

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 296

6 By: Schulz

7 COMMITTEE SUBSTITUTE

8 An Act relating to agriculture; amending 2 O.S. 2001,
9 Section 3-84, as amended by Section 2, Chapter 109,
10 O.S.L. 2004 (2 O.S. Supp. 2008, Section 3-84), which
11 relates to the State Board of Agriculture authority
12 regarding pests and pesticides; requiring adoption of
13 certain rules regarding phenoxy or hormone
14 herbicides; requiring certain continuing education
15 courses; providing sites for education courses;
16 adding penalties; and providing an effective date.

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

18 SECTION 1. AMENDATORY 2 O.S. 2001, Section 3-84, as
19 amended by Section 2, Chapter 109, O.S.L. 2004 (2 O.S. Supp. 2008,
20 Section 3-84), is amended to read as follows:

21 Section 3-84. A. The State Board of Agriculture shall have the
22 authority to declare any form of plant or animal life or virus which
23 is injurious to plants, humans, domestic animals, articles, or
24 substances as a pest. The Board shall have the authority to
25 classify pesticide uses as being general, restricted, or both, to

1 determine standards of coloring or discoloring for pesticides, and
2 to subject pesticides to the requirements of this subarticle.

3 B. The Board shall promulgate appropriate rules for carrying
4 out the provisions of this subarticle, including, but not limited
5 to, rules providing for the collection and examination of any
6 samples necessary to evaluate the quality, quantity, or
7 effectiveness of pesticides or devices.

8 C. By December 31, 2009, the Board shall adopt rules for the
9 use of phenoxy or hormone herbicide which:

10 1. Allow the sale of phenoxy or hormone herbicide without
11 point-of-sale restriction; and

12 2. Mandate education for the use of phenoxy or hormone
13 herbicide, but excluding from the education requirements the use of
14 decamba-based herbicide. The education requirements shall be as
15 follows:

16 a. three (3) hours of continuing education every five (5)
17 years including a closed book test, or

18 b. twenty (20) hours of continuing education every five
19 (5) years with no testing requirements.

20 D. All continuing education courses shall be offered by the
21 Oklahoma Cooperative Extension Services or the Oklahoma Department
22 of Agriculture, Food, and Forestry. When the continuing education
23 is successfully completed, the applicant shall receive a decal of
24 certification to be placed on their spraying equipment.

1 E. Any owner or operator of a farm who employs a person to use
2 phenoxy or hormone herbicide without continuing education shall be
3 penalized as follows:

4 1. For the first offense, a written warning;

5 2. For the second offense, a fine of Five Hundred Dollars
6 (\$500.00); and

7 3. For the third and subsequent offenses, a fine of One
8 Thousand Dollars (\$1,000.00).

9 F. There shall be uniformity between the requirements of
10 Oklahoma, the several states, and the Federal Government relating to
11 the coloring or discoloring of pesticides. The Board may promulgate
12 rules applicable to and in conformity with the primary standards
13 established by this subarticle, as have been or may be prescribed by
14 the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

15 SECTION 2. This act shall become effective November 1, 2009.

16
17 52-1-1691 JT 2/16/2009 9:55:19 AM