

1 **SENATE FLOOR VERSION**

2 April 10, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1966

By: Newton of the House

and

Jech of the Senate

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6
7
8 An Act relating to agriculture; providing fees;
9 requiring certain certification for licensing;
10 providing for expiration and renewal of licenses;
11 providing insurance requirements for a license;
12 providing requirements for legal actions to be filed
13 against an applicator for damages; prohibiting the
14 sale of restricted use pesticides without the proper
15 license; providing that the State Board of
16 Agriculture may issue permits for pesticide sales;
17 providing that applications for a pesticide sale
18 permit shall be created by the Board; requiring each
19 business location selling restricted use pesticides
20 to have separate permits; providing restricted use
21 pesticide dealer permit fee; providing that the Board
22 may require a certified applicator to be present when
23 restricted use pesticides are sold; requiring
24 pesticide or device distributed, sold, or offered for
sale within this state or delivered for
transportation or transported in intrastate or
interstate commerce to be registered with the Board;
providing required information to be filed with the
Board by registrants; providing for registration fee;
providing that the Board may require the submission
of the complete formula of any pesticide; requiring
the Board to provide an opportunity for a hearing
before refusing to issue registration; providing that
the Board may require that pesticides be
distinctively colored or discolored; providing
exemptions for registration; providing that the Board
may establish any category of license for pesticide
application or any category of permit for pesticide
sales; providing that all permits for pesticide sales
and registrations shall be issued for a period of one

1 year and the permits shall be renewed annually and
2 shall expire on a date determined by the Board;
3 providing for renewal of pesticide sale permits and
4 registrations; defining terms; providing that it is
5 unlawful to produce any pesticide, active ingredient
6 or device without first obtaining a pesticide
7 producer establishment permit; providing requirements
8 for a pesticide producer establishment permit
9 application; requiring certain information to be
10 filed with the Board for a pesticide producer
11 establishment permit; providing that all permits for
12 pesticide producer establishments shall be issued for
13 a period of one year and shall be renewed annually;
14 providing for renewal; requiring that each pesticide
15 producer establishment location to have a separate
16 permit; providing pesticide producer establishment
17 permit fee; providing that the Board may request
18 certain information; requiring producers to keep
19 accurate records; providing procedures for complaints
20 received by the Board; amending 2 O.S. 2021, Section
21 3-82, which relates to pesticide licenses; exempting
22 licensing requirement for applicator license when a
23 property owner is applying it to their own property;
24 removing licenses and permits; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-82A of Title 2, unless there
is created a duplication in numbering, reads as follows:

A. The following fees shall be paid to the State Board of
Agriculture:

1. A fee of One Hundred Dollars (\$100.00) for each category of
pesticide application shall be paid to the Board for the issuance or
renewal of a commercial applicator business license. Not more than

1 Five Hundred Dollars (\$500.00) total category fees shall be charged
2 annually to any business location of an applicator;

3 2. A fee of Fifty Dollars (\$50.00) shall be paid to the Board
4 for each written examination conducted by the Board;

5 3. A fee of Fifty Dollars (\$50.00) shall be paid to the Board
6 for each practical examination conducted by the Board;

7 4. A fee of Twenty Dollars (\$20.00) shall be paid to the Board
8 for the issuance or renewal of a private applicator's license;

9 5. A fee of Fifty Dollars (\$50.00) shall be paid to the Board
10 for the issuance or renewal of a noncommercial business license.

11 Not more than Two Hundred Fifty Dollars (\$250.00) total category
12 fees shall be charged annually to any noncommercial business
13 location of an applicator;

14 6. A fee of Twenty Dollars (\$20.00) shall be paid to the Board
15 for the issuance or renewal of service technician identification;

16 7. A fee of Ten Dollars (\$10.00) shall be paid to the Board for
17 the issuance of duplicate licenses or certificates or transfer of
18 service technician identification;

19 8. A fee of Fifty Dollars (\$50.00) shall be paid to the Board
20 for each recertification procedure; and

21 9. A fee of One Hundred Dollars (\$100.00) shall be paid to the
22 Board for each reciprocal certification procedure for applicator
23 certifications.

24

1 B. All fees shall be deposited in the State Department of
2 Agriculture Revolving Fund.

3 C. Fees shall be paid to the Board prior to the processing of
4 any application.

5 D. Failure to pay any fee identified with licenses, permits,
6 pesticide registrations, or certification shall require the Board to
7 deny the application.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3-82B of Title 2, unless there
10 is created a duplication in numbering, reads as follows:

11 A. An applicator's license shall be issued only after
12 satisfactory completion of the certification standards by the person
13 who shall be the certified applicator under the license. Temporary
14 certified applicators do not qualify as the certified applicator for
15 a license, nor may they act as a certified applicator. The Board
16 shall deny the application for certification, recertification,
17 issuance, or renewal of a certificate or license for a failure to
18 show proper qualification under the rules or for violations of any
19 provisions of this section. A certificate in any category shall be
20 valid for five (5) years unless suspended, canceled, or revoked by
21 the Board or until recertification is required for the category, and
22 may be renewed after successful completion of recertification
23 requirements. The Board may require certified applicators to be
24 recertified once in a five-year period.

1 B. A certified service technician identification shall be
2 issued upon application and completion of certification standards
3 determined by the Board. Temporary certified applicators may
4 qualify as a certified service technician. No person shall act, do
5 business as, or advertise as a service technician unless the person
6 has met all the qualifications and standards as required by the
7 Board. The service technicians' identification shall be issued in
8 the name of the licensed entity. The licensee shall ensure that the
9 service technician identification is returned to the Board upon
10 termination of the employee. A service technician identification
11 shall be valid for a period of five (5) years unless suspended,
12 canceled, or revoked by the Board, until recertification is required
13 by the Board, or until the service technician leaves the employ of
14 the licensed entity. The Oklahoma Department of Agriculture, Food,
15 and Forestry may issue a service technician identification upon
16 completion of the following:

17 1. A determination is made by the Department that the applicant
18 has successfully completed the written examination;

19 2. The licensed entity provides a completed service technician
20 identification application form at the time of testing; and

21 3. All appropriate fees are paid at the time of testing.

22 C. Each license, except for private applicators, shall expire
23 on dates established by the Department in administrative rules and
24 may be renewed for the ensuing calendar year, without penalty or

1 reexamination, if a properly completed application is filed with the
2 Board on a date established by the Department. If the application
3 is not received by the due date, a penalty of twice the amount of
4 the renewal fee shall be charged for renewal of the license. If the
5 application is not received within thirty (30) days following the
6 due date, an additional one-hundred-dollar penalty shall be paid
7 prior to license renewal. All private applicator licenses are in
8 effect for five (5) years and may be renewed by application after
9 completion of a continuing education program or written exam
10 approved by the Board.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3-82C of Title 2, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The Board shall not issue a commercial applicator's license
15 until the applicant has furnished evidence of an insurance policy or
16 certificate by an insurer or broker authorized to do business in
17 this state insuring the commercial applicator and any agents against
18 liability resulting from the operations of the commercial
19 applicator. The insurance shall not be applied to damage or injury
20 to agricultural crops, plants, or land being worked upon by the
21 commercial applicator.

22 B. The amount of liability shall not be less than that set by
23 the Board for each property damage arising out of actual use of any
24 pesticide. The liability shall be maintained at not less than that

1 sum at all times during the licensing period. The Board shall be
2 notified fifteen (15) days prior to any reduction in liability.

3 C. If the furnished liability becomes unsatisfactory, the
4 applicant shall immediately execute new liability upon notice from
5 the Board. If new liability is not immediately obtained, the Board
6 shall, upon notice, cancel the license. It shall be unlawful for
7 the person to engage in the business of applying pesticides until
8 the liability is brought into compliance and the license reinstated.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 3-82D of Title 2, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Prior to filing an action against an applicator for damages
13 to growing crops or plants, any person alleging damages to growing
14 crops or plants shall:

15 1. Within ninety (90) calendar days of the date that the
16 alleged damages occurred or prior to the time that twenty-five
17 percent (25%) of the allegedly damaged crops or plants are
18 harvested, whichever occurs first, file a written complaint
19 statement with the Department regarding the alleged damages; and

20 2. Between the date of filing of the written complaint pursuant
21 to paragraph 1 of this subsection and the date harvesting or
22 destruction of the allegedly damaged crops or plants occurs, allow
23 the applicator and the representatives of the applicator reasonable
24 access to the property to inspect and take samples of the allegedly

1 damaged crops or plants during reasonable hours. The
2 representatives of the applicator may include, but not be limited
3 to, crop consultants, bondsmen, and insurers. Nothing in this
4 paragraph shall limit in any way the harvesting or destruction of
5 the allegedly damaged crops or plants in the ordinary course of
6 business and practice.

7 B. Any person failing to comply with subsection A of this
8 section shall be barred from filing an action for damages against
9 the applicator.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3-82E of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

13 A. It shall be unlawful for any person to sell, offer for sale,
14 or distribute within this state any restricted use pesticide without
15 first obtaining a restricted use pesticide dealer's permit issued by
16 the Board.

17 B. A permit may be issued by the Board in any category of
18 pesticide sales if the applicant qualifies under the provisions of
19 this section and the applicant is limited to the category of
20 pesticide sales named on the permit. The Board may establish
21 categories of pesticide sales as necessary.

22 C. The permit shall be issued only upon application on a form
23 prescribed by the Board and the application shall contain
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1 information regarding the applicant's proposed operation and other
2 information as specified by the Board.

3 D. Each business location engaged in the sale or distribution
4 of restricted use pesticides shall require a separate permit.

5 E. The annual permit fee for a restricted use pesticide dealer
6 permit shall be Fifty Dollars (\$50.00) for each location.

7 F. The Board may require a certified applicator to be present
8 at any location where designated restricted use pesticide sales
9 occur.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3-82F of Title 2, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Every pesticide or device distributed, sold, or offered for
14 sale within this state or delivered for transportation or
15 transported in intrastate or interstate commerce shall be registered
16 with the Board.

17 B. The registrant shall file with the Board a statement
18 including, but not limited to:

19 1. The name and address of the registrant and the name and
20 address of the person whose name shall appear on the label, if other
21 than the registrant;

22 2. The name of the pesticide or device;

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1 3. A complete copy of the labeling accompanying the pesticide
2 or device and a statement of all claims to be made for it, and
3 directions for use; and

4 4. If requested by the Board, a full description of the tests
5 made and the results upon which the claims are based. In renewing a
6 registration, a statement shall be required only with respect to
7 information which is different from the information furnished when
8 the pesticide or device was last registered.

9 C. Each registrant shall pay to the Board an annual
10 registration fee of Two Hundred Ten Dollars (\$210.00) for each
11 pesticide or device label registered. These fees shall be used by
12 the Oklahoma Department of Agriculture, Food, and Forestry for
13 purposes of administering pesticide management programs. A portion
14 of these fees, in the amount of Three Hundred Thousand Dollars
15 (\$300,000.00) annually, shall be dedicated for conducting programs
16 for unwanted pesticide disposal. This amount shall be deposited
17 into the State Department of Agriculture Unwanted Pesticide Disposal
18 Fund and shall be dedicated for this use only.

19 D. The Board may require the submission of the complete formula
20 of any pesticide. Trade secrets and formulations submitted by the
21 registrant may be kept confidential. If it appears to the Board
22 that the composition of the pesticide is adequate to warrant the
23 proposed claims and if the pesticide, its labeling, and other
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1 material required to be submitted comply with the requirements of
2 this section, then the pesticide shall be registered.

3 E. If it does not appear to the Board that the pesticide or
4 device is adequate to warrant the proposed claims for it or if the
5 pesticide or device, its labeling, and other material required to be
6 submitted do not comply with the provisions of this section, it
7 shall notify the applicant of the deficiencies in the pesticide,
8 device, labeling, or other material required and afford the
9 applicant an opportunity to make the necessary corrections. If the
10 applicant claims, in writing, that the corrections are not necessary
11 and requests in writing a hearing regarding the registration of the
12 pesticide or device, the Board shall provide an opportunity for a
13 hearing before refusing to issue the registration. In order to
14 protect the public, the Board may at any time cancel the
15 registration of a product or device. In no event, shall
16 registration of a pesticide or device be considered as a defense or
17 excuse for the commission of any offense prohibited under this
18 section.

19 F. The Board may require that pesticides be distinctively
20 colored or discolored to protect the public health.

21 G. Registration shall not be required in the case of a
22 pesticide shipped from one plant or place within this state to
23 another plant or place within this state that is operated by the
24 same person.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-82G of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 The Board may establish any category of license for pesticide
5 application or any category of permit for pesticide sales.

6 SECTION 8. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-82H of Title 2, unless there
8 is created a duplication in numbering, reads as follows:

9 A. All permits for pesticide sales shall be issued for a period
10 of one (1) year and the permits shall be renewed annually and shall
11 expire on a date determined by the Board. A permit may be renewed
12 for the ensuing year, without penalty, if a properly completed
13 application is filed with the Board not later than the fifteenth day
14 of the month first following the date of expiration. If the
15 application is not received by that date, a penalty of twice the
16 amount of the renewal fee shall be charged for renewal of the
17 permit.

18 B. All pesticide registrations shall be issued for a period of
19 one (1) year. The registration shall be renewed annually and shall
20 expire on a date to be determined by the Board. Pesticide
21 registrations may be renewed for the ensuing year, without penalty,
22 if a properly completed application is filed with the Board not
23 later than the fifteenth day of the month first following the date
24 of expiration. If the application is not received by that date, a

1 penalty of twice the amount of the renewal fee shall be charged for
2 renewal of the pesticide registration.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-82I of Title 2, unless there
5 is created a duplication in numbering, reads as follows:

6 A. As used in this section:

7 1. "Establishment" means any site where a pesticide product,
8 active ingredient, or device is produced within the state;

9 2. "Produce" means to manufacture, prepare, propagate,
10 compound, or process any pesticide or to package, repackage, label,
11 relabel, or otherwise change the container of any pesticide or
12 device; and

13 3. "Producer" means any person who produces, manufactures,
14 prepares, compounds, propagates, or processes any active ingredient,
15 pesticide, or device as used in producing a pesticide.

16 B. It shall be unlawful for any person to produce within this
17 state any pesticide, active ingredient, or device without first
18 obtaining a pesticide producer establishment permit issued by the
19 Board.

20 C. The permit shall be issued only upon application on a form
21 prescribed by the Board. The application shall contain information
22 regarding the proposed operation of the applicant and other
23 information as specified by the Board. If at any time there is a
24 change of the information provided in or on the application for a

1 pesticide producer establishment permit, the producer must notify
2 the Board in writing within thirty (30) calendar days of the change.

3 D. The producer shall file a statement with the Board including
4 but not limited to:

5 1. The name and address of the company;

6 2. The name and address of the establishment as well as the
7 physical location, if different than the mailing address;

8 3. The name of any pesticide, active ingredient, or device; and

9 4. The name and address and other pertinent contact information
10 for the responsible party.

11 E. All permits for pesticide producer establishments shall be
12 issued for a period of one (1) year and shall be renewed annually.

13 All permits shall expire on June 30 each year and may be renewed
14 without penalty if a properly completed application is filed with
15 the Board not later than the fifteenth day of the month first
16 following the date of expiration. If the application is not
17 received by that date, a penalty of twice the amount of the renewal
18 fee shall be charged for renewal of the permit.

19 F. Each pesticide producer establishment location engaged in
20 the production of pesticides, active ingredients or devices shall
21 require a separate permit.

22 G. The annual permit fee for a pesticide producer establishment
23 shall be One Hundred Dollars (\$100.00) for each location.

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1 H. If requested by the Board, a complete copy of all labeling,
2 Material Safety Data Sheets, technical information associated with
3 the pesticide, active ingredient, or device and a statement of all
4 claims to be made as well as directions and use must be submitted to
5 the Board.

6 I. In order to determine compliance with state and federal
7 laws, the Board may request a full disclosure of inventory records,
8 sales and distribution records, and any other information deemed
9 necessary by the Board.

10 J. Every producer shall keep accurate records pertaining to
11 pesticide, active ingredient, or device production and distribution
12 as required by the Board. The records of the producer shall be kept
13 intact at the principal producing location in this state for at
14 least two (2) years after the date of production and distribution
15 and copies shall be furnished to any authorized agent of the Board,
16 immediately upon request in person, at any time during the regular
17 business hours of the producer. Copies of records shall be
18 furnished to any authorized agent of the Board within seven (7)
19 working days of a written request, in summary form, by mail, fax,
20 email, website, or any other electronic media customarily used.

21 SECTION 10. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3-82J of Title 2, unless there
23 is created a duplication in numbering, reads as follows:

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1 Upon receipt of a written complaint, the Board shall notify the
2 person filing the complaint in writing of its receipt and status
3 within two (2) working days. The person whom the complaint is filed
4 against shall also be notified within two (2) working days.
5 Notification that a complaint has been filed may also be given to
6 the landowner or operator when appropriate. The resolution of a
7 complaint is the completion of the appropriate administrative,
8 jurisdictional, or legal remedies to the extent possible by the
9 Department. The complainant shall be notified in writing within
10 seven (7) working days after resolution of the complaint.

11 SECTION 11. AMENDATORY 2 O.S. 2021, Section 3-82, is
12 amended to read as follows:

13 Section 3-82. A. ~~LICENSE REQUIRED - 1.~~ It shall be unlawful
14 for any person to act, operate, or do business or advertise as a
15 commercial, noncommercial, certified applicator, temporary certified
16 applicator, service technician, or private applicator unless the
17 person has obtained a valid applicator's license issued by the State
18 Board of Agriculture for the category of pesticide application in
19 which the person is engaged, unless the person is applying to their
20 own property.

21 ~~2.~~ B. A license may be issued by the Board in any category of
22 pesticide application if the applicant qualifies and the applicant
23 is limited to the category of pesticide application named on the
24 license. The Board may establish categories of pesticide

1 application as necessary. Licenses shall be issued upon application
2 to the Board on a form prescribed by the Board. The application
3 shall contain information regarding the applicant's qualifications,
4 proposed operations, and other information as specified by the
5 Board.

6 ~~3. a.~~

7 C. 1. An aerial license shall not be issued or be valid unless
8 the applicant files with the Board a copy of a valid document issued
9 by the Federal Aviation Administration showing that the person is
10 qualified to operate or supervise the operation of an aircraft
11 conducting agricultural operations. Applicants for an aerial
12 license and pilots working under a license may be subject to a
13 complete and thorough background examination.

14 ~~b.~~

15 2. The Board shall promulgate rules regarding aerial
16 applicators and applications consistent with federal law and shall
17 solicit the assistance of the Federal Aviation ~~Agency~~ Administration
18 in the enforcement of this subsection.

19 ~~4. D.~~ Each business location shall require a separate license
20 and separate certified applicator except that a certified applicator
21 for a noncommercial business location may also serve as the
22 certified applicator for one commercial business location.

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1 5. E. A license shall not be issued for the category of
2 pesticide application of any applicant or representative who has a
3 temporary certification.

4 ~~B. CERTIFICATION REQUIRED~~ 1. A license shall be issued only
5 after satisfactory completion of the certification standards by the
6 person who shall be the certified applicator under the license.
7 Temporary certified applicators do not qualify as the certified
8 applicator for a license, nor may they act as a certified
9 applicator. The Board shall deny the application for certification,
10 recertification, issuance, or renewal of a certificate or license
11 for a failure to show proper qualification under the rules or for
12 violations of any provisions of this section. A certificate in any
13 category shall be valid for five (5) years unless suspended,
14 canceled, or revoked by the Board or until recertification is
15 required for the category, and may be renewed after successful
16 completion of recertification requirements. The Board may require
17 certified applicators to be recertified once in a five-year period.

18 ~~2.~~ A certified service technician identification shall be
19 issued upon application and completion of certification standards
20 determined by the Board. Temporary certified applicators may
21 qualify as a certified service technician. No person shall act, do
22 business as, or advertise as a service technician unless the person
23 has met all the qualifications and standards as required by the
24 Board. The service technicians' identification shall be issued in

1 ~~the name of the licensed entity. The licensee shall ensure that the~~
2 ~~service technician identification is returned to the Board upon~~
3 ~~termination of the employee. A service technician identification~~
4 ~~shall be valid for a period of five (5) years unless suspended,~~
5 ~~canceled, or revoked by the Board, until recertification is required~~
6 ~~by the Board, or until the service technician leaves the employ of~~
7 ~~the licensed entity. The Oklahoma Department of Agriculture, Food,~~
8 ~~and Forestry may issue a service technician identification upon~~
9 ~~completion of the following:~~

- 10 a. ~~a determination is made by the Department that the~~
11 ~~applicant has successfully completed the written~~
12 ~~examination,~~
- 13 b. ~~the licensed entity provides a completed service~~
14 ~~technician identification application form at the time~~
15 ~~of testing, and~~
- 16 c. ~~all appropriate fees are paid at the time of testing.~~

17 ~~3. Each license, except for private applicators, shall expire~~
18 ~~on dates established by the Department in administrative rules and~~
19 ~~may be renewed for the ensuing calendar year, without penalty or~~
20 ~~reexamination, if a properly completed application is filed with the~~
21 ~~Board on a date established by the Department. If the application~~
22 ~~is not received by the due date, a penalty of twice the amount of~~
23 ~~the renewal fee shall be charged for renewal of the license. If the~~
24 ~~application is not received within thirty (30) days following the~~

1 ~~due date, an additional one hundred dollar penalty shall be paid~~
2 ~~prior to license renewal.~~

3 ~~All private applicator licenses are in effect for five (5) years~~
4 ~~and may be renewed by application after completion of a continuing~~
5 ~~education program or written exam approved by the Board.~~

6 ~~C. The following fees shall be paid to the Board:~~

7 ~~1. A fee of One Hundred Dollars (\$100.00) for each category of~~
8 ~~pesticide application shall be paid to the Board for the issuance or~~
9 ~~renewal of a commercial applicator business license. Not more than~~
10 ~~Five Hundred Dollars (\$500.00) total category fees shall be charged~~
11 ~~annually to any business location of an applicator;~~

12 ~~2. A fee of Fifty Dollars (\$50.00) shall be paid to the Board~~
13 ~~for each written examination conducted by the Board;~~

14 ~~3. A fee of Fifty Dollars (\$50.00) shall be paid to the Board~~
15 ~~for each practical examination conducted by the Board;~~

16 ~~4. A fee of Twenty Dollars (\$20.00) shall be paid to the Board~~
17 ~~for the issuance or renewal of a private applicator's license;~~

18 ~~5. A fee of Fifty Dollars (\$50.00) shall be paid to the Board~~
19 ~~for the issuance or renewal of a noncommercial business license.~~

20 ~~Not more than Two Hundred Fifty Dollars (\$250.00) total category~~
21 ~~fees shall be charged annually to any noncommercial business~~
22 ~~location of an applicator;~~

23 ~~6. A fee of Twenty Dollars (\$20.00) shall be paid to the Board~~
24 ~~for the issuance or renewal of service technician identification;~~

1 ~~7. A fee of Ten Dollars (\$10.00) shall be paid to the Board for~~
2 ~~the issuance of duplicate licenses or certificates or transfer of~~
3 ~~service technician identification;~~

4 ~~8. A fee of Fifty Dollars (\$50.00) shall be paid to the Board~~
5 ~~for each recertification procedure; and~~

6 ~~9. A fee of One Hundred Dollars (\$100.00) shall be paid to the~~
7 ~~Board for each reciprocal certification procedure for applicator~~
8 ~~certifications.~~

9 ~~D. All fees shall be deposited in the State Department of~~
10 ~~Agriculture Revolving Fund.~~

11 ~~E. Fees shall be paid to the Board prior to the processing of~~
12 ~~any application.~~

13 ~~F. Failure to pay any fee identified with licenses, permits,~~
14 ~~pesticide registrations, or certification shall require the Board to~~
15 ~~deny the application.~~

16 ~~G. INSURANCE REQUIRED - 1. The Board shall not issue a~~
17 ~~commercial applicator's license until the applicant has furnished~~
18 ~~evidence of an insurance policy or certificate by an insurer or~~
19 ~~broker authorized to do business in this state insuring the~~
20 ~~commercial applicator and any agents against liability resulting~~
21 ~~from the operations of the commercial applicator. The insurance~~
22 ~~shall not be applied to damage or injury to agricultural crops,~~
23 ~~plants, or land being worked upon by the commercial applicator.~~

1 ~~2. The amount of liability shall not be less than that set by~~
2 ~~the Board for each property damage arising out of actual use of any~~
3 ~~pesticide. The liability shall be maintained at not less than that~~
4 ~~sum at all times during the licensing period. The Board shall be~~
5 ~~notified fifteen (15) days prior to any reduction in liability.~~

6 ~~3. If the furnished liability becomes unsatisfactory, the~~
7 ~~applicant shall immediately execute new liability upon notice from~~
8 ~~the Board. If new liability is not immediately obtained, the Board~~
9 ~~shall, upon notice, cancel the license. It shall be unlawful for~~
10 ~~the person to engage in the business of applying pesticides until~~
11 ~~the liability is brought into compliance and the license reinstated.~~

12 ~~H. DAMAGES — 1. Prior to filing an action against an~~
13 ~~applicator for damages to growing crops or plants, any person~~
14 ~~alleging damages to growing crops or plants shall:~~

15 ~~a. within ninety (90) calendar days of the date that the~~
16 ~~alleged damages occurred or prior to the time that~~
17 ~~twenty-five percent (25%) of the allegedly damaged~~
18 ~~crops or plants are harvested, whichever occurs first,~~
19 ~~file a written complaint statement with the Department~~
20 ~~regarding the alleged damages, and~~

21 ~~b. between the date of filing of the written complaint~~
22 ~~pursuant to subparagraph a of this paragraph and the~~
23 ~~date harvesting or destruction of the allegedly~~
24 ~~damaged crops or plants occurs, allow the applicator~~

1 ~~and the representatives of the applicator reasonable~~
2 ~~access to the property to inspect and take samples of~~
3 ~~the allegedly damaged crops or plants during~~
4 ~~reasonable hours. The representatives of the~~
5 ~~applicator may include, but not be limited to, crop~~
6 ~~consultants, bondsmen, and insurers. Nothing in this~~
7 ~~subparagraph shall limit in any way the harvesting or~~
8 ~~destruction of the allegedly damaged crops or plants~~
9 ~~in the ordinary course of business and practice.~~

10 ~~2. Any person failing to comply with paragraph 1 of this~~
11 ~~subsection shall be barred from filing an action for damages against~~
12 ~~the applicator.~~

13 ~~I. PERMIT REQUIRED - 1. It shall be unlawful for any person to~~
14 ~~sell, offer for sale, or distribute within this state any restricted~~
15 ~~use pesticide without first obtaining a restricted use pesticide~~
16 ~~dealer's permit issued by the Board.~~

17 ~~2. A permit may be issued by the Board in any category of~~
18 ~~pesticide sales if the applicant qualifies under the provisions of~~
19 ~~this section and the applicant is limited to the category of~~
20 ~~pesticide sales named on the permit. The Board may establish~~
21 ~~categories of pesticide sales as necessary.~~

22 ~~3. The permit shall be issued only upon application on a form~~
23 ~~prescribed by the Board and the application shall contain~~

1 ~~information regarding the applicant's proposed operation and other~~
2 ~~information as specified by the Board.~~

3 ~~4. Each business location engaged in the sale or distribution~~
4 ~~of restricted use pesticides shall require a separate permit.~~

5 ~~5. The annual permit fee for a restricted use pesticide dealer~~
6 ~~permit shall be Fifty Dollars (\$50.00) for each location.~~

7 ~~6. The Board may require a certified applicator to be present~~
8 ~~at any location where designated restricted use pesticide sales~~
9 ~~occur.~~

10 ~~J. PESTICIDE REGISTRATION REQUIRED - 1. Every pesticide or~~
11 ~~device distributed, sold, or offered for sale within this state or~~
12 ~~delivered for transportation or transported in intrastate or~~
13 ~~interstate commerce shall be registered with the Board.~~

14 ~~2. The registrant shall file with the Board a statement~~
15 ~~including, but not limited to:~~

16 ~~a. the name and address of the registrant and the name~~
17 ~~and address of the person whose name shall appear on~~
18 ~~the label, if other than the registrant,~~

19 ~~b. the name of the pesticide or device,~~

20 ~~c. a complete copy of the labeling accompanying the~~
21 ~~pesticide or device and a statement of all claims to~~
22 ~~be made for it, and directions for use, and~~

23 ~~d. if requested by the Board, a full description of the~~
24 ~~tests made and the results upon which the claims are~~

1 based. In renewing a registration, a statement shall
2 be required only with respect to information which is
3 different from the information furnished when the
4 pesticide or device was last registered.

5 3. Each registrant shall pay to the Board an annual
6 registration fee of Two Hundred Ten Dollars (\$210.00) for each
7 pesticide or device label registered. These fees shall be used by
8 the Oklahoma Department of Agriculture, Food, and Forestry for
9 purposes of administering pesticide management programs. A portion
10 of these fees, in the amount of Three Hundred Thousand Dollars
11 (\$300,000.00) annually, shall be dedicated for conducting programs
12 for unwanted pesticide disposal. This amount shall be deposited
13 into the State Department of Agriculture Unwanted Pesticide Disposal
14 Fund and shall be dedicated for this use only.

15 4. The Board may require the submission of the complete formula
16 of any pesticide. Trade secrets and formulations submitted by the
17 registrant may be kept confidential. If it appears to the Board
18 that the composition of the pesticide is adequate to warrant the
19 proposed claims and if the pesticide, its labeling, and other
20 material required to be submitted comply with the requirements of
21 this section, then the pesticide shall be registered.

22 5. If it does not appear to the Board that the pesticide or
23 device is adequate to warrant the proposed claims for it or if the
24 pesticide or device, its labeling, and other material required to be

1 ~~submitted do not comply with the provisions of this section, it~~
2 ~~shall notify the applicant of the deficiencies in the pesticide,~~
3 ~~device, labeling, or other material required and afford the~~
4 ~~applicant an opportunity to make the necessary corrections. If the~~
5 ~~applicant claims, in writing, that the corrections are not necessary~~
6 ~~and requests in writing a hearing regarding the registration of the~~
7 ~~pesticide or device, the Board shall provide an opportunity for a~~
8 ~~hearing before refusing to issue the registration. In order to~~
9 ~~protect the public, the Board may at any time cancel the~~
10 ~~registration of a product or device. In no event, shall~~
11 ~~registration of a pesticide or device be considered as a defense or~~
12 ~~excuse for the commission of any offense prohibited under this~~
13 ~~section.~~

14 ~~6. The Board may require that pesticides be distinctively~~
15 ~~colored or discolored to protect the public health.~~

16 ~~7. Registration shall not be required in the case of a~~
17 ~~pesticide shipped from one plant or place within this state to~~
18 ~~another plant or place within this state that is operated by the~~
19 ~~same person.~~

20 ~~K. CATEGORIES OF LICENSES AND PERMITS - The Board may establish~~
21 ~~any category of license for pesticide application or any category of~~
22 ~~permit for pesticide sales.~~

23 ~~L. PERMIT AND PESTICIDE REGISTRATION EXPIRATION - 1. All~~
24 ~~permits for pesticide sales shall be issued for a period of one (1)~~

1 ~~year and the permits shall be renewed annually and shall expire on a~~
2 ~~date determined by the Board. A permit may be renewed for the~~
3 ~~ensuing year, without penalty, if a properly completed application~~
4 ~~is filed with the Board not later than the fifteenth day of the~~
5 ~~month first following the date of expiration. If the application is~~
6 ~~not received by that date, a penalty of twice the amount of the~~
7 ~~renewal fee shall be charged for renewal of the permit.~~

8 2. ~~All pesticide registrations shall be issued for a period of~~
9 ~~one (1) year. The registration shall be renewed annually and shall~~
10 ~~expire on a date to be determined by the Board. Pesticide~~
11 ~~registrations may be renewed for the ensuing year, without penalty,~~
12 ~~if a properly completed application is filed with the Board not~~
13 ~~later than the fifteenth day of the month first following the date~~
14 ~~of expiration. If the application is not received by that date, a~~
15 ~~penalty of twice the amount of the renewal fee shall be charged for~~
16 ~~renewal of the pesticide registration.~~

17 M. ~~PESTICIDE PRODUCING ESTABLISHMENTS - 1. Definitions as used~~
18 ~~in this subsection:~~

19 a. ~~"establishment" means any site where a pesticide~~
20 ~~product, active ingredient or device is produced~~
21 ~~within the state,~~

22 b. ~~"produce" means to manufacture, prepare, propagate,~~
23 ~~compound or process any pesticide or to package,~~

24

1 ~~repackage, label, relabel or otherwise change the~~
2 ~~container of any pesticide or device, and~~

3 ~~e. "producer" means any person who produces,~~
4 ~~manufactures, prepares, compounds, propagates or~~
5 ~~processes any active ingredient, pesticide, or device~~
6 ~~as used in producing a pesticide.~~

7 ~~2. It shall be unlawful for any person to produce within this~~
8 ~~state any pesticide, active ingredient or device without first~~
9 ~~obtaining a pesticide producer establishment permit issued by the~~
10 ~~Board.~~

11 ~~3. The permit shall be issued only upon application on a form~~
12 ~~prescribed by the Board. The application shall contain information~~
13 ~~regarding the proposed operation of the applicant and other~~
14 ~~information as specified by the Board. If at any time there is a~~
15 ~~change of the information provided in or on the application for a~~
16 ~~pesticide producer establishment permit, the producer must notify~~
17 ~~the Board in writing within thirty (30) calendar days of the change.~~

18 ~~4. The producer shall file a statement with the Board including~~
19 ~~but not limited to:~~

20 ~~a. the name and address of the company,~~

21 ~~b. the name and address of the establishment as well as~~
22 ~~the physical location, if different than the mailing~~
23 ~~address,~~

1 e. ~~the name of any pesticide, active ingredient, or~~
2 ~~device, and~~

3 d. ~~the name and address and other pertinent contact~~
4 ~~information for the responsible party.~~

5 5. ~~All permits for pesticide producer establishments shall be~~
6 ~~issued for a period of one (1) year and shall be renewed annually.~~
7 ~~All permits shall expire on June 30 each year and may be renewed~~
8 ~~without penalty if a properly completed application is filed with~~
9 ~~the Board not later than the fifteenth day of the month first~~
10 ~~following the date of expiration. If the application is not~~
11 ~~received by that date, a penalty of twice the amount of the renewal~~
12 ~~fee shall be charged for renewal of the permit.~~

13 6. ~~Each pesticide producer establishment location engaged in~~
14 ~~the production of pesticides, active ingredients or devices shall~~
15 ~~require a separate permit.~~

16 7. ~~The annual permit fee for a pesticide producer establishment~~
17 ~~shall be One Hundred Dollars (\$100.00) for each location.~~

18 8. ~~If requested by the Board, a complete copy of all labeling,~~
19 ~~Material Safety Data Sheets, technical information associated with~~
20 ~~the pesticide, active ingredient, or device and a statement of all~~
21 ~~claims to be made as well as directions and use must be submitted to~~
22 ~~the Board.~~

23 9. ~~In order to determine compliance with state and federal~~
24 ~~laws, the Board may request a full disclosure of inventory records,~~

1 ~~sales and distribution records, and any other information deemed~~
2 ~~necessary by the Board.~~

3 ~~10. Every producer shall keep accurate records pertaining to~~
4 ~~pesticide, active ingredient, or device production and distribution~~
5 ~~as required by the Board. The records of the producer shall be kept~~
6 ~~intact at the principal producing location in this state for at~~
7 ~~least two (2) years after the date of production and distribution~~
8 ~~and copies shall be furnished to any authorized agent of the Board,~~
9 ~~immediately upon request in person, at any time during the regular~~
10 ~~business hours of the producer. Copies of records shall be~~
11 ~~furnished to any authorized agent of the Board within seven (7)~~
12 ~~working days of a written request, in summary form, by mail, fax,~~
13 ~~email, website, or any other electronic media customarily used.~~

14 ~~N. COMPLAINT RESOLUTION - Upon receipt of a written complaint,~~
15 ~~the Board shall notify the person filing the complaint in writing of~~
16 ~~its receipt and status within two (2) working days. The person whom~~
17 ~~the complaint is filed against shall also be notified within two (2)~~
18 ~~working days. Notification that a complaint has been filed may also~~
19 ~~be given to the landowner or operator when appropriate. The~~
20 ~~resolution of a complaint is the completion of the appropriate~~
21 ~~administrative, jurisdictional, or legal remedies to the extent~~
22 ~~possible by the Department. The complainant shall be notified in~~
23 ~~writing within seven (7) working days after resolution of the~~
24 ~~complaint.~~

1 SECTION 12. This act shall become effective November 1, 2023.

2 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS
3 April 10, 2023 - DO PASS
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