

By: Senator(s) Stogner

To: Agriculture

SENATE BILL NO. 2769  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 69-23-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE FEES FOR THE REGISTRATION OF PESTICIDES WITH THE  
3 DEPARTMENT OF AGRICULTURE; AND FOR RELATED PURPOSES.

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

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

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

20 (a) The name and address of the registrant and the name  
21 and address of the person whose name will appear on the label if  
22 other than the registrant;

23 (b) The name of the pesticide;

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

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

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

36 (2) The registrant shall pay an annual registration fee of  
37 One Hundred Dollars (\$100.00) for each unrestricted pesticide and  
38 Three Hundred Dollars (\$300.00) for each restricted pesticide  
39 requiring a certified applicator license to apply. All of the  
40 fees collected under authority of this section shall be deposited  
41 in a special fund in the Treasury of the State of Mississippi and  
42 subject to appropriation by the Mississippi Legislature. The fees  
43 shall be used by the Mississippi Department of Agriculture and  
44 Commerce for enforcement of this chapter. \* \* \*

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

57 (4) If it does not appear to the commissioner that the  
58 article is such as to warrant the proposed claims for it or if the  
59 article and its labeling and other material required to be  
60 submitted do not comply with the provisions of this chapter, he

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

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

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