

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2769

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

10 69-23-7. (1) Every pesticide which is distributed, sold or
11 offered for sale within this state or delivered for transportation
12 or transported in intrastate commerce or between points within
13 this state through any point outside this state shall be
14 registered in the office of the commissioner, and such
15 registration shall be renewed annually; provided, that products
16 which have the same formula, are manufactured by the same person,
17 the labeling of which contains the same claims and the labels of
18 which bear a designation identifying the products as the same
19 pesticide may be registered as a single pesticide; and additional
20 names and labels shall be added by supplement statements during
21 the current period of registration. The registrant shall file
22 with the commissioner a statement including:

23 (a) The name and address of the registrant and the name
24 and address of the person whose name will appear on the label if

25 other than the registrant;

26 (b) The name of the pesticide;

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

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

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

39 (2) The registrant shall pay an annual registration fee of
40 One Hundred Twenty-five Dollars (\$125.00) for each unrestricted
41 pesticide and Two Hundred Fifty Dollars (\$250.00) for each
42 restricted pesticide requiring a certified applicator license to
43 apply. All of the fees collected under authority of this section
44 shall be deposited in a special fund in the Treasury of the State
45 of Mississippi and subject to appropriation by the Mississippi
46 Legislature. The fees shall be used by the Mississippi Department
47 of Agriculture and Commerce for enforcement of this chapter. The
48 Department of Agriculture and Commerce may contract with the
49 Department of Environmental Quality for a groundwater monitoring
50 program.

51 (3) The commissioner, whenever he deems it necessary in the
52 administration of this chapter, may require the submission of the
53 complete formula of any pesticide. If it appears to the
54 commissioner that the composition of the articles is such as to

55 warrant the proposed claims for it, and if the article and its
56 labeling and other material required to be submitted comply with
57 the requirements of Section 69-23-5, he shall register the
58 article; provided, that the article is registered under FIFRA. If
59 the state is certified by the administrator of EPA to register
60 pesticides pursuant to Section 24(c) of FIFRA, he may register the
61 article to meet special local needs if he determines that the
62 registration will not be in violation of FIFRA.

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

85 reasonable time. He may advise EPA of the manner in which a
86 federally registered pesticide fails to comply with FIFRA and
87 suggest the necessary corrections.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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; TO PROVIDE THAT THE DEPARTMENT OF
4 AGRICULTURE MAY CONTRACT WITH THE DEPARTMENT OF ENVIRONMENTAL
5 QUALITY FOR A GROUNDWATER MONITORING PROGRAM; AND FOR RELATED
6 PURPOSES.