

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2942

By: Beutler

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 3-63, which relates to pesticides; providing for categorization of certain pesticides for purposes of registration; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 3-63, is amended to read as follows:

Section 3-63. ~~(a)~~ A. Every pesticide or device which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered with the State Board of Agriculture; and such registration shall be renewed annually and shall expire on the 31st day of December next following its issuance. The registrant shall file with the Board a statement including:

~~(1) the~~ 1. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

~~(2) the~~ 2. The name of the pesticide or device;

~~(3)~~ a 3. A complete copy of the labeling accompanying the pesticide or device and a statement of all claims to be made for it including directions for use; and

~~(4)~~ if 4. If requested by the Board a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide or device was registered or last reregistered.

~~(b)~~ B. Each registrant shall pay to the Board an annual registration fee of Fifty Dollars (\$50.00) for each pesticide or device label registered, and such fee, when collected, shall be deposited in the State Department of Agriculture Revolving Fund.

Pesticides shall be categorized for registration purposes as follows:

1. "Commercial protection and health benefit products" include, but are not limited to, any disinfectant, sanitizer, germicide, biocide and any other pesticide which is registered by the United States Environmental Protection Agency and labeled for use directly on humans or pets, including dogs, cats, horses and other companion animals, and any pesticides which are specifically registered by the United States Environmental Protection Agency and labeled pursuant to FIFRA for use in and around household premises including, but not limited to, lawn garden and ornamental sites or areas; and

2. "Crop protection products" include, but are not limited to, all restricted use pesticides and determined by the United States Environmental Protection Agency or the Commissioner and all other general use pesticides not categorized as consumer protection and health benefit products. Such categories shall be based on the information provided under this section and shall be indicated by the applicant upon registration. All fees for both pesticide categories shall be equal and nothing in this subsection shall

require additional evaluation or certification unless required by the commissioner.

~~(c)~~ C. The Board, whenever it deems it to be necessary in the administration of this subarticle, may require the submission of the complete formula of any pesticide. If it appears to the Board that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this subarticle, then such article shall be registered.

~~(d)~~ D. If it does not appear to the Board that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this subarticle, it shall notify the applicant of the manner in which the article, labeling or other material required to be submitted fails to comply, so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant insists that such corrections are not necessary and requests in writing that the article be registered, the Board, after receiving a written request for a hearing, shall provide him an opportunity for such hearing before refusing to issue registration. In order to protect the public, the Board, on its own motion, after hearing, may at any time cancel the registration of a pesticide or device. In no event shall registration of an article be considered as a defense or excuse for the commission of any offense prohibited under Section 3-62 of this title.

~~(e)~~ E. Notwithstanding any other of the provisions of this subarticle, registration shall not be required in the case of a pesticide shipped from one plant or place within this state to another plant or place within this state that is operated by the same person.

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

46-2-8908

KSM