STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2358 By: Pope (Clay)

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 3-64, which relates to powers and duties of the State Board of Agriculture; clarifying and updating language; relating to plant and animal pests; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 3-64, is amended to read as follows:

Section 3-64. ~~(a)~~ A. The State Board of Agriculture shall have authority~~, after opportunity for a hearing~~ pursuant to Article II of the Administrative Procedures Act:

~~(1)~~ 1. To declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances;

~~(2)~~ 2. To classify pesticide uses as being general, restricted or both; and

~~(3)~~ 3. To determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of this subarticle.

~~(b)~~ B. The Board shall be authorized, after due public hearing, to make appropriate rules ~~and regulations~~ for carrying out the provisions of this subarticle, including rules ~~and regulations~~ providing for the collection and examination of samples of pesticides or devices.

~~(c)~~ C. In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such pesticides, it is desirable that there should be uniformity between the requirements of the several states and the federal government relating to such pesticides. To this end, the Board may, after due public hearing, adopt such ~~regulations~~ rules, applicable to and in conformity with the primary standards established by this subarticle, as have been or may be prescribed by the Federal Insecticide, Fungicide and Rodenticide Act, as amended, with respect to pesticides.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9082 KSM