

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 1423

1 AN ACT TO AMEND SECTION 69-23-7, MISSISSIPPI CODE OF 1972, TO
2 DISCONTINUE THE REGISTRATION OF SEVERAL PESTICIDES AS ONE BRAND
3 AND TO INCREASE THE ANNUAL REGISTRATION FEE FOR EACH PESTICIDE; TO
4 PROVIDE THAT ONE HUNDRED PERCENT OF THE FEES COLLECTED SHALL BE
5 DEPOSITED IN A SPECIAL FUND FOR USE BY THE DEPARTMENT OF
6 AGRICULTURE IN ENFORCING THE PESTICIDE LAW; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 69-23-7, Mississippi Code of 1972, is
10 amended as follows:

11 69-23-7. (1) Every pesticide which is distributed, sold or
12 offered for sale within this state or delivered for transportation
13 or transported in intrastate commerce or between points within
14 this state through any point outside this state shall be
15 registered in the office of the commissioner, and such
16 registration shall be renewed annually. Any containerized
17 pesticide having any of the following characteristics shall be
18 registered as a single pesticide product: different Environmental
19 Protection Agency registration number; different brand on trade
20 name; different use directions or patterns; different ingredient
21 statement or formula; or different manufacturer or distribution
22 specified on the labeling. The registrant shall file with the
23 commissioner a statement including:

24 (a) The name and address of the registrant and the name
25 and address of the person whose name will appear on the label if
26 other than the registrant;

27 (b) The name of the pesticide;

28 (c) A complete copy of the labeling accompanying the
29 pesticide and a statement of all claims to be made for it,
30 including directions for use and the use classification as
31 provided for in FIFRA;

32 (d) If requested by the commissioner, a full
33 description of the tests made and the results thereof upon which
34 the claims are based. In the case of renewal of registration, a
35 statement shall be required only with respect to information which
36 is different from that furnished when the pesticide was registered
37 or last reregistered; and

38 (e) Any other information required by the commissioner
39 which may be prescribed by regulation.

40 (2) The registrant shall pay an annual fee of Three Hundred
41 Dollars (\$300.00) for each * * * pesticide registered. One
42 hundred percent (100%) of the fees collected under authority of
43 this section shall be deposited in a special fund in the Treasury
44 of the State of Mississippi; and subject to appropriation by the
45 Mississippi Legislature, said fees shall be used by the
46 Mississippi Department of Agriculture and Commerce for enforcement
47 of this chapter * * *.

48 (3) The commissioner, whenever he deems it necessary in the
49 administration of this chapter, may require the submission of the
50 complete formula of any pesticide. If it appears to the
51 commissioner that the composition of the articles is such as to
52 warrant the proposed claims for it, and if the article and its
53 labeling and other material required to be submitted comply with
54 the requirements of Section 69-23-5, he shall register the
55 article; provided, that the article is registered under FIFRA. If
56 the state is certified by the administrator of EPA to register
57 pesticides pursuant to Section 24(c) of FIFRA, he may register the
58 article to meet special local needs if he determines that the
59 registration will not be in violation of FIFRA.

60 (4) If it does not appear to the commissioner that the
61 article is such as to warrant the proposed claims for it or if the
62 article and its labeling and other material required to be
63 submitted do not comply with the provisions of this chapter, he
64 shall notify the applicant of the manner in which the article,
65 labeling or other material required to be submitted fail to comply
66 with the chapter so as to afford him an opportunity to make the
67 necessary corrections. If, upon receipt of such notice, the
68 applicant does not make the required changes, the commissioner may
69 refuse to register the article and the applicant may request a
70 hearing. In order to protect the public, the commissioner, with
71 approval of the advisory board provided for in Section 69-25-3,
72 may, at any time, cancel or suspend the registration of a
73 pesticide if he determines that it does not comply with this
74 chapter or creates an imminent hazard; or, pursuant to a notice
75 from the Commission on Environmental Quality under Section
76 49-17-26 in relation to state underground water quality standards,
77 he shall provide for modification of the labeling of any
78 pesticide, or suspend or cancel the registration of any pesticide
79 or any use of any pesticide, or adopt a regulation in accordance
80 with Section 69-23-9 to protect the underground water resources,
81 as defined in the Federal Safe Drinking Water Act, in the shortest
82 reasonable time. He may advise EPA of the manner in which a
83 federally registered pesticide fails to comply with FIFRA and
84 suggest the necessary corrections.

85 (5) Notwithstanding any other provision of this chapter,
86 registration is not required in case of a pesticide shipped from
87 one plant within this state to another plant within this state
88 operated by the same person.

89 SECTION 2. This act shall take effect and be in force from
90 and after July 1, 2001.