the certified**
8 **noncommercial applicator's** competence to use pesticides for that purpose by
9 being certified by the director in the proper certification category.

10 2. **No certified noncommercial applicator shall knowingly**
11 **authorize, direct, or instruct any individual to engage in using any**
12 **restricted use pesticide on lands or structures owned, leased, or rented**
13 **by the certified noncommercial applicator or the certified**
14 **noncommercial applicator's employer unless such individual is licensed**

15 as a noncertified RUP applicator while working under the direct
16 supervision of a certified noncommercial applicator so authorizing,
17 directing, or instructing, in which case the certified noncommercial
18 applicator shall be liable for any use of a restricted use pesticide by an
19 individual operating under the certified noncommercial applicator's
20 direct supervision.

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

25 [3.] 4. The director shall not issue a certified noncommercial applicator
26 license until the applicant is certified by passing an examination provided by the
27 director to demonstrate to the director [his or her] **the applicant's** competence
28 and knowledge of the proper use of pesticides under the classifications for which
29 [he or she] **the applicant** has applied, and [his or her] **the applicant's**
30 knowledge of the standards prescribed by regulations for the certification of
31 noncommercial applicators.

32 [4.] 5. If the director finds the applicant qualified to use restricted use
33 pesticides in the classification for which [he or she] **the applicant** has applied,
34 the director shall issue a certified noncommercial applicator license limited to the
35 applicator categories in which [he or she] **the applicant** is certified. The license
36 shall expire one year from the date of issuance unless [it] **the license** has been
37 revoked or suspended prior thereto by the director for cause. The director may
38 limit the license of the applicant to the use of certain restricted use pesticides, or
39 to certain areas, or to certain types of equipment if the applicant is only so
40 qualified. If a license is not issued as applied for, the director shall inform the
41 applicant in writing of the reasons therefor.

42 [5.] 6. The director may renew any certified noncommercial applicator
43 license under the classification for which the license is issued subject to
44 reexamination for additional knowledge [which] **that** may be required to apply
45 pesticides safely and properly.

46 [6.] 7. The director shall collect a fee of thirty-five dollars for each
47 certified noncommercial applicator license issued.

48 [7.] 8. Any certified noncommercial applicator may use, or supervise the
49 use of, restricted use pesticides only to or on lands or structures owned, leased
50 or rented by [himself or herself] **the certified noncommercial applicator** or

51 [his or her] **the certified noncommercial applicator's** employer.

52 [8.] **9.** The director shall require the certified noncommercial applicator
53 or [his or her] **the certified noncommercial applicator's** employer to
54 maintain records with respect to applications of restricted use pesticides. Any
55 relevant information [which] **that** the director may deem necessary may be
56 required by regulation. Such records shall be kept for a period of three years
57 from the date of the application of the pesticide to which such records refer, and
58 the director shall, upon request in writing, be furnished with a copy of such
59 records by any certified noncommercial applicator or [his or her] **the certified**
60 **noncommercial applicator's** employer.

61 [9.] **10.** Every certified noncommercial applicator shall display [his or
62 her] **the certified noncommercial applicator's** license in a prominent place
63 at the site, location, or office from which [he or she] **the certified**
64 **noncommercial applicator** will operate as a certified noncommercial
65 applicator; that place, location, or office being at the address printed on the
66 license.

67 [10.] **11.** Every certified noncommercial applicator who changes the
68 address from which [he or she] **the certified noncommercial applicator** will
69 operate as a certified noncommercial applicator shall immediately notify the
70 director. The director shall immediately issue a revised license upon which shall
71 be printed the changed address. The director shall not collect a fee for the
72 issuance of a revised license. The expiration date of the revised license shall be
73 the same as the expiration date for the original license.

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

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

12 3. The director shall not issue a pesticide technician's license until the
13 individual has demonstrated [his or her] **the applicant's** competence by

14 completion of an approved training program to the satisfaction of the director.

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

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

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

30 **7. No pesticide technician shall use or determine the need for the**
31 **use of any pesticide unless there is a certified commercial applicator,**
32 **certified in categories as specified by regulation, working from the**
33 **same physical location as the licensed pesticide technician. A pesticide**
34 **technician may complete retraining requirements and renew the**
35 **technician's license without a certified commercial applicator working**
36 **from the same physical location.**

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

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

11 **3.** The private applicator shall qualify for a certified private applicator's
12 license by [either] attending [a course or completing an online course of
13 instruction] **an approved certification training program provided by**

14 **University of Missouri extension, completing an online certification**
15 **training program provided by University of Missouri extension, or by**
16 **passing the required private applicator certification examination**
17 provided by the director on the use, handling, storage and application of
18 restricted-use pesticides **in the proper certification categories as specified**
19 **by regulation.** The content of the instruction shall be determined and revised
20 as necessary by the director. Upon completion of the [course] **certification**
21 **training program, online certification training program, or passing of**
22 **the required private applicator certification examination,** the director
23 shall issue a certified private applicator's license to the applicant. The director
24 shall not collect a fee for the issuance of such license[, but the]. University of
25 Missouri extension [service] may collect [a fee for the actual cost of the materials
26 necessary to complete the course of instruction] **reasonable fees for training**
27 **and study materials, for attendance of a certification training program,**
28 **and for an online certification training program.** However, no [fee] fees
29 shall be assessed or collected from an individual [completing an online course of
30 instruction. Both] **until** the director [of the department] and [of the] University
31 of Missouri extension [service shall] review [such costs] **and agree upon the**
32 **fees. The director of the department and University of Missouri**
33 **extension shall review and agree upon the fees** annually.

34 [3.] 4. A certified private applicator's license shall expire five years from
35 date of issuance and may then be renewed without charge or additional fee. Any
36 certified private applicator holding a valid license may renew that license for the
37 next five years [without additional training unless the director determines that
38 additional knowledge related to the use of agricultural pesticides makes
39 additional training necessary] **upon successful completion of recertification**
40 **training or by passing the required private applicator certification**
41 **examination.**

42 [4.] 5. If the director does not qualify the private applicator under this
43 section [he], **the director** shall inform the applicant in writing of the reasons
44 therefor.

45 [5. The private applicator may apply to the director, or his designated
46 agent, for a private applicator permit for the one-time emergency purchase and
47 use of restricted use pesticides. When the private applicator has demonstrated
48 his competence in the use of the pesticides to be purchased and used on a
49 one-time emergency basis, he shall be issued a permit for the one-time emergency

50 purchase and use of restricted use pesticides. The director or his designated
51 agent shall not collect a fee for the issuance of such permit.]

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

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

15 3. **No certified public operator shall knowingly authorize, direct,**
16 **or instruct any individual to engage in using any restricted use**
17 **pesticide on lands or structures unless such individual is licensed as a**
18 **noncertified RUP applicator while working under the direct**
19 **supervision of a certified public operator so authorizing, directing, or**
20 **instructing, in which case the certified public operator shall be liable**
21 **for any use of a restricted use pesticide by an individual operating**
22 **under the certified public operator's direct supervision.**

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

27 [4.] 5. The director shall not issue a certified public operator license until
28 the applicant is certified by passing an examination provided by the director to
29 demonstrate to the director [his] **the applicant's** competence and knowledge of
30 the proper use of pesticides under the classifications for which [he] **the**
31 **applicant** has applied, and [his] **the applicant's** knowledge of the standards
32 prescribed by regulations for the certification of public operators.

33 [5.] 6. If the director finds the applicant qualified to use pesticides in the
34 classification for which [he] **the applicant** has applied, the director shall issue

35 a license, without a fee, to the certified public operator who has so qualified. The
36 certified public operator license shall be valid only when the operator is acting as
37 an operator using, or supervising the use of, restricted use pesticides in the
38 course of [his] **the operator's** employment. A certified public operator license
39 shall expire three years from the date of issuance unless [it] **the license** has
40 been revoked or suspended prior thereto by the director for cause. The director
41 may limit the license of the applicant to the use of certain restricted use
42 pesticides, or to certain areas, or to certain types of equipment if the applicant
43 is only so qualified. If a license is not issued as applied for, the director shall
44 inform the applicant in writing of the reasons therefor.

45 [6.] 7. The director may renew any certified public operator license under
46 the classification for which that applicant is licensed, subject to reexamination
47 for additional knowledge which may be required to use pesticides safely and
48 properly either manually or with equipment the applicant has been licensed to
49 operate.

50 [7.] 8. The director shall require the certified public operator, or [his]
51 **the certified public operator's** employer, to maintain records with respect to
52 applications of restricted use pesticides. Any relevant information which the
53 director may deem necessary may be required by regulation. Such records shall
54 be kept for a period of three years from the date of the application of the pesticide
55 to which such records refer, and the director shall, upon request in writing, be
56 furnished with a copy of such records by any certified public operator or [his] **the**
57 **certified public operator's** employer.

58 [8.] 9. Agencies listed in subsection 1 of this section shall be subject to
59 a legal action by any person damaged by any use of any pesticide, which may be
60 brought in the county where the damage or any part thereof occurred.

61 [9.] 10. Every certified public operator shall display [his] **the certified**
62 **public operator's** license in a prominent place at the site, location, or office
63 from which [he] **the certified public operator** will operate as a certified public
64 operator, that place, location, or office being at the address printed on the license.

65 [10.] 11. Every certified public operator who changes the address from
66 which [he] **the certified public operator** will operate as a certified public
67 operator shall immediately notify the director. The director shall immediately
68 issue a revised license upon which shall be printed the changed address. The
69 director shall not collect a fee for the issuance of a revised license. The expiration
70 date of the revised license shall be the same as the expiration date for the

71 original license.

72 **12. Any person who volunteers to work for a public agency may**
73 **use general use pesticides without a license under the supervision of**
74 **the public agency on lands owned or managed by the public agency.**

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

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

9 **3. Application for a noncertified RUP applicator's license shall**
10 **be submitted to the director on a designated form obtained from the**
11 **department. Each application shall include such information as**
12 **prescribed by the director by regulation and shall be received by the**
13 **director within forty-five days of employment of the noncertified RUP**
14 **applicator.**

15 **4. The director may issue a noncertified RUP applicator license**
16 **once an individual has demonstrated the individual's competence by**
17 **passing any examination required by the department. The director**
18 **shall collect an annual fee of thirty-five dollars for each noncertified**
19 **RUP applicator license issued. The license shall be valid for one year**
20 **unless revoked or suspended by the department prior to its**
21 **expiration. The director may renew a noncertified RUP applicator**
22 **license subject to completion of an approved training program or**
23 **examination as required by the department. Any individual whose**
24 **application is denied shall receive a written explanation as to the**
25 **determination of the denial.**

26 **5. Individuals holding a valid noncertified RUP applicator**
27 **license may use and determine the need for the use of restricted use**
28 **pesticides, general use pesticides, and minimum risk pesticides under**
29 **the direct supervision of a certified commercial applicator and only for**
30 **the categories in which the commercial applicator is certified. The**
31 **director may limit the license of the applicant to the use of certain**
32 **pesticides, or to certain areas, or to certain types of equipment if the**
33 **applicant is only so qualified.**

34 **6. Every certified commercial applicator, certified**
35 **noncommercial applicator, or certified public operator providing direct**
36 **supervision to a licensed noncertified RUP applicator shall**
37 **immediately notify the director when the licensed noncertified RUP**
38 **applicator has changed address from which the applicator or operator**
39 **will operate as a licensed noncertified RUP applicator or when the**
40 **noncertified RUP applicator's employment has been terminated. The**
41 **director shall immediately issue a revised license upon which shall be**
42 **printed the change of address. The director shall not collect a fee for**
43 **the issuance of a revised license. The expiration date of the revised**
44 **license shall be the same as the expiration date for the original license.**

45 **7. A noncertified RUP applicator may complete retraining**
46 **requirements and renew the applicator's license without a certified**
47 **commercial applicator, certified noncommercial applicator, or certified**
48 **public operator working from the same physical location.**

49 **8. Every licensed noncertified RUP applicator shall display the**
50 **applicator's license in a prominent place at the site, location, or office**
51 **from which the applicator will operate as a noncertified RUP**
52 **applicator that place, location, or office being at the address printed on**
53 **the license.**

281.050. 1. No individual shall act in the capacity of a pesticide dealer
2 or shall engage in the business of, advertise as, or assume to act as a pesticide
3 dealer unless [he or she] **the individual** has obtained a license from the director
4 [which] **that** shall expire one year from date of issuance. [An individual shall be
5 required to obtain a license for] Each **pesticide dealership** location or outlet
6 from which [such] **restricted use** pesticides are distributed, sold, held for sale,
7 or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers
8 may be designated by the director as agents of the state for the purpose of issuing
9 permits for restricted use pesticides to private applicators] **shall have at least**
10 **one individual licensed as a pesticide dealer. No individual shall be**
11 **issued more than one pesticide dealer license. Each mobile salesperson**
12 **possessing restricted use pesticides for distribution or sale shall be**
13 **licensed as a pesticide dealer.**

14 2. Application for a pesticide dealer's license shall be made on a
15 designated form obtained from the [director's office] **department**. The director
16 shall collect a fee of thirty-five dollars for the issuance of each license. The

17 provisions of this section shall not apply to a pesticide applicator who sells
18 pesticides only as an integral part of [his or her] **the applicator's** pesticide
19 application service when such pesticides are dispensed only through apparatuses
20 used for such pesticide applications. The provisions of this section shall not apply
21 to any federal, state, or county agency [which] **that** provides pesticides for its
22 own programs.

23 3. Each applicant shall satisfy the director as to [his or her] **the**
24 **applicant's** knowledge of the laws and regulations governing the use and sale
25 of pesticides and [his or her] **the applicant's** responsibility in carrying on the
26 business of a pesticide dealer **by passing a pesticide dealer examination**
27 **provided by the director.** Each licensed pesticide dealer shall be responsible
28 for insuring that all of [his or her] **the dealer's** employees and agents who sell
29 or recommend restricted use pesticides have adequate knowledge of the laws and
30 regulations governing the use and sale of such restricted use pesticides.

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

37 5. No pesticide dealer shall sell, give away or otherwise make available
38 any restricted use pesticides to anyone but certified applicators [or operators, or
39 to private applicators who have met the requirements of subsection 5 of section
40 281.040,] **holding valid certifications in proper certification categories**
41 or to other **licensed** pesticide dealers, except that pesticide dealers may allow the
42 designated representative of such certified applicators[, operators or private
43 applicators] to take possession of restricted use pesticides when those restricted
44 use pesticides are purchased by and for use by or under the direct supervision of
45 such certified applicator[, operator or private applicator].

46 6. The director shall require the pesticide dealer, or [his or her] **the**
47 **dealer's** employer, to maintain books and records with respect to sales of
48 restricted use pesticides **at each dealership location or outlet.** Such relevant
49 information as the director may deem necessary may be specified by
50 regulation. Such records shall be kept for a period of three years from the date
51 of sale of the restricted use pesticide to which such records refer, and the director
52 shall upon request in writing be furnished with a copy of such records by any

53 licensed pesticide dealer or [his or her] **the dealer's** employer.

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

281.055. 1. If the [application for] renewal of any license[,] **or**
2 certification [or permit] provided for in [this chapter] **sections 281.010 to**
3 **281.115** is not filed prior to **the** expiration date in any year, a penalty of
4 twenty-five percent shall be assessed and added to the original fee and shall be
5 paid by the applicant before the license[,] **or** certification [or permit] shall be
6 renewed[]; provided, that such penalty shall not apply if the applicant furnishes
7 an affidavit certifying that he has not engaged in the business subsequent to the
8 expiration of his license, certification or permit]. Any person holding a current
9 valid license[,] **or** certification [or permit] may renew the license[,] **or**
10 certification [or permit] for the next year without taking another examination
11 unless the director determines that additional knowledge related to classifications
12 for which the applicant has applied makes a new examination
13 necessary. However, if the license is not renewed within sixty days following the
14 date of expiration [then], **the license shall be cancelled and** the licensee shall
15 be required to satisfy all the requirements of licensure as if such person was
16 never licensed.

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

20 3. The director shall have prepared for prospective licensee's use[,] a
21 book of guidelines of factual necessary information related to the requirements
22 of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the**
23 publication.

281.060. 1. The director, after inquiry, and after opportunity for a
2 hearing, may deny, suspend, revoke, or modify the provisions of any license[,
3 permit,] or certification issued under sections 281.010 to 281.115, if [he] **the**
4 **director** finds that the applicant or the holder of a license[, permit,] or
5 certification has violated any provision of sections 281.010 to 281.115, or any
6 regulation issued thereunder, or has been convicted or subject to a final order
7 imposing a civil or criminal penalty pursuant to the Federal Insecticide,
8 Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is
9 the subject of prosecution, in [another] **this state or in any** state or protectorate
10 of the United States, or has had a pesticide applicator license[,] **or** certificate [or

11 permit] denied, suspended, revoked or modified by [another] **any** state or
12 protectorate of the United States, or the person has been finally adjudicated and
13 found guilty, or entered a plea of guilty or nolo contendere, in a criminal
14 prosecution under the laws of any state or of the United States, for any offense
15 reasonably related to the qualifications, functions, or duties of any profession
16 licensed or regulated under [this chapter] **sections 281.010 to 281.115**, for any
17 offense an essential element of which is fraud, dishonesty, or an act of violence,
18 or for any offense involving moral turpitude, whether or not sentence is
19 imposed. **Licensed certified applicators, licensed noncertified RUP**
20 **applicators, licensed pesticide technicians, and licensed pesticide**
21 **dealers shall notify the department within ten days of any conviction**
22 **of or plea to any offense listed in this section.**

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

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

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

281.065. 1. The director shall not issue a certified commercial applicator's
2 license until the applicant or the employer of the applicant has furnished
3 evidence of financial responsibility with the director consisting either of a surety
4 bond or a liability insurance policy or certification thereof, protecting persons who
5 may suffer legal damages as a result of [the operations of] **pesticide use by the**
6 applicant; except that, such surety bond or liability insurance policy need not
7 apply to damages or injury to crops, plants or land being worked upon by the
8 applicant. Following the receipt of the initial license, the certified commercial
9 applicator shall not be required to furnish evidence of financial responsibility to
10 the department for the purpose of license renewal unless upon request. Annual
11 renewals for surety bonds or liability insurance shall be maintained at the

12 business location from which the certified commercial applicator is
13 licensed. Valid surety bonds or liability insurance certificates shall be available
14 for inspection by the director [or his or her designee] at a reasonable time during
15 regular business hours or, upon a request in writing, the director shall be
16 furnished a copy of the surety bond or liability insurance certificate within ten
17 [working] days of receipt of the request.

18 2. The amount of the surety bond or liability insurance required by this
19 section shall be not less than fifty thousand dollars for each occurrence. Such
20 surety bond or liability insurance shall be maintained at not less than that sum
21 at all times during the licensed period. The director shall be notified by the
22 surety or insurer within twenty days prior to any cancellation or reduction of the
23 surety bond or liability insurance. If the surety bond or liability insurance policy
24 which provides the financial responsibility for the certified commercial applicator
25 is provided by the employer of the certified commercial applicator, the employer
26 of the certified commercial applicator shall immediately notify the director upon
27 the termination of the employment of the certified commercial applicator or when
28 a condition exists under which the certified commercial applicator is no longer
29 provided bond or insurance coverage by the employer. The certified commercial
30 applicator shall then immediately execute **and submit to the director** a surety
31 bond or an insurance policy to cover the financial responsibility requirements of
32 this section and the certified commercial applicator or the applicator's employer
33 shall maintain the surety bond or liability insurance certificate at the business
34 location from which the certified commercial applicator is licensed. The director
35 may accept a liability insurance policy or surety bond in the proper sum which
36 has a deductible clause in an amount not exceeding one thousand dollars; except
37 that, if the bond- or policyholder has not satisfied the requirement of the
38 deductible amount in any prior legal claim, such deductible clause shall not be
39 accepted by the director unless the bond- or policyholder executes and maintains
40 a surety bond or liability insurance which shall satisfy the amount of the
41 deductible as to all claims that may arise in [his or her] **the bond- or**
42 **policyholder's** application of pesticides.

43 3. If the surety becomes unsatisfactory, **the commercial applicator**
44 **license shall expire and become invalid and** the bond- or policyholder shall
45 immediately execute **and submit to the director** a new bond or insurance
46 policy and maintain the surety bond or liability insurance certificate at the
47 business location from which the certified commercial applicator is licensed, and

48 if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel
49 [his or her] **the bond- or policyholder's** license, or deny the license of an
50 applicant, and give [him or her] **the bond- or policyholder's** notice of
51 cancellation or denial, and it shall be unlawful thereafter for the applicant to
52 engage in the business of using pesticides until the bond or insurance is brought
53 into compliance with the requirements of subsection 1 of this section. If the bond-
54 or policyholder does not execute a new bond or insurance policy within sixty days
55 of expiration of such bond or policy, the licensee shall be required to satisfy all
56 the requirements for licensure as if never before licensed.

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

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

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

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

24 failure to file such a report shall not be a violation of sections 281.010 to
25 281.115. However, if the person failing to file such report is the only one injured
26 from such use or application of a pesticide by others, the director may, when in
27 the public interest, refuse to hold a hearing for the denial, suspension, or
28 revocation of a license or permit issued under sections 281.010 to 281.115 until
29 such report is filed.

30 4. The director may in the conduct of any investigation or hearing
31 authorized or held by [him] **the director**:

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

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

35 (3) Hear such testimony and take such evidence as will assist [him] **the**
36 **director** in the discharge of [his] **the director's** duties under [this chapter]
37 **sections 281.010 to 281.115**;

38 (4) Administer or cause to be administered [oath] **oaths**; and

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

281.075. [1.] The director may issue a [license or] **pesticide applicator**
2 certification on a reciprocal basis with other states without examination to a
3 nonresident who is licensed [or] **as a certified [in another state substantially]**
4 **applicator in accordance with the reciprocating state's requirements**
5 **and is a resident of the reciprocating state. A pesticide applicator**
6 **certification shall be issued** in accordance with the provisions of sections
7 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed
8 pursuant to section 281.065. Fees collected shall be the same as for resident
9 licenses or certification.

10 [2. Any nonresident applying for any license under section 281.035,
11 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in
12 writing the secretary of state as the agent of such nonresident upon whom process
13 may be served as provided by law; except that, any such nonresident who has
14 designated a resident agent upon whom process may be served as provided by law
15 shall not be required to designate the secretary of state as such agent. The
16 secretary of state shall be allowed such fees therefor as provided by law for
17 designating resident agents. The director shall be furnished with a copy of such
18 designation of the secretary of state or of a resident agent, such copy to be
19 certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or
2 pesticide containers in such a manner **that is inconsistent with label**
3 **directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife,
4 beneficial insects, or to pollute any waterway. The director may promulgate rules
5 and regulations governing the discarding and storing of such pesticide or
6 pesticide containers. In determining these rules and regulations the director
7 shall take into consideration any regulations issued by the Federal
8 Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] **person** to violate
2 any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

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

4 (1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or
5 [to] supervise the use of any pesticide in a manner inconsistent with its labeling
6 required by labeling requirements of FIFRA, **the** Missouri pesticide use act or
7 **the** Missouri pesticide registration act;

8 (2) It shall be unlawful for any [individual] **person** to misuse any
9 pesticide;

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

12 (4) **It shall be unlawful for any person not holding a valid**
13 **certified applicator license in proper certification categories or a valid**
14 **pesticide dealer license to purchase or acquire restricted use**
15 **pesticides;**

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

19 [(4)] (6) It shall be unlawful to make any false or misleading statement
20 on any application, form, or document submitted to the director concerning
21 licensing pursuant to sections 281.010 to 281.115 or any regulations issued
22 thereunder;

23 [(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent
24 statement or claim, through any media, [which] **that** misrepresents the effects
25 of any pesticide, the methods to be utilized in the application of any pesticide, or
26 the qualifications of the person determining the need for the use of any pesticide
27 or using any pesticide;

28 [(6)] (8) It shall be unlawful to make any false or misleading statement

29 specifying[,] or inferring that a person or [his] **the person's** methods are
30 recommended by any branch of government or that any pesticide work done will
31 be inspected by any branch of government;

32 ~~[(7)]~~ **(9)** It shall be unlawful to aid or abet any licensed or unlicensed
33 individual in evading the provisions of sections 281.010 to 281.115 or any
34 regulation issued thereunder, or to conspire with any licensed or unlicensed
35 individual in evading the provisions of sections 281.010 to 281.115 or any
36 regulation issued thereunder;

37 **(10)** It shall be unlawful for any person to steal pesticide
38 **certification examinations or examination materials, cheat on pesticide**
39 **certification examinations, evade completion of recertification or**
40 **retraining requirements, or aid and abet any person in an attempt to**
41 **steal examinations or examination materials, cheat on examinations, or**
42 **evade recertification or retraining requirements.**

43 **3.** Other acts [which] **that** are not specified, but [which] **that** violate
44 sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless
45 be unlawful.

Section B. Section A of this act shall become effective on July 1, 2021.

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