HOUSE BILL NO. 1423

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

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

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

69-23-7. (1) Every pesticide 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 in the office of the commissioner, and such registration shall be renewed annually. Any containerized pesticide having any of the following characteristics shall be registered as a single pesticide product: different Environmental Protection Agency registration number; different brand on trade name; different use directions or patterns; different ingredient statement or formula; or different manufacturer or distribution specified on the labeling. The registrant shall file with the commissioner a statement including:

(a) 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;

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

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

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

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

(3) The commissioner, whenever he deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. If it appears to the commissioner that the composition of the articles 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 Section 69-23-5, he shall register the article; provided, that the article is registered under FIFRA. If the state is certified by the administrator of EPA to register pesticides pursuant to Section 24(c) of FIFRA, he may register the article to meet special local needs if he determines that the registration will not be in violation of FIFRA.
(4) If it does not appear to the commissioner 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 chapter, he shall notify the applicant of the manner in which the article, labeling or other material required to be submitted fail to comply with the chapter so as to afford him an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the required changes, the commissioner may refuse to register the article and the applicant may request a hearing. In order to protect the public, the commissioner, with approval of the advisory board provided for in Section 69-25-3, may, at any time, cancel or suspend the registration of a pesticide if he determines that it does not comply with this chapter or creates an imminent hazard; or, pursuant to a notice from the Commission on Environmental Quality under Section 49-17-26 in relation to state underground water quality standards, he shall provide for modification of the labeling of any pesticide, or suspend or cancel the registration of any pesticide or any use of any pesticide, or adopt a regulation in accordance with Section 69-23-9 to protect the underground water resources, as defined in the Federal Safe Drinking Water Act, in the shortest reasonable time. He may advise EPA of the manner in which a federally registered pesticide fails to comply with FIFRA and suggest the necessary corrections.

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

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