

By: Representative Owen

To: Agriculture; Judiciary A

## HOUSE BILL NO. 1141

1 AN ACT TO PROVIDE THAT ANY PERSON WHO MAKES A DAMAGE CLAIM TO  
2 A LAW ENFORCEMENT AGENCY OR TO THE MISSISSIPPI DEPARTMENT OF  
3 AGRICULTURE AND COMMERCE, KNOWING SUCH REPORT TO BE FALSE, IS  
4 GUILTY OF A MISDEMEANOR; TO BRING FORWARD SECTIONS 69-23-5 AND  
5 69-23-29, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE  
6 MISSISSIPPI PESTICIDE LAW, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Any person who intentionally and willfully makes  
10 a damage claim to a law enforcement agency or to the Mississippi  
11 Department of Agriculture and Commerce, knowing such report to be  
12 false, is guilty of a misdemeanor.

13 **SECTION 2.** Section 69-23-5, Mississippi Code of 1972, is  
14 brought forward as follows:

15 69-23-5. (1) It shall be unlawful for any person to  
16 distribute, sell or offer for sale within this state or deliver  
17 for transportation or transport in intrastate commerce or between  
18 points within this state through any point outside this state any  
19 of the following:



20 (a) Any pesticide which has not been registered  
21 pursuant to the provisions of Section 69-23-7 or any pesticide if  
22 any of the claims made for it or any of the directions for its use  
23 differ from its composition or representations made in connection  
24 with its registration; provided, that in the discretion of the  
25 commissioner a change in the labeling or formula of a pesticide  
26 may be made within a reregistration period within requiring  
27 registration of the product if the registration is amended to  
28 reflect such change and if the changes will not violate any  
29 provisions of FIFRA or this chapter.

30 (b) Any pesticide unless it is in the registrant's or  
31 the manufacturer's unbroken immediate container, and there is  
32 affixed to such container, and to the outside container or wrapper  
33 of the retail package, if there be one (1) through which the  
34 required information on the immediate container cannot be clearly  
35 read, a label bearing:

36 (i) The name and address of the manufacturer,  
37 registrant or person for whom manufactured;

38 (ii) The name, brand, or trademark under which  
39 said article is sold;

40 (iii) The net weight or measure of the content,  
41 subject, however, to such reasonable variations as the  
42 commissioner may permit;

43 (iv) A batch number from which the date of  
44 packaging can be determined for certain pesticides which have been



determined to deteriorate in relatively short periods, when requested by the commissioner;

(v) The EPA registration number assigned to each establishment in which it was produced and the EPA registration number assigned to the pesticide if required by regulation under FIFRA;

(vi) Any other information required by this chapter or regulation promulgated thereunder; except that this subsection (b) shall not apply:

(i) To the transportation, within the meaning of this section, of refined petroleum naphtha or refined petroleum distillate, by tank truck, or by tank cars, or in tanks by rail;

(ii) To the delivery of refined petroleum naphtha or refined petroleum distillate from a storage tank, or tank truck, in a quantity of not less than fifty (50) gallons, if, at the time of such delivery the person delivering the said material delivers to the person to whom the delivery is made, or his agent or representative, a written or printed statement containing the information, with respect to the material delivered, required by the provision of clauses (i), (ii) and (iii) of this subsection (b);

Provided, however, that the commissioner may designate that certain specific pesticides may be distributed or offered for sale by the manufacturer and/or registrant in bulk, in which case the label information required and any other statements required by



70 this chapter must be stated in or attached to the invoice; and in  
71 addition, a copy of said invoice must be given to the purchaser at  
72 the time the pesticide is delivered. In addition to the above,  
73 the commissioner may set rules and regulations for the sale,  
74 dispensing, storing, handling and transportation of pesticides in  
75 bulk.

76 (c) Any pesticide which contains any substance or  
77 substances in quantities highly toxic to man, determined as  
78 provided in Section 69-23-9, unless the label shall bear, in  
79 addition to any other matter required by this chapter:

80 (i) The skull and crossbones;

81 (ii) The word "poison" prominently, in red on a  
82 background of distinctly contrasting color;

83 (iii) A statement of a practical treatment (first  
84 aid or otherwise) in case of poisoning by the pesticide.

85 (d) Any pesticide which has not been colored or  
86 discolored pursuant to the provisions of this chapter.

87 (e) Any pesticide which is adulterated or misbranded.

88 (f) Any pesticide in containers which are unsafe due to  
89 damage.

90 (2) It shall be unlawful:

91 (a) For any person to detach, alter, deface or destroy,  
92 in whole or in part, any label or labeling provided for in this  
93 chapter or regulations promulgated hereunder, or to add any



94 substance to, or take any substance from, a pesticide in a manner  
95 that may defeat the purpose of this chapter;

96 (b) For any person to use for his own advantage or to  
97 reveal, other than to the commissioner or proper officials or  
98 employees of the state or the EPA, or to the courts of this state  
99 in response to a subpoena, or to physicians, or in emergencies to  
100 pharmacists and other qualified persons, for use in preparation of  
101 antidotes, any information relative to formulas of products  
102 acquired by authority of this chapter or any information judged by  
103 the commissioner as containing or relating to trade secrets or  
104 commercial or financial information obtained by authority of this  
105 chapter and marked as confidential by the registrant;

106 (c) For any person to distribute any pesticide labeled  
107 for restricted use to any person, or his agent who is not  
108 certified to use or purchase such pesticide;

109 (d) For any person to use or cause to be used any  
110 pesticide in a manner inconsistent with its labeling or to  
111 regulations of the commissioner if those regulations further  
112 restrict the uses provided on the labeling;

113 (e) For any person to handle, transport, store,  
114 display, distribute or dispose of any pesticide or container in  
115 such a manner as to endanger man and his environment.

116 The commissioner is hereby authorized, empowered and directed  
117 to authorize and grant a permit to any person, firm or corporation  
118 to dispose of any existing stock of pesticide it may have on hand



at the time this chapter becomes effective, including all packages, labels and containers; provided that such stock is packaged and labeled in accordance with federal laws and regulations governing the packaging and labeling of such products.

(3) In addition to any criminal remedy set forth in subsection (2), remedies for misappropriation of a trade secret shall be governed by the Mississippi Uniform Trade Secrets Act, Sections 75-26-1 through 75-26-19.

**SECTION 3.** Section 69-23-29, Mississippi Code of 1972, is brought forward as follows:

69-23-29. (1) (a) Any person violating any of the provisions of this chapter or the rules and regulations issued under this chapter is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one (1) year or by both such fine and imprisonment at the discretion of the court having jurisdiction.

(b) Each violation and each day's violation for continuing acts, shall constitute a separate offense.

(c) Any person violating any of the provisions of this chapter or the rules and regulations issued under this chapter in such a way that causes harm or poses a threat to man, animals or the environment is guilty of a felony and, upon conviction, shall be punished by a fine of not more than Twenty-Five Thousand Dollars (\$25,000.00) or by imprisonment in the State Penitentiary



for a term of not more than twenty (20) years or by both such fine  
and imprisonment for each violation.

(2) Each violation of this chapter or the applicable rules  
and regulations shall subject the violator to administrative  
action as provided for in Sections 69-25-51 through 69-25-63.

**SECTION 4.** This act shall take effect and be in force from  
and after July 1, 2025.

