

By: Representatives Pigott, Hood, Byrd, Carpenter, Ford (54th), Ladner, Lott, Mangold, Mansell, McMillan, Morgan, Scoggin, Tubb, Turner, Wallace

To: Judiciary A

HOUSE BILL NO. 1221

1 AN ACT TO AMEND SECTION 69-23-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN EXEMPTION FROM CIVIL AND PRODUCT LIABILITY ACTIONS AS A
3 RESULT OF THE MANUFACTURE OR SALE OF PESTICIDES REGISTERED AND
4 LABELED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER
5 THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA);
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 69-23-5, Mississippi Code of 1972, is
9 amended as follows:

10 69-23-5. (1) It shall be unlawful for any person to
11 distribute, sell or offer for sale within this state or deliver
12 for transportation or transport in intrastate commerce or between
13 points within this state through any point outside this state any
14 of the following:

15 (a) Any pesticide which has not been registered
16 pursuant to the provisions of Section 69-23-7 or any pesticide if
17 any of the claims made for it or any of the directions for its use
18 differ from its composition or representations made in connection
19 with its registration; provided, that in the discretion of the
20 commissioner a change in the labeling or formula of a pesticide



21 may be made within a reregistration period within requiring
22 registration of the product if the registration is amended to
23 reflect such change and if the changes will not violate any
24 provisions of FIFRA or this chapter.

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

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

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

35 (iii) The net weight or measure of the content,
36 subject, however, to such reasonable variations as the
37 commissioner may permit;

38 (iv) A batch number from which the date of
39 packaging can be determined for certain pesticides which have been
40 determined to deteriorate in relatively short periods, when
41 requested by the commissioner;

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



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

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

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

61 Provided, however, that the commissioner may designate that
62 certain specific pesticides may be distributed or offered for sale
63 by the manufacturer and/or registrant in bulk, in which case the
64 label information required and any other statements required by
65 this chapter must be stated in or attached to the invoice; and in
66 addition, a copy of said invoice must be given to the purchaser at
67 the time the pesticide is delivered. In addition to the above,
68 the commissioner may set rules and regulations for the sale,
69 dispensing, storing, handling and transportation of pesticides in
70 bulk.



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

75 (i) The skull and crossbones;

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

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

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

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

83 (f) Any pesticide in containers which are unsafe due to
84 damage.

85 (2) It shall be unlawful:

86 (a) For any person to detach, alter, deface or destroy,
87 in whole or in part, any label or labeling provided for in this
88 chapter or regulations promulgated hereunder, or to add any
89 substance to, or take any substance from, a pesticide in a manner
90 that may defeat the purpose of this chapter;

91 (b) For any person to use for his own advantage or to
92 reveal, other than to the commissioner or proper officials or
93 employees of the state or the EPA, or to the courts of this state
94 in response to a subpoena, or to physicians, or in emergencies to
95 pharmacists and other qualified persons, for use in preparation of



96 antidotes, any information relative to formulas of products
97 acquired by authority of this chapter or any information judged by
98 the commissioner as containing or relating to trade secrets or
99 commercial or financial information obtained by authority of this
100 chapter and marked as confidential by the registrant;

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

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

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

111 The commissioner is hereby authorized, empowered and directed
112 to authorize and grant a permit to any person, firm or corporation
113 to dispose of any existing stock of pesticide it may have on hand
114 at the time this chapter becomes effective, including all
115 packages, labels and containers; provided that such stock is
116 packaged and labeled in accordance with federal laws and
117 regulations governing the packaging and labeling of such products.

118 (3) In addition to any criminal remedy set forth in
119 subsection (2), remedies for misappropriation of a trade secret



120 shall be governed by the Mississippi Uniform Trade Secrets Act,
121 Sections 75-26-1 through 75-26-19.

122 (4) The manufacturer or seller of a pesticide registered
123 with the commissioner in accordance with provisions of 69-23-7 and
124 with the United States Environmental Protection Agency (EPA) under
125 the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7
126 USCS Section 136, et seq., shall not be liable in civil action
127 related to the labeling of the pesticide, including a product
128 liability action alleging failure to warn, if the pesticide bore a
129 label approved by the EPA under FIFRA at the time of sale.

130 **SECTION 2.** This act shall take effect and be in force from
131 and after July 1, 2025.

