

ENGROSSED HOUSE  
BILL NO. 2032

BY: HOLT, WIDENER and  
VOSKUHL of the HOUSE

and

LONG (Ed) of the SENATE

AN ACT RELATING TO AGRICULTURE; AMENDING 2 O.S. 1991,  
SECTIONS 3-70 AND 3-85, WHICH RELATE TO PESTICIDES;  
PROHIBITING POLITICAL SUBDIVISIONS OF THE STATE  
FROM REGULATING THE SALE AND USE OF PESTICIDES; AND  
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 3-70, is  
amended to read as follows:

Section 3-70. The State Board of Agriculture is hereby  
authorized and empowered to cooperate with, and to enter into  
agreements with, any other agency of this state, the United States  
Department of Agriculture, or any other state or agency thereof, for  
the purpose of carrying out the provisions of this subarticle ~~and~~.  
For the purpose of securing uniformity of regulations, no city,  
town, county, or other political subdivision of this state shall  
adopt or continue in effect any ordinance, rule, regulation or  
statute regarding pesticide sale or use, including without  
limitation: registration, notification, posting, advertising and  
marketing, distribution, applicator training and certification,  
storage, transportation, disposal, disclosure of confidential  
information or product composition.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 3-85, is amended to read as follows:

Section 3-85. The Board shall administer and enforce the provisions of this act and shall make, adopt, or promulgate regulations and standards for the application of pesticides, standards for contracts, work performance, prescribe standards for the licensing of application of pesticides, certification, recertification procedures, and storing and disposal of pesticide and pesticide containers.

Such regulations and standards shall conform, as a minimum, to existing state law, and to the Federal Insecticide, Fungicide and Rodenticide Act.

The Board shall have the authority to negotiate reciprocal agreements with the federal government or any state, or any department or agency of either for the purpose of fulfilling the intent of this act.

The Board may take samples of pesticide materials in order to determine their concentration. If the Board finds that any such samples are not within established standards, such finding shall be considered as prima facie evidence that a violation has occurred.

The Board may inspect any work or contracts of each applicator to determine whether or not such work is performed according to the provisions of this act.

For the purpose of securing uniformity of regulations, no city, town, county, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation or statute regarding pesticide sale or use, including without limitation: registration, notification, posting, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal, disclosure of confidential information or product composition.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 3rd day of March, 1992.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate