

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1966

By: Newton

7                                   COMMITTEE SUBSTITUTE

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 (1) year and the permits shall be renewed annually  
2 and 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  
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 (1) year and shall be renewed  
14 annually; providing for renewal; requiring that each  
15 pesticide producer establishment location to have a  
16 separate permit; providing pesticide producer  
17 establishment permit fee; providing that the Board  
18 may request certain information; requiring producers  
19 to keep accurate records; providing procedures for  
20 complaints received by the Board; amending 2 O.S.  
21 2021, Section 3-82, which relates to pesticide  
22 licenses; exempting licensing requirement for  
23 applicator license when a property owner is applying  
24 it to their own property; 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

1 renewal of a commercial applicator business license. Not more than  
2 Five Hundred Dollars (\$500.00) total category fees shall be charged  
3 annually to any business location of an applicator;

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

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

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

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

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

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

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

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

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

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  
24



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;

23

24

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  
24

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.

24

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 in the  
18 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.

23

24

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.~~

24

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  
3 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 02/22/2023 - DO  
4 PASS, As Amended.  
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