

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 133

AN ACT

To repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-four new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 89.020, 195.740, 195.743, 195.746,  
2 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767,  
3 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010,  
4 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050,  
5 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110,  
6 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050,  
7 and 281.260, RSMo, are repealed and twenty-four new sections  
8 enacted in lieu thereof, to be known as sections 64.002, 65.702,  
9 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756,  
10 195.758, 195.764, 195.767, 196.352, 261.140, 264.061, 266.031,  
11 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, 281.260,  
12 and 281.265, to read as follows:

1           64.002. For purposes of a zoning law, ordinance, or code  
2 authorized and enacted under this chapter, a zoning or property  
3 classification of agricultural or horticultural shall include any  
4 sawmill or planing mill as defined in the U.S. Department of  
5 Labor's Standard Industrial Classification (SIC) Manual under  
6 Industry Group 242 with the SIC number 2421.

7           65.702. For purposes of a zoning law, ordinance, or code  
8 authorized and enacted under sections 65.650 to 65.700, a zoning  
9 or property classification of agricultural or horticultural shall  
10 include any sawmill or planing mill as defined in the U.S.  
11 Department of Labor's Standard Industrial Classification (SIC)  
12 Manual under Industry Group 242 with the SIC number 2421.

13           89.020. 1. For the purpose of promoting health, safety,  
14 morals or the general welfare of the community, the legislative  
15 body of all cities, towns, and villages is hereby empowered to  
16 regulate and restrict the height, number of stories, and size of  
17 buildings and other structures, the percentage of lot that may be  
18 occupied, the size of yards, courts, and other open spaces, the  
19 density of population, the preservation of features of historical  
20 significance, and the location and use of buildings, structures  
21 and land for trade, industry, residence or other purposes.

22           2. For the purpose of any zoning law, ordinance or code,  
23 the classification single family dwelling or single family  
24 residence shall include any home in which eight or fewer  
25 unrelated mentally or physically handicapped persons reside, and  
26 may include two additional persons acting as houseparents or  
27 guardians who need not be related to each other or to any of the  
28 mentally or physically handicapped persons residing in the home.

1 In the case of any such residential home for mentally or  
2 physically handicapped persons, the local zoning authority may  
3 require that the exterior appearance of the home and property be  
4 in reasonable conformance with the general neighborhood  
5 standards. Further, the local zoning authority may establish  
6 reasonable standards regarding the density of such individual  
7 homes in any specific single family dwelling neighborhood.

8 3. No person or entity shall contract or enter into a  
9 contract which would restrict group homes or their location as  
10 described in this section from and after September 28, 1985.

11 4. Any county, city, town or village which has a population  
12 of at least five hundred and whose boundaries are partially  
13 contiguous with a portion of a lake with a shoreline of at least  
14 one hundred fifty miles shall have the authority to enforce its  
15 zoning laws, ordinances or codes for one hundred yards beyond the  
16 shoreline which is adjacent to its boundaries. In the event that  
17 a lake is not large enough to allow any county, city, town or  
18 village to enforce its zoning laws, ordinances or codes for one  
19 hundred yards beyond the shoreline without encroaching on the  
20 enforcement powers granted another county, city, town or village  
21 under this subsection, the counties, cities, towns and villages  
22 whose boundaries are partially contiguous to such lake shall  
23 enforce their zoning laws, ordinances or orders under this  
24 subsection pursuant to an agreement entered into by such  
25 counties, cities, towns [and], or villages.

26 5. Should a single family dwelling or single family  
27 residence as [defined] described in subsection 2 of this section  
28 cease to operate for the purpose as set forth in subsection 2 of

1 this section, any other use of such home, other than allowed by  
2 local zoning restrictions, must be approved by the local zoning  
3 authority.

4 6. For purposes of any zoning law, ordinance or code the  
5 classification of single family dwelling or single family  
6 residence shall include any private residence licensed by the  
7 children's division or department of mental health to provide  
8 foster care to one or more but less than seven children who are  
9 unrelated to either foster parent by blood, marriage or adoption.  
10 Nothing in this subsection shall be construed to relieve the  
11 children's division, the department of mental health or any other  
12 person, firm or corporation occupying or utilizing any single  
13 family dwelling or single family residence for the purposes  
14 specified in this subsection from compliance with any ordinance  
15 or regulation relating to occupancy permits except as to number  
16 and relationship of occupants or from compliance with any  
17 building or safety code applicable to actual use of such single  
18 family dwelling or single family residence.

19 7. Any city, town, or village that is granted zoning powers  
20 under this section and is located within a county that has  
21 adopted zoning regulations under chapter 64 may enact an  
22 ordinance to adopt by reference the zoning regulations of such  
23 county in lieu of adopting its own zoning regulations.

24 8. For purposes of any zoning law, ordinance, or code  
25 authorized and enacted under this section, a zoning or property  
26 classification of agricultural or horticultural shall include any  
27 sawmill or planing mill as defined in the U.S. Department of  
28 Labor's Standard Industrial Classification (SIC) Manual under

1 Industry Group 242 with the SIC number 2421.

2 195.740. For the purposes of sections 195.740 to 195.773,  
3 the following terms shall mean:

4 (1) "Agricultural hemp propagule", any viable nonseed  
5 plant material used to cultivate industrial hemp including, but  
6 not limited to, transplants, cuttings, and clones;

7 (2) "Agricultural hemp seed", Cannabis sativa L. seed that  
8 meets any labeling, quality, or other standards set by the  
9 department of agriculture and that is intended for sale, is sold  
10 to, or is purchased by registered [growers] producers for  
11 planting;

12 [(2)] (3) "Crop", industrial hemp grown under a single  
13 registration;

14 [(3)] (4) "Department", the Missouri department of  
15 agriculture;

16 [(4) "Grain", Cannabis sativa L. seed used to make an  
17 industrial hemp commodity or product;]

18 (5) ["Grower", a person, joint venture, or cooperative who  
19 is a Missouri resident or an entity that is domiciled in this  
20 state that produces industrial hemp;

21 (6) "Handler", a person, joint venture, or cooperative who  
22 is a Missouri resident or an entity that is domiciled in this  
23 state that receives industrial hemp for processing into  
24 commodities, products, feed, or agricultural hemp seed;

25 (7) "Indoor cultivation facility", any greenhouse or  
26 enclosed building or structure capable of continuous cultivation  
27 throughout the year that is not a residential building;

28 (6) "Industrial hemp plant monitoring system", a reporting

1 system that includes, but is not limited to, testing, transfer  
2 reports, and data collection maintained by a [grower or handler]  
3 producer or agricultural hemp propagule and seed permit holder  
4 and available to the department for purposes of monitoring viable  
5 [agricultural hemp seed and] industrial hemp cultivated as an  
6 agricultural product from planting to final [packaging] sale or  
7 transfer as a publicly marketable hemp product;

8 (7) "Nonviable", plant material or agricultural hemp seed  
9 that is not capable of living or growing;

10 (8) "Produce", the cultivation and harvest of viable  
11 industrial hemp;

12 (9) "Producer", a person who is a Missouri resident, or an  
13 entity that is domiciled in this state, who grows or produces  
14 viable industrial hemp;

15 (10) "Publicly marketable product", any nonviable hemp  
16 material, including seed, stem, root, leaf, or floral material,  
17 that contains no material with a delta-9 tetrahydrocannabinol  
18 concentration exceeding three-tenths of one percent on a dry  
19 weight basis.

20 195.743. [1. There is hereby created an "Industrial Hemp  
21 Agricultural Pilot Program", in accordance with federal law, to  
22 be implemented by the department to study the growth,  
23 cultivation, processing, feeding, and marketing of industrial  
24 hemp.

25 2.] Viable industrial hemp shall be an agricultural product  
26 that is subject to regulation by the department, including  
27 compliance with an industrial hemp plant monitoring system.

28 195.746. 1. Any [grower or handler] producer of industrial

1 hemp shall obtain a registration from the department. [Growers  
2 and handlers engaged in the production of agricultural hemp seed  
3 shall obtain an agricultural hemp seed production permit. An  
4 agricultural hemp seed production permit shall authorize a grower  
5 or handler to produce and handle agricultural hemp seed for sale  
6 to registered industrial hemp growers and handlers. The  
7 department shall make information that identifies sellers of  
8 agricultural hemp seed available to growers, and any seller] Any  
9 producer of agricultural hemp [seed] shall ensure that [the] all  
10 agricultural hemp propagules and agricultural hemp seed  
11 [complies] comply with any standards established by the  
12 department.

13 2. Any person who sells, distributes, or offers for sale  
14 any agricultural hemp propagule or agricultural hemp seed in the  
15 state shall obtain an agricultural hemp propagule and seed permit  
16 from the department. An agricultural hemp propagule and seed  
17 permit shall authorize a permit holder to sell, distribute, or  
18 offer for sale agricultural hemp propagules or agricultural hemp  
19 seed to registered producers or other permit holders. A permit  
20 holder is exempt from requirements in chapter 266 if he or she  
21 only sells, distributes, or offers for sale agricultural hemp  
22 propagules or agricultural hemp seed.

23 3. An application for an industrial hemp registration or  
24 agricultural hemp propagule and seed [production] permit shall  
25 include:

- 26 (1) The name and address of the applicant;  
27 (2) The name and address of the industrial hemp or  
28 agricultural hemp propagule or seed operation;

1           (3) For any industrial hemp registration, the global  
2 positioning system coordinates and legal description for the  
3 property used for the industrial hemp [or agricultural hemp seed]  
4 operation;

5           (4) The application fee, as determined by the department,  
6 in an amount sufficient to cover the administration, regulation,  
7 and enforcement costs associated with sections 195.740 to  
8 195.773; and

9           (5) Any other information the department deems necessary.

10          [3.] 4. The department shall issue a registration [or  
11 permit] under this section to an applicant who meets the  
12 requirements of this section and section 195.749[, ] and who  
13 satisfactorily completes a state and federal fingerprint criminal  
14 history background check under section 43.543[, who signs an  
15 acknowledgment that industrial hemp is an experimental crop, and  
16 who signs a waiver that holds the department harmless in the  
17 event a lawsuit occurs or if the growth, cultivation, processing,  
18 feeding, or marketing of industrial hemp or seed is later  
19 declared illegal under federal law]. The department may charge  
20 an applicant an additional fee for the cost of the fingerprint  
21 criminal history background check in addition to the registration  
22 [or permit] fee. If required by federal law, the department  
23 shall require an applicant for an agricultural hemp propagule and  
24 seed permit to comply with the fingerprint criminal history  
25 background check requirements of this subsection.

26          [4.] 5. Upon issuance of a registration or permit,  
27 information regarding all [registration] producers and permit  
28 holders shall be forwarded to the Missouri state highway patrol.



1           [5.] 6. An industrial hemp registration or agricultural  
2 hemp propagule and seed [production] permit is:

3           (1) Nontransferable, except such registration or permit may  
4 be transferred to a [spouse or child] person who otherwise meets  
5 the requirements of a registrant or [permittee] permit holder,  
6 and the [spouse or child] person may operate under the existing  
7 registration or permit until the registration or permit expires,  
8 at which time the renewal shall reflect the change of the  
9 registrant or [permittee] permit holder;

10           (2) Valid for a three-year term unless revoked by the  
11 department; and

12           (3) Renewable as determined by the department, if the  
13 registrant or permit holder is found to be in good standing.

14           7. Each individual parcel of ground or indoor cultivation  
15 facility with a separate legal description shall be required to  
16 obtain a separate registration unless the parcels are contiguous  
17 and owned by the same person of record.

18           195.749. 1. The department may revoke, refuse to issue, or  
19 refuse to renew an industrial hemp registration or agricultural  
20 hemp propagule and seed [production] permit and may impose a  
21 civil penalty of not less than [two thousand] five hundred  
22 dollars or more than fifty thousand dollars for violation of:

23           (1) A registration or permit requirement, term, or  
24 condition;

25           (2) Department rules relating to [growing or handling] the  
26 production of industrial hemp or an agricultural hemp propagule  
27 and seed permit;

28           (3) Any industrial hemp plant monitoring system

1 requirement; or

2 (4) A final order of the department that is specifically  
3 directed to the [grower's or handler's] producer or permit  
4 holder's industrial hemp operations or activities.

5 2. A registration or permit shall not be issued to a person  
6 who in the [five] ten years immediately preceding the application  
7 date has been found guilty of, or pled guilty to, a felony  
8 offense under any state or federal law regarding the possession,  
9 distribution, manufacturing, cultivation, or use of a controlled  
10 substance.

11 3. The department may revoke, refuse to issue, or refuse to  
12 renew an industrial hemp registration or agricultural hemp  
13 propagule and seed [production] permit for failing to comply with  
14 any provision of this chapter, or for a violation of any  
15 department rule relating to agricultural operations or activities  
16 other than industrial hemp [growing or handling] production.

17 [4. The department shall refuse to issue an industrial hemp  
18 registration or agricultural hemp seed permit to any applicant if  
19 approving such registration or permit would authorize the growth  
20 or cultivation of industrial hemp or agricultural hemp seed on a  
21 plot of land that is less than ten acres or more than forty acres  
22 by any single registrant or permittee, or over two thousand acres  
23 of land statewide among all registrants or permittees,  
24 notwithstanding the twenty-acre limitation for institutions of  
25 higher education set forth in section 195.767.]

26 195.752. 1. Any person [growing] producing industrial hemp  
27 who does not have a valid industrial hemp registration issued  
28 under section 195.746 [shall] may be subject to an administrative

1 fine of five hundred dollars and [shall obtain a valid  
2 registration to grow industrial hemp within thirty days. If,  
3 during the thirty-day period, such person applies for and  
4 receives an industrial hemp registration, the amount of the fine  
5 imposed under this section shall be refunded in full. If, during  
6 the thirty-day period described in this section, such person  
7 fails to obtain an industrial hemp registration, the person  
8 shall] may be fined one thousand dollars per day until such  
9 person [obtains a registration. After thirty days of failing to  
10 obtain an industrial hemp registration and an accumulation of  
11 administrative fines exceeding thirty days, such person shall  
12 destroy] destroys the industrial hemp crop. The Missouri state  
13 highway patrol shall certify such destruction to the department.

14 2. Any person selling, distributing, or offering for sale  
15 any agricultural hemp propagule or agricultural hemp seed in the  
16 state who does not have a valid agricultural hemp propagule and  
17 seed permit issued under section 195.746 may be subject to an  
18 administrative fine of five hundred dollars and may be fined one  
19 thousand dollars per day until such person obtains a valid  
20 permit.

21 195.756. Notwithstanding sections 281.050 and 281.101 to  
22 the contrary, in the [growing and handling] production of  
23 industrial hemp consistent with sections 195.740 to 195.773, no  
24 retailer of pesticides as defined in 7 U.S.C. Section 136, or  
25 agricultural chemicals shall be liable for the sale, application,  
26 or handling of such products by a producer or applicator in any  
27 manner or for any purpose not approved by applicable state and  
28 federal agencies. No producer or applicator may use or apply

1 pesticides or agricultural chemicals in the growing or handling  
2 of industrial hemp except as approved by state and federal law.

3 195.758. 1. Every [grower or handler] producer or permit  
4 holder shall be subject to an industrial hemp plant monitoring  
5 system and shall keep industrial hemp crop and agricultural hemp  
6 propagule and seed records as required by the department. [Upon  
7 three days' notice,] The department may require an inspection or  
8 audit during any normal business hours for the purpose of  
9 ensuring compliance with:

10 (1) Any provision of sections 195.740 to 195.773;

11 (2) Department rules and regulations;

12 (3) Industrial hemp registration or agricultural hemp  
13 propagule and seed [production] permit requirements, terms, or  
14 conditions;

15 (4) Any industrial hemp plant monitoring system  
16 requirement; or

17 (5) A final department order directed to the [grower's or  
18 handler's] producer or permit holder's industrial hemp or  
19 agricultural hemp propagule and seed operations or activities.

20 2. In addition to any inspection conducted under subsection  
21 1 of this section, the department may inspect any industrial hemp  
22 crop during the crop's growth phase and take a representative  
23 sample for field analysis. If a crop contains an average delta-9  
24 tetrahydrocannabinol concentration exceeding three-tenths of one  
25 percent or the maximum concentration allowed under federal law,  
26 whichever is greater, on a dry weight basis, the department may  
27 retest the crop. If the second test indicates that a crop  
28 contains an average delta-9 tetrahydrocannabinol concentration

1 exceeding three-tenths of one percent or the maximum  
2 concentration allowed under federal law, whichever is greater, on  
3 a dry weight basis, the department may order any [grower or  
4 handler] producer to destroy the crop.

5 3. If such crop is not destroyed within fifteen days of the  
6 [grower or handler] producer being notified by the department by  
7 certified mail that the crop contains concentrations exceeding  
8 those set forth in subsection 2 of this section, and directing  
9 the [grower or handler] producer to destroy the crop, such  
10 [grower or handler] producer shall be subject to a fine of five  
11 thousand dollars per day until such crop is destroyed. [Such  
12 fine shall be in addition to any criminal liability the grower or  
13 handler may incur, except that] No such penalty or fine shall be  
14 imposed prior to the expiration of the fifteen-day notification  
15 period.

16 4. The Missouri state highway patrol may, at its own  
17 expense, perform aerial surveillance to ensure illegal industrial  
18 hemp [or marijuana] plants are not being cultivated on or near  
19 legal, registered industrial hemp plantings.

20 5. The Missouri state highway patrol may coordinate with  
21 local law enforcement agencies to certify the destruction of  
22 illegal industrial hemp [and marijuana] plants.

23 6. The department shall notify the Missouri state highway  
24 patrol and local law enforcement agencies of the need to certify  
25 that a crop of industrial hemp deemed illegal through field  
26 analysis has been destroyed.

27 7. Unless required by federal law, the department shall not  
28 regulate the sale or transfer of nonviable hemp including, but

1 not limited to, stripped stalks, fiber, dried roots, nonviable  
2 leaf material, nonviable floral material, nonviable seeds, seed  
3 oils, floral and plant extracts, unadulterated forage, and other  
4 marketable agricultural hemp products to members of the general  
5 public both within and outside the state.

6 195.764. 1. The department may charge [growers and  
7 handlers] producers and permit holders reasonable fees as  
8 determined by the department for the purposes of administering  
9 sections 195.740 to 195.773. Fees charged for purposes of  
10 administering sections 195.740 to 195.773 shall only be used to  
11 administer such sections, and shall not provide additional  
12 revenue for the department to use to administer any other program  
13 or provide staff to the department for any other program. All  
14 fees collected under sections 195.740 to 195.773 shall be  
15 deposited in the industrial hemp fund created under this section  
16 for use by the department to administer sections 195.740 to  
17 195.773.

18 2. There is hereby created in the state treasury the  
19 "Industrial Hemp Fund", which shall consist of any grants, gifts,  
20 donations, bequests, or money collected under sections 195.740 to  
21 195.773. The state treasurer shall be custodian of the fund. In  
22 accordance with sections 30.170 and 30.180, the state treasurer  
23 may approve disbursements. The fund shall be a dedicated fund  
24 and money in the fund shall be used solely by the department of  
25 agriculture for the purpose of administering such sections,  
26 including reimbursing the Missouri state highway patrol for the  
27 enforcement of such sections. Notwithstanding the provisions of  
28 section 33.080 to the contrary, any moneys remaining in the fund

1 at the end of the biennium shall not revert to the credit of the  
2 general revenue fund. The state treasurer shall invest moneys in  
3 the fund in the same manner as other funds are invested. Any  
4 interest and moneys earned on such investments shall be credited  
5 to the fund.

6 195.767. [1.] An institution of higher education may [, in  
7 collaboration with the department,] engage in the research and  
8 study of the growth, cultivation, or marketing of industrial hemp  
9 [and agricultural hemp seed] as authorized by Section 7606 of the  
10 federal Agricultural Act of 2014, Pub. L. 113-79, or any  
11 successor law. Institutions [for] of higher education shall not  
12 be required to obtain a registration for the [growth] production  
13 of industrial hemp[, or a permit for the growth and handling of  
14 agricultural hemp seed,] from the department as set forth in  
15 sections 195.746 and 195.749.

16 [2. The department shall refuse to issue an industrial hemp  
17 registration or agricultural hemp seed permit to any institution  
18 of higher education if approving such registration or permit  
19 would authorize the growth or cultivation of industrial hemp or  
20 agricultural hemp seed by institutions of higher education on  
21 over twenty acres of land statewide, notwithstanding the two  
22 thousand-acre limitation set forth in section 195.749.  
23 Notwithstanding subsection 4 of section 195.749 to the contrary,  
24 the department may issue a registration or permit to an  
25 institution of higher education for the growth or cultivation of  
26 industrial hemp or agricultural hemp seed on a plot of land that  
27 is less than ten acres.]

28 196.352. In addition to the penalties and remedies provided

1 in sections 196.311 to 196.361, if the director determines, after  
2 inquiry and opportunity for a hearing, that any individual is in  
3 violation of any provision of sections 196.311 to 196.361 or any  
4 regulation promulgated thereunder, the director shall have the  
5 authority to assess a civil penalty of not more than five hundred  
6 dollars for each violation and not more than five hundred dollars  
7 for each day such violation continues. Any individual aggrieved  
8 by any act of the director under this section may appeal  
9 according to the provisions of chapter 621.

10 261.140. 1. The department of agriculture shall convene a  
11 work group every five years to review all fees charged by the  
12 department. The review shall include both fees set by statute  
13 and fees set by regulation.

14 2. After each review required under this section, the  
15 department of agriculture shall prepare and submit a report to  
16 the general assembly on any recommended changes to the fees that  
17 would ensure adequate funding for the department.

18 264.061. 1. It is unlawful to move, carry, transport or  
19 ship bees, combs or used beekeeping equipment into the state of  
20 Missouri unless accompanied by a valid permit issued by the  
21 director of the department of agriculture. Applications for  
22 permit to transport bees or used beekeeping equipment into the  
23 state shall be submitted on a form approved by the director.  
24 This application form must be accompanied by a certificate of  
25 health, issued by the authorized official of the state from which  
26 the bees are to be moved, certifying that the bees and used  
27 beekeeping equipment have been inspected by an approved  
28 inspector, during a period of active brood rearing, within ninety



1 days prior to the proposed date of movement, and that such bees  
2 and used beekeeping equipment were found apparently free from any  
3 diseases or pests. Each application shall disclose the number of  
4 colonies of bees to be transported and a description of the  
5 location or locations where said bees are to be kept. Upon  
6 receipt of an application for a permit to move bees or used  
7 beekeeping equipment into the state, accompanied by a proper  
8 certificate of health and an application fee of ~~five~~ ten  
9 dollars per application, the director shall issue the desired  
10 permit. This shall not apply to honey bees from quarantined  
11 areas outside the state of Missouri. These quarantines shall  
12 include all federal, state or Missouri exterior quarantines.  
13 Importation of honey bees from quarantined areas shall be in  
14 accordance with the rules made pursuant to this chapter.

15 2. Regardless of the above provisions of this section, the  
16 director shall have the authority to issue a permit without  
17 inspection to the person or persons owning such bees and  
18 equipment if he or she is satisfied that such bees and equipment  
19 were certified and moved from the state of Missouri within ninety  
20 days prior to the desired date of reentry and have not been  
21 exposed to diseased or pest infected bees or equipment.

22 3. A verbal authorization may be allowed by the Missouri  
23 director if the written permit outlined above has been requested  
24 but has not been received by the time that the bees are to be  
25 moved.

26 4. Combless packages of bees or queens, or both, are  
27 admitted into Missouri, without a Missouri permit, when  
28 accompanied by a valid certificate of inspection from the state

1 of origin stating they are free of diseases and pests. This  
2 shall not apply to honey bees from quarantined areas outside the  
3 state of Missouri. These quarantines shall include all federal,  
4 state or Missouri exterior quarantines. Importation of honey  
5 bees from quarantined areas shall be in accordance with the rules  
6 made pursuant to this chapter.

7 266.031. 1. Any person who sells, distributes, offers or  
8 exposes for sale any agricultural or vegetable seed in the state  
9 of Missouri shall obtain a seed permit from the director of  
10 agriculture unless exempted as in section 266.080. Seed dealers  
11 must purchase permits for each seed sales classification  
12 performed, selling or taking orders for seed from other than an  
13 established place of business, selling seed from a retail place  
14 of business, selling seed from a wholesale place of business, or  
15 negotiating sales as a broker. A separate permit shall be  
16 required for each place of business from which seed regulated by  
17 this law is sold. A separate permit shall also be required of  
18 each person selling or taking orders for seed from other than an  
19 established place of business. Seed permit fees will be assessed  
20 as follows:

21 (1) Place of business selling vegetable seed packets of one  
22 pound or less or lawn seed packages to the end user **[\$5.00]**

23 \$20.00

24 (2) Person that sells only labeled seed grown on their own  
25 property **[\$5.00]** \$20.00

26 (3) Retail place of business or person not otherwise  
27 identified that sells or offers for sale agricultural seed or  
28 offers for sale agricultural seed or bulk vegetable seed to the

1 end user and which does not provide storage facilities ~~[\$5.00]~~  
2 \$20.00

3 (4) Retail place of business or person not otherwise  
4 identified that sells or offers for sale agricultural seed or  
5 offers for sale agricultural seed or bulk vegetable seed to the  
6 end user and which provides storage facilities. A permit to sell  
7 agricultural or bulk vegetable seed will suffice for selling seed  
8 as listed in (1) and (2) ~~[\$15.00]~~ \$60.00

9 (5) Wholesale place of business selling labeled seed for  
10 resale, or negotiating sales as a seed broker ~~[\$100.00]~~ \$400.00

11 2. Farmers and seed producers shall be classed as seedsmen  
12 and must comply with all the provisions of sections 266.011 to  
13 266.111 when the farmers or seed producers:

14 (1) Offer, sell or expose for sale seed not of their own  
15 production;

16 (2) Sell and deliver seed to a purchaser by way of common  
17 carrier;

18 (3) Sell seed by any public sales service;

19 (4) Advertise or label seed referring to the purity or  
20 germination.

21 3. No permit is transferable. All persons holding a  
22 Missouri seed permit shall post the permit in a conspicuous place  
23 in the place of business to which it applies. The licensing year  
24 shall be twelve months, or any fraction thereof, beginning on  
25 January first and ending December thirty-first. All permit fees  
26 shall be paid to the Missouri department of agriculture and shall  
27 be deposited in the state treasury to the credit of the  
28 agriculture protection fund created in section 261.200.

1           4. If the application for renewal of any seed permit is not  
2 filed prior to expiration date in any year, a penalty of fifty  
3 percent shall be assessed and added to the original fee and shall  
4 be paid by the applicant before that renewal license shall be  
5 issued; provided, that such penalty shall not apply if the  
6 applicant furnishes an affidavit certifying that he or she has  
7 not engaged in selling, distributing, offering or exposing seed  
8 for sale, subsequent to the expiration date of his or her  
9 license.

10           266.165. 1. Any person who manufactures a commercial feed  
11 within the state, or who distributes a commercial feed in or into  
12 the state, or whose name appears on the label of a commercial  
13 feed as guarantor, or any person who acts as an independent  
14 consultant shall obtain a license for each facility authorizing  
15 such person to manufacture or distribute commercial feed or act  
16 as an independent consultant in the formulation of feeds before  
17 such person engages in such activity. Any person who makes only  
18 retail sales of commercial feed which bears labeling or other  
19 approved indication that the commercial feed is from a licensed  
20 manufacturer, guarantor, or distributor who has assumed full  
21 responsibility for the tonnage inspection fee due under sections  
22 266.152 to 266.220 is not required to obtain a license. Any  
23 person who acts as an independent consultant shall also obtain  
24 such a license. Any person who is required to obtain such a  
25 license shall submit an application on a form provided or  
26 approved by the state department of agriculture accompanied by a  
27 license fee of ~~[twenty-five]~~ thirty-five dollars and specified by  
28 rule promulgated pursuant to section 266.195. The license year

1 shall be July first through June thirtieth. Each license shall  
2 expire on the thirtieth day of June of the year for which it is  
3 issued; provided that any license shall be valid through July  
4 thirty-first of the next ensuing year or until the issuance of  
5 the renewal license, whichever event first occurs, if the holder  
6 of such license has filed a renewal application with the state on  
7 or before June thirtieth of the year for which the current  
8 license was issued. Any new applicant who fails to obtain a  
9 license within fifteen working days of notification of the  
10 requirement to obtain a license, or any licensee who fails to  
11 comply with license renewal requirements, shall pay a twenty-five  
12 dollar late fee in addition to the license fee.

13 2. The license application shall be established by rules  
14 adopted by the state department of agriculture.

15 3. The state, under conditions specified by rule, may  
16 request copies of labels and labeling at any time from a license  
17 applicant or licensee in order to determine compliance with the  
18 provisions of sections 266.152 to 266.220.

19 4. The state may refuse to issue a license to any person  
20 not in compliance with the provisions of sections 266.152 to  
21 266.220. The department may suspend or revoke any license issued  
22 to any person found not to be in compliance with any provision of  
23 sections 266.152 to 266.220. The director of the department of  
24 agriculture may place conditions that limit production or  
25 distribution of a particular commercial feed on the license of  
26 any person not found to be in compliance with sections 266.152 to  
27 266.220. No license shall be conditionalized, suspended, refused  
28 or revoked unless the applicant or licensee shall first be given

1 an opportunity to be heard before the director or a hearing  
2 officer designated by the director in order to comply with the  
3 requirements of sections 266.152 to 266.220.

4 5. The state, under conditions specified by rule, may  
5 require independent consultants formulating consultant-formula  
6 feeds to furnish signed copies of their formulations and  
7 specifications along with directions for use and appropriate  
8 warning statements to the manufacturer and end user of the  
9 product. Consultant recommendations found to be inadequate are  
10 subject to all the penalties as described in section 266.210.

11 266.190. 1. An inspection fee at the rate of [ten]  
12 fourteen cents per ton shall be paid on commercial feeds  
13 distributed in this state by the person whose name appears on the  
14 label as the manufacturer, guarantor or distributor, except that  
15 a person other than the first manufacturer, guarantor or  
16 distributor may assume liability for the inspection fee, subject  
17 to the following:

18 (1) Assumption of liability for the payment of fees must be  
19 established by requesting to be put on deferment list with the  
20 director;

21 (2) No fee shall be paid on a commercial feed if the  
22 payment has been made by a previous distributor;

23 (3) No fee shall be paid on customer-formula feeds if the  
24 inspection fee is paid on the commercial feeds which are used as  
25 ingredients therein;

26 (4) No fee shall be paid on commercial feeds which are used  
27 as ingredients for the manufacture of commercial feeds. If the  
28 fee has already been paid, credit shall be given for such

1 payment;

2 (5) In the case of pet food which is distributed in the  
3 state only in packages of ten pounds or less, [an annual fee of  
4 twenty-five dollars and] a listing of each product must be  
5 submitted annually on forms provided by the director and  
6 accompanied by [the] an annual payment of [twenty-five] ninety  
7 dollars per product or, in the case of a person whose total  
8 amount of gross annual sales does not exceed five thousand  
9 dollars, twenty-five dollars per product, which shall be paid in  
10 lieu of the inspection fee specified above. Payment is required  
11 by January first of each year. Payments not received until after  
12 January thirty-first are subject to a late fee of fifty percent  
13 of the payment due. The inspection fee required by subsection 1  
14 of this section shall apply to pet food distributed in packages  
15 exceeding ten pounds. The assessment of these penalty fees shall  
16 not prevent the director from taking other actions as provided in  
17 this chapter. The department of agriculture may promulgate rules  
18 to allow for the review of records of persons claiming gross  
19 annual sales not exceeding five thousand dollars in order to  
20 ensure that they qualify for the reduced payment. Any rule or  
21 portion of a rule, as that term is defined in section 536.010,  
22 that is created under the authority delegated in this section  
23 shall become effective only if it complies with and is subject to  
24 all of the provisions of chapter 536 and, if applicable, section  
25 536.028. This section and chapter 536 are nonseverable, and if  
26 any of the powers vested with the general assembly pursuant to  
27 chapter 536 to review, to delay the effective date, or to  
28 disapprove and annul a rule are subsequently held

1 unconstitutional, then the grant of rulemaking authority and any  
2 rule proposed or adopted after August 28, 2019, shall be invalid  
3 and void;

4 (6) The minimum inspection fee shall be five dollars per  
5 quarter;

6 (7) In the case of specialty pet food which is distributed  
7 in the state only in packages of one pound or less, a listing of  
8 each product shall be submitted annually on forms provided by the  
9 director and accompanied by payment of [~~twenty-five~~] ninety  
10 dollars per product [up to a maximum annual fee of one thousand  
11 dollars per manufacturer] in lieu of an inspection fee. Payment  
12 is required by January first of each year. Payments not received  
13 until after January thirty-first are subject to a late fee of  
14 fifty percent of the payment due. The inspection fee required by  
15 subsection 1 of this section shall apply to specialty pet food  
16 distributed in packages exceeding one pound. The assessment of  
17 these penalty fees shall not prevent the director from taking  
18 other actions as provided in this chapter.

19 2. Each person who is liable for the payment of such fee  
20 shall:

21 (1) File, not later than the last day of January, April,  
22 July and October of each year, a quarterly tonnage report,  
23 setting forth the number of net tons of commercial feeds  
24 distributed in this state during the preceding calendar quarter;  
25 and upon filing such statement shall pay the inspection fee at  
26 the rate stated in subsection 1 of this section. Inspection fees  
27 which are due and owing and have not been remitted to the  
28 director within fifteen days following the due date shall have a



1 penalty fee of twenty percent of the amount due, or five dollars,  
2 whichever is greater, added to the amount due when payment is  
3 finally made. The assessment of this penalty fee shall not  
4 prevent the director from taking other actions as provided in  
5 this chapter;

6 (2) Keep such records as may be necessary or required by  
7 the director to indicate accurately the tonnage of commercial  
8 feed distributed in this state. The director shall have the  
9 right to examine such records to verify statements of tonnage.  
10 Failure to make an accurate statement of tonnage or to pay the  
11 inspection fee or comply with the requirements of this  
12 subdivision may constitute sufficient cause for the cancellation  
13 of the company's license.

14 3. Fees collected shall constitute a fund for the payment  
15 of the costs of inspection, sampling, analysis, and other  
16 expenses necessary for the administration of sections 266.152 to  
17 266.220 and shall be deposited in the state treasury [and  
18 credited to the general revenue fund] to the credit of the  
19 agriculture protection fund created in section 261.200.

20 281.035. 1. No individual shall engage in the business of  
21 determining the need for the use of, supervising the use of, or  
22 using any pesticide, in categories as specified by regulation, on  
23 the lands of another at any time without a certified commercial  
24 applicator's license issued by the director. A certified  
25 commercial applicator shall not determine the need for the use  
26 of, supervise the use of or use any pesticide for any particular  
27 purpose unless he or she has demonstrated his or her competence  
28 to use pesticides for that purpose by being certified by the

1 director in the proper certification category. The director  
2 shall require an annual fee of [fifty] sixty-five dollars for  
3 each certified commercial applicator's license issued. No  
4 certified commercial applicator shall knowingly authorize,  
5 direct, or instruct any individual to engage in determining the  
6 need for the use of or using any pesticide on the land of another  
7 at any time unless such individual is a pesticide technician or  
8 pesticide technician trainee in such categories as specified by  
9 regulation or is working under the direct supervision of a  
10 certified commercial applicator so authorizing, directing or  
11 instructing, in which case the certified commercial applicator  
12 shall be liable for any use of a pesticide by an individual  
13 operating under his or her direct supervision. The certified  
14 commercial applicator or the employer shall assure that the  
15 director is informed in writing within ten working days of the  
16 employment of any person as a pesticide technician or pesticide  
17 technician trainee.

18 2. Application for a certified commercial applicator's  
19 license shall be made in writing to the director on a designated  
20 form obtained from the director's office. Each application shall  
21 include such information as prescribed by the director by  
22 regulation.

23 3. The director shall not issue a certified commercial  
24 applicator's license until the applicant is certified by passing  
25 an examination provided by the director to demonstrate to the  
26 director his or her competence and knowledge of the proper use of  
27 pesticides under the classifications he or she had applied for,  
28 and his or her knowledge of the standards prescribed by

1 regulations for the certification of commercial applicators.

2 4. The director may renew any certified commercial  
3 applicator's license under the classification for which such  
4 applicant is licensed, subject to reexamination for additional  
5 knowledge that may be required to use pesticides safely and  
6 properly either manually or with equipment the applicant has been  
7 licensed to operate.

8 5. If the director finds the applicant qualified to use  
9 pesticides in the classification for which application has been  
10 made, and if the applicant files evidence that the requirement  
11 for bonds or insurance has been met as required under section  
12 281.065, the director shall issue a certified commercial  
13 applicator's license limited to the classifications for which he  
14 or she is qualified, which shall expire one year from date of  
15 issuance unless it has been revoked or suspended prior thereto by  
16 the director for cause; provided, such financial responsibility  
17 required under section 281.065 does not expire at an earlier  
18 date, in which case said license shall expire upon the expiration  
19 date of the financial responsibility. The director may limit the  
20 license of the applicant to the use of certain restricted use  
21 pesticides, or to certain areas, or to certain types of equipment  
22 if the applicant is only so qualified. If a license is not  
23 issued as applied for, the director shall inform the applicant in  
24 writing of the reasons therefor.

25 6. The director shall require each certified commercial  
26 applicator or his or her employer to maintain records with  
27 respect to applications of any pesticide. Such relevant  
28 information as the director may deem necessary may be specified

1 by regulation. Such records shall be kept for a period of three  
2 years from the date of the application of the pesticide to which  
3 such records refer, and the director shall, upon request in  
4 writing, be furnished with a copy of such records by any  
5 certified commercial applicator or his or her employer.

6 7. A person or individual engaged in the business of using  
7 pesticides on the lands of another, who is deprived of his or her  
8 sole certified commercial applicator by reason of death, illness,  
9 incapacity or any absence which the director determines is  
10 unavoidable, is authorized to continue business operations  
11 without the services of a certified commercial applicator for a  
12 period of time deemed appropriate by the director, but not to  
13 exceed sixty days; except that, no restricted use pesticide shall  
14 be used, or caused to be used, by such person or individual. Any  
15 such person or individual shall immediately notify the director  
16 as to the absence of his or her sole certified commercial  
17 applicator.

18 8. Every certified commercial applicator shall display his  
19 or her license in a prominent place at the site, location or  
20 office from which he or she will operate as a certified  
21 commercial applicator; that place, location or office being at  
22 the address printed on the license.

23 9. Every certified commercial applicator who changes the  
24 address from which he or she will operate as a certified  
25 commercial applicator shall immediately notify the director. The  
26 director shall immediately issue a revised license upon which  
27 shall be printed the changed address. The director shall not  
28 collect a fee for the issuance of a revised license. The

1 expiration date of the revised license shall be the same as the  
2 expiration date for the original license.

3 281.037. 1. Any individual who is not certified pursuant  
4 to section 281.035, 281.040 or 281.045, or has not been issued a  
5 private applicator permit pursuant to subsection 5 of section  
6 281.040 shall not use, or supervise the use of, any restricted  
7 use pesticide without a certified noncommercial applicator  
8 license. A certified noncommercial applicator shall not use, or  
9 supervise the use of, any restricted use pesticide for any  
10 purpose unless he or she has demonstrated his or her competence  
11 to use pesticides for that purpose by being certified by the  
12 director in the proper certification category.

13 2. Application for a certified noncommercial applicator  
14 license shall be made in writing to the director on a designated  
15 form obtained from the director's office. Each application shall  
16 include such information as prescribed by the director by  
17 regulation.

18 3. The director shall not issue a certified noncommercial  
19 applicator license until the applicant is certified by passing an  
20 examination provided by the director to demonstrate to the  
21 director his or her competence and knowledge of the proper use of  
22 pesticides under the classifications for which he or she has  
23 applied, and his or her knowledge of the standards prescribed by  
24 regulations for the certification of noncommercial applicators.

25 4. If the director finds the applicant qualified to use  
26 restricted use pesticides in the classification for which he or  
27 she has applied, the director shall issue a certified  
28 noncommercial applicator license limited to the applicator

1 categories in which he or she is certified. The license shall  
2 expire one year from the date of issuance unless it has been  
3 revoked or suspended prior thereto by the director for cause.  
4 The director may limit the license of the applicant to the use of  
5 certain restricted use pesticides, or to certain areas, or to  
6 certain types of equipment if the applicant is only so qualified.  
7 If a license is not issued as applied for, the director shall  
8 inform the applicant in writing of the reasons therefor.

9 5. The director may renew any certified noncommercial  
10 applicator license under the classification for which the license  
11 is issued subject to reexamination for additional knowledge which  
12 may be required to apply pesticides safely and properly.

13 6. The director shall collect a fee of [twenty-five]  
14 thirty-five dollars for each certified noncommercial applicator  
15 license issued.

16 7. Any certified noncommercial applicator may use, or  
17 supervise the use of, restricted use pesticides only to or on  
18 lands or structures owned, leased or rented by himself or herself  
19 or his or her employer.

20 8. The director shall require the certified noncommercial  
21 applicator or his or her employer to maintain records with  
22 respect to applications of restricted use pesticides. Any  
23 relevant information which the director may deem necessary may be  
24 required by regulation. Such records shall be kept for a period  
25 of three years from the date of the application of the pesticide  
26 to which such records refer, and the director shall, upon request  
27 in writing, be furnished with a copy of such records by any  
28 certified noncommercial applicator or his or her employer.

1           9. Every certified noncommercial applicator shall display  
2 his or her license in a prominent place at the site, location or  
3 office from which he or she will operate as a certified  
4 noncommercial applicator; that place, location or office being at  
5 the address printed on the license.

6           10. Every certified noncommercial applicator who changes  
7 the address from which he or she will operate as a certified  
8 noncommercial applicator shall immediately notify the director.  
9 The director shall immediately issue a revised license upon which  
10 shall be printed the changed address. The director shall not  
11 collect a fee for the issuance of a revised license. The  
12 expiration date of the revised license shall be the same as the  
13 expiration date for the original license.

14           281.038. 1. After July 1, 1990, no individual working  
15 under the direct supervision of a certified commercial applicator  
16 shall determine the need for the use of any pesticide nor use any  
17 pesticide in categories as specified by regulation, unless and  
18 until the individual has met the requirements of this chapter.

19           2. Application for a pesticide technician's license shall  
20 be made in writing to the director on a designated form obtained  
21 from the director's office. Each application shall include such  
22 information as prescribed by the director by regulation and shall  
23 be received by the director within forty-five days of employment  
24 of the pesticide technician or pesticide technician trainee.

25           3. The director shall not issue a pesticide technician's  
26 license until the individual has demonstrated his or her  
27 competence by completion of an approved training program to the  
28 satisfaction of the director.

1           4.    The director may renew any pesticide technician's  
2 license under the classification for which that applicant is  
3 licensed subject to completion of an additional approved training  
4 program to the satisfaction of the director as prescribed by  
5 regulation.

6           5.    The director shall collect a fee of [twenty-five]  
7 thirty-five dollars for each pesticide technician license issued.

8           6.    If the director finds the applicant qualified to use  
9 pesticides in the classification for which application has been  
10 made, the director shall issue a pesticide technician's license  
11 limited to the classifications for which he or she is qualified,  
12 which shall expire one year from date of issuance unless it has  
13 been revoked or suspended prior thereto by the director for  
14 cause. The director may limit the license of the applicant to  
15 the use of certain pesticides, or to certain areas, or to certain  
16 types of equipment if the applicant is only so qualified. If a  
17 license is not issued as applied for, the director shall inform  
18 the applicant in writing of the reasons for such denial of  
19 license.

20           281.050. 1. No individual shall act in the capacity of a  
21 pesticide dealer or shall engage in the business of, advertise  
22 as, or assume to act as a pesticide dealer unless he or she has  
23 obtained a license from the director which shall expire one year  
24 from date of issuance. An individual shall be required to obtain  
25 a license for each location or outlet from which such pesticides  
26 are distributed, sold, held for sale, or offered for sale at  
27 retail or wholesale direct to the end user. Pesticide dealers  
28 may be designated by the director as agents of the state for the



1 purpose of issuing permits for restricted use pesticides to  
2 private applicators.

3 2. Application for a pesticide dealer's license shall be  
4 made on a designated form obtained from the director's office.  
5 The director shall collect a fee of [twenty-five] thirty-five  
6 dollars for the issuance of each license. The provisions of this  
7 section shall not apply to a pesticide applicator who sells  
8 pesticides only as an integral part of his or her pesticide  
9 application service when such pesticides are dispensed only  
10 through apparatuses used for such pesticide applications. The  
11 provisions of this section shall not apply to any federal, state,  
12 or county agency which provides pesticides for its own programs.

13 3. Each applicant shall satisfy the director as to his or  
14 her knowledge of the laws and regulations governing the use and  
15 sale of pesticides and his or her responsibility in carrying on  
16 the business of a pesticide dealer. Each licensed pesticide  
17 dealer shall be responsible for insuring that all of his or her  
18 employees and agents who sell or recommend restricted use  
19 pesticides have adequate knowledge of the laws and regulations  
20 governing the use and sale of such restricted use pesticides.

21 4. Each pesticide dealer shall be responsible for the acts  
22 of each person employed by him or her in the solicitation and  
23 sale of pesticides and all claims and recommendations for use of  
24 pesticides. The dealer's license shall be subject to denial,  
25 suspension, or revocation after a hearing for any violation of  
26 sections 281.010 to 281.115 whether committed by the dealer, or  
27 by the dealer's officer, agent or employee.

28 5. No pesticide dealer shall sell, give away or otherwise

1 make available any restricted use pesticides to anyone but  
2 certified applicators or operators, or to private applicators who  
3 have met the requirements of subsection 5 of section 281.040, or  
4 to other pesticide dealers, except that pesticide dealers may  
5 allow the designated representative of such certified  
6 applicators, operators or private applicators to take possession  
7 of restricted use pesticides when those restricted use pesticides  
8 are purchased by and for use by or under the direct supervision  
9 of such certified applicator, operator or private applicator.

10 6. The director shall require the pesticide dealer, or his  
11 or her employer, to maintain books and records with respect to  
12 sales of restricted use pesticides. Such relevant information as  
13 the director may deem necessary may be specified by regulation.  
14 Such records shall be kept for a period of three years from the  
15 date of sale of the restricted use pesticide to which such  
16 records refer, and the director shall upon request in writing be  
17 furnished with a copy of such records by any licensed pesticide  
18 dealer or his or her employer.

19 7. Every licensed pesticide dealer who changes his or her  
20 address or place of business shall immediately notify the  
21 director.

22 281.260. 1. Every pesticide which is distributed, sold,  
23 offered for sale or held for sale within this state, or which is  
24 delivered for transportation or transported in intrastate  
25 commerce or between points within this state through any point  
26 outside of this state, shall be registered in the office of the  
27 director, and the registration shall be renewed annually.

28 2. The registrant shall file with the director a statement

1 including:

2 (1) The name and address of the registrant and the name and  
3 address of the person whose name will appear on the label, if  
4 other than the registrant;

5 (2) The name of the pesticide;

6 (3) Classification of the pesticide; and

7 (4) A complete copy of the labeling accompanying the  
8 pesticide and a statement of all claims to be made for it,  
9 including directions for use.

10 3. The registrant shall pay an annual fee of [one] two  
11 hundred [fifty] dollars for each product registered in any  
12 calendar year or part thereof. The fee shall be deposited in the  
13 state treasury to the credit of the agriculture protection fund  
14 created in section 261.200 to be used solely to administer the  
15 pest and pesticide programs of the department of agriculture.  
16 The director may deposit up to seven percent of the fee in the  
17 pesticide education fund under section 281.265. If the funding  
18 exceeds the reasonable costs to administer the programs as set  
19 forth herein, the department of agriculture shall reduce fees for  
20 all registrants if the fees derived exceed the reasonable cost of  
21 administering the pest and pesticide programs of the department  
22 of agriculture. All such registrations shall expire on December  
23 thirty-first of any one year, unless sooner cancelled. A  
24 registration for a special local need pursuant to subsection 6 of  
25 this section, which is disapproved by the federal government,  
26 shall expire on the effective date of the disapproval.

27 4. Any registration approved by the director and in effect  
28 on the thirty-first day of December for which a renewal

1 application has been made and the proper fee paid shall continue  
2 in full force and effect until such time as the director notifies  
3 the applicant that the registration has been renewed, or  
4 otherwise denied, in accord with the provisions of subsection [8]  
5 9 of this section. Forms for reregistration shall be mailed to  
6 registrants at least ninety days prior to the expiration date.

7 5. If the renewal of a pesticide registration is not filed  
8 prior to January first of any one year, an additional fee of  
9 fifty dollars shall be assessed and added to the original fee and  
10 shall be paid by the applicant before the registration renewal  
11 for that pesticide shall be issued; provided, that, such  
12 additional fee shall not apply if the applicant furnishes an  
13 affidavit certifying that he or she did not distribute such  
14 unregistered pesticide during the period of nonregistration. The  
15 payment of such additional fee is not a bar to any prosecution  
16 for doing business without proper registry. The fee shall be  
17 credited to the agriculture protection fund created under section  
18 261.200 to be used solely to administer the pest and pesticide  
19 programs of the department of agriculture. If the funding  
20 exceeds the reasonable cost to administer the programs as set  
21 forth herein, the department of agriculture shall reduce fees for  
22 all registrants if the fees derived exceed the reasonable cost of  
23 administering the pest and pesticide programs of the department  
24 of agriculture.

25 6. Provided the state complies with requirements of the  
26 federal government to register pesticides to meet special local  
27 needs, the director shall require that registrants comply with  
28 sections 281.210 to 281.310 and pertinent federal laws and

1 regulations. Where two or more pesticides meet the requirements  
2 of this subsection, one shall not be registered in preference to  
3 the other.

4 7. The director may require the submission of the complete  
5 formula of any pesticide to approve or deny product registration.  
6 If it appears to the director that the composition and efficacy  
7 of the pesticide is such as to warrant the proposed claims for it  
8 and if the pesticide and its labeling and other material required  
9 to be submitted comply with the requirements of sections 281.210  
10 to 281.310, he or she shall register the pesticide.

11 8. Provided the state is authorized to issue experimental  
12 use permits, the director may:

13 (1) Issue an experimental use permit to any person applying  
14 for an experimental use permit if he or she determines that the  
15 applicant needs such permit in order to accumulate information  
16 necessary to register a pesticide under sections 281.210 to  
17 281.310. An application for an experimental use permit may be  
18 filed at the time of or before or after an application for  
19 registration is filed;

20 (2) Prescribe terms, conditions, and period of time for the  
21 experimental permit which shall be under the supervision of the  
22 director;

23 (3) Revoke any experimental permit, at any time, if he or  
24 she finds that its terms or conditions are being violated, or  
25 that its terms and conditions are inadequate to avoid  
26 unreasonable adverse effects on the environment.

27 9. If it does not appear to the director that the pesticide  
28 is such as to warrant the proposed claims for it or if the

1 pesticide and its labeling and other material required to be  
2 submitted do not comply with the provisions of sections 281.210  
3 to 281.310 or with federal laws, he or she shall notify the  
4 registrant of the manner in which the pesticide, labeling, or  
5 other material required to be submitted fail to comply with  
6 sections 281.210 to 281.310 or with federal laws so as to afford  
7 the registrant an opportunity to make the necessary corrections.  
8 If, upon receipt of such notice, the registrant insists that such  
9 corrections are not necessary and requests in writing that the  
10 pesticide be registered or, in the case of a pesticide that is  
11 already registered, that it not be cancelled, the director,  
12 within ninety days, shall hold a public hearing to determine if  
13 the pesticide in question should be registered or cancelled. If,  
14 after such hearing, it is determined that the pesticide should  
15 not be registered or that its registration should be cancelled,  
16 the director may refuse registration or cancel an existing  
17 registration until the required label changes are accomplished.  
18 If the pesticide is shown to be in compliance with sections  
19 281.210 to 281.310 and federal laws, the pesticide will be  
20 registered. Any appeals resulting from administrative decisions  
21 by the director will be taken in accordance with sections 536.100  
22 to 536.140.

23 10. Notwithstanding any other provision of sections 281.210  
24 to 281.310, registration is not required in the case of a  
25 pesticide shipped from one plant or warehouse within this state  
26 to another plant or warehouse within this state when such plants  
27 are operated by the same persons.

28 11. The director shall not make any lack of essentiality a

1 criterion for denying registration of a pesticide except where  
2 none of the labeled uses are present in the state. Where two or  
3 more pesticides meet the requirements of sections 281.210 to  
4 281.310, one shall not be registered in preference to the other.

5 12. Notwithstanding any other provision of law to the  
6 contrary, the director may allow a reasonable period of time for  
7 the retailer to dispose of existing stocks of pesticides after  
8 the manufacturer or distributor has ceased to register the  
9 product with the state. The method of disposal shall be  
10 determined by the director.

11 281.265. There is hereby created in the state treasury the  
12 "Pesticide Education Fund", which shall consist of any moneys or  
13 fees appropriated to the fund as well as a portion of any fees  
14 collected by the department of agriculture under section 281.260  
15 and deposited by the director that are not otherwise placed in  
16 the state treasury to the credit of the agriculture protection  
17 fund under section 261.200. The state treasurer shall be  
18 custodian of the fund. In accordance with sections 30.170 and  
19 30.180, the state treasurer may approve disbursements. The fund  
20 shall be a dedicated fund and, upon appropriation, moneys in the  
21 fund shall be used solely to provide funding for pesticide  
22 applicator certification programs, pesticide education programs,  
23 and pesticide waste and container disposal programs.  
24 Notwithstanding the provisions of section 33.080 to the contrary,  
25 any moneys remaining in the fund at the end of the biennium shall  
26 not revert to the credit of the general revenue fund. The state  
27 treasurer shall invest moneys in the fund in the same manner as  
28 other funds are invested. Any interest and moneys earned on such

1 investments shall be credited to the fund.

2 [195.755. A grower may retain seed from each  
3 industrial hemp crop to ensure a sufficient supply of  
4 seed for that grower for the following year. A grower  
5 shall not be required to obtain an agricultural hemp  
6 seed production permit in order to retain seed for  
7 future planting. Any seed retained by a grower for  
8 future planting shall not be sold or transferred and  
9 does not have to meet agricultural hemp seed standards  
10 established by the department.]

11  
12 [195.770. 1. The Missouri Crop Improvement  
13 Association, in collaboration with the department, may  
14 establish and administer a certification program for  
15 agricultural hemp seed in this state. Participation in  
16 the certification program shall be voluntary for  
17 growers and cultivators of industrial hemp.

18 2. The Missouri Crop Improvement Association, in  
19 collaboration with the department, may develop a  
20 Missouri heritage seed for industrial hemp. In  
21 developing a Missouri heritage seed, the department  
22 may:

23 (1) Breed, plant, grow, cultivate, and harvest  
24 the plant cannabis; and

25 (2) Collect seeds from wild cannabis plants.]

26  
27 [280.005. Sections 280.005 to 280.140 shall be  
28 known as the "Missouri Treated Timber Law".]

29  
30 [280.010. As used in this chapter the following  
31 terms mean:

32 (1) "Brand", an identification mark assigned to a  
33 treated timber producer, used to mark treated timber  
34 products after treatment;

35 (2) "Director", the director of the state  
36 department of agriculture;

37 (3) "Preservative" includes such chemicals or  
38 combination thereof that will protect wood or wood  
39 products against deterioration or destruction from any  
40 one or combination of the following: insects, fungi,  
41 bacteria, or other wood-destroying organisms;

42 (4) "Retention of preservatives", the amount of  
43 preservative in pounds per cubic foot or metric  
44 equivalent retained in wood after preservative  
45 treatment;

46 (5) "Stop-sale", an administrative order provided  
47 by law, restraining the sale, disposition, and movement  
48 of a definite amount of treated timber, of a specific  
49 piece, bundle, charge or shipment if the treated timber  
50 is distinguished by piece, bundle, charge or shipment;



1 (6) "Treated timber", wood or wood products  
2 treated by the impregnation or application of chemical  
3 solutions or chemical mixtures for the purpose of  
4 retarding or preventing deterioration or destruction by  
5 insects, fungi, bacteria, or other wood-destroying  
6 organisms;

7 (7) "Treated timber dealer", any retail or  
8 wholesale place of business other than treated timber  
9 producers that sells or offers for sale treated timber  
10 products;

11 (8) "Treated timber producer", any person, firm  
12 or corporation who engages in the business of treating  
13 timber products with preservatives.]  
14

15 [280.020. It shall be unlawful for any treated  
16 timber producer to sell or offer for sale within the  
17 state of Missouri any treated timber unless such  
18 treated timber meets the standards for such products as  
19 established by the director under the provisions of  
20 this chapter.]  
21

22 [280.030. Every treated timber producer shall  
23 annually secure a license from the director before such  
24 treated timber may be sold or offered for sale in the  
25 state of Missouri. The fee for such treated timber  
26 producer license shall be two hundred dollars annually.  
27 This annual license fee shall also allow the sale of  
28 treated timber without the additional purchase of the  
29 treated timber dealer license required by section  
30 280.035.]  
31

32 [280.035. Every treated timber dealer who engages  
33 in the business of selling treated timber shall  
34 annually secure a license from the director for each  
35 location or place of business where such sales occur  
36 before such treated timber may be sold or offered for  
37 sale in the state of Missouri by such treated timber  
38 dealer. The fee for a treated timber dealer license  
39 shall be fifteen dollars.]  
40

41 [280.037. Every treated timber dealer before  
42 selling or offering for sale treated timber in the  
43 state of Missouri shall file a license application  
44 provided by the department of agriculture and shall  
45 give the following information:

- 46 (1) Company name, address, and telephone number;  
47 and  
48 (2) The type of treated timber to be sold.]  
49

50 [280.038. 1. No license is transferable. All

1 persons holding a Missouri treated timber license shall  
2 post the license in a conspicuous place in the place of  
3 business to which it applies. The licensing year shall  
4 be twelve months, or any fraction thereof beginning on  
5 July first and ending June thirtieth. Fees collected  
6 under sections 280.030 and 280.035 shall constitute a  
7 fund for the payment of costs of inspection, sampling,  
8 and analysis and other expenses necessary for the  
9 administration of sections 280.005 to 280.145 and shall  
10 be deposited in the state treasury and credited to the  
11 general revenue fund.

12 2. If the application for renewal of any treated  
13 timber license is not filed prior to expiration date in  
14 any year, a penalty of fifty percent shall be assessed  
15 and added to the original fee and shall be paid by the  
16 applicant before that renewal license shall be issued.]

17  
18 [280.040. Whenever the director has knowledge  
19 that a licensee licensed under the provisions of this  
20 chapter has violated the provisions of this chapter, in  
21 order to protect the interest of the public, the  
22 director, after hearing, may suspend or revoke his  
23 license. The licensee shall be notified in writing of  
24 the violation, date and place of the hearing of  
25 suspension or revocation of his license.]

26  
27 [280.050. The director may promulgate rules to  
28 establish specifications for wood preservation and  
29 treating practices; to prescribe the minimum net  
30 retention of preservative per cubic foot or metric  
31 equivalent of wood in treating timber products; to  
32 establish branding requirements for treated timber; and  
33 to set requirements for preservative and product use  
34 information to be supplied to purchasers. No rule or  
35 portion of a rule promulgated under the authority of  
36 this chapter shall become effective unless it has been  
37 promulgated pursuant to the provisions of section  
38 536.024.]

39  
40 [280.060. Every treated timber producer  
41 chemically treating timber for sale or offer for sale  
42 in Missouri, whether in state or out of state, shall,  
43 before selling or offering for sale, file with the  
44 director a statement giving the following information:  
45 (1) The type of treatment used in processing the  
46 treated timber;  
47 (2) The guaranteed net retention of preservative  
48 per cubic foot or metric equivalent of treated timber.]

49  
50 [280.070. Treated timber products shall be

1 clearly branded before being sold or offered for sale  
2 within the state of Missouri as determined by rule.  
3 Each brand so used must be registered with the  
4 director.]

5  
6 [280.080. All treated timber being sold or  
7 offered for sale within the state shall be accompanied  
8 by an invoice which shall carry the following  
9 information in addition to the price, terms of sale and  
10 other information required by the purchaser:

11 (1) The type of preservative used in processing  
12 treated timber;

13 (2) The guaranteed net retention of preservative  
14 per cubic foot or metric equivalent of treated wood;  
15 and

16 (3) Other information determined necessary and  
17 prescribed by the director by rule.]

18  
19 [280.090. For the purpose of carrying out the  
20 provisions and requirements of this chapter and the  
21 rules made and notices given pursuant thereto, the  
22 director or his authorized agents, inspectors or  
23 employees may enter into or upon any premises during  
24 reasonable business hours and open any package or  
25 container containing or believed to contain treated  
26 timber and to take reasonable samples for testing  
27 purposes of preservatives used or treated products  
28 being sold or offered for sale. If the director or his  
29 authorized agent is denied access to any premises,  
30 where such access was sought for the purposes set forth  
31 in this chapter, the director or his authorized agent  
32 may apply to a court of competent jurisdiction for a  
33 search warrant authorizing access to the premises. The  
34 court may issue a search warrant for the purposes  
35 requested upon probable cause being shown.]

36  
37 [280.095. 1. The director or his authorized  
38 agent is authorized to issue and enforce written or  
39 printed "stop sale" orders to the owner or custodian of  
40 any treated timber and to hold those timber products at  
41 a designated place when the director or his authorized  
42 agent finds treated timber being offered for sale in  
43 violation of any provision of this chapter or rules  
44 promulgated pursuant thereto.

45 2. The owner or custodian of the treated timber  
46 subject to the "stop sale" order may require, and upon  
47 request shall be granted, a hearing in the circuit  
48 court of the city or county in which the products are  
49 located to determine whether probable cause exists that  
50 the statutes or regulations have been violated. The

1 hearing shall be granted within three working days of  
2 the day of receipt by the court of the request for a  
3 hearing. The director or his agent shall, at the time  
4 of the seizure, notify in writing the custodian of the  
5 seized treated timber of the right to a hearing. If  
6 the custodian is not the owner of the treated timber,  
7 the director or his agent shall make reasonable efforts  
8 to notify the person holding title to the property, as  
9 owner, of the seizure and of his right to a hearing.

10 3. The "stop sale" order shall be effective  
11 until the law has been complied with and the treated  
12 timber has been released, in writing, by the director,  
13 or the violations have been otherwise legally disposed  
14 of by written authority. When the requirements of this  
15 chapter and rules promulgated hereto have been complied  
16 with, the director shall release the treated timber.  
17 If compliance is not obtained within thirty days, the  
18 director may begin, or upon request of the owner or  
19 custodian shall begin, proceedings for condemnation.]  
20

21 [280.100. Any treated timber being sold or  
22 offered for sale in Missouri in violation of the  
23 provisions of this chapter may be proceeded against in  
24 any circuit court in any county of the state where it  
25 may be found and seized for condemnation, provided the  
26 offending person, firm or corporation has had official  
27 warning from the director of the department of  
28 agriculture or his authorized agent of this or previous  
29 violation.]  
30

31 [280.110. 1. If any treated timber is condemned,  
32 it shall, after entry of decree, be disposed of by  
33 destruction or sale as the court may direct, and the  
34 proceeds, if the treated timber is sold, less legal  
35 costs and administrative costs and civil penalty, shall  
36 be paid to the person holding title to the treated  
37 timber; provided that the treated timber shall not be  
38 sold contrary to the provisions of sections 280.005 to  
39 280.140; and provided, further, that upon payment of  
40 costs and execution and delivery of a good and  
41 sufficient bond, conditioned that the treated timber  
42 shall not be disposed of unlawfully, the court may  
43 direct that said treated timber be delivered to the  
44 owner or custodian thereof for retreating or disposal,  
45 as the case may be.

46 2. If the court orders a condemnation sale to  
47 dispose of the treated timber, ten percent of the  
48 proceeds or ten thousand dollars, whichever is less,  
49 shall be paid to the general revenue fund as a civil  
50 penalty.]  
51

1 [280.120. Exceptions:

2 (1) No part of this chapter shall be construed as  
3 affecting farmers or other persons treating timber or  
4 timber products for home or personal use;

5 (2) No part of this chapter shall be construed to  
6 prohibit any manufacturer of treated timber products  
7 from employing preservative standards and methods  
8 prescribed by federal or state agencies, departments or  
9 political subdivisions, railroads, mines, and public  
10 utilities in the manufacturing, sale and delivery in  
11 this state of their orders of treated timber products,  
12 except that the manufacturer must show proof of  
13 contract when requested to do so by the director;

14 (3) No part of this chapter shall be construed to  
15 include within the definition of treated timber dealer  
16 federal or state agencies, departments or political  
17 subdivisions, railroads, mines, public and municipal  
18 utilities and corporations organized under chapter 394  
19 which engage in the sale of surplus treated timber  
20 products produced under preservative standards and  
21 methods as described in subdivision (2) of this  
22 section;

23 (4) No particular method or methods of treatment  
24 shall be prescribed.]

25  
26 [280.130. Any person, firm or corporation who  
27 violates any provision or requirement of this chapter  
28 is guilty of a class B misdemeanor and upon conviction  
29 thereof shall be punished by a fine of not more than  
30 five hundred dollars, or by imprisonment for not more  
31 than six months, or by both such fine and  
32 imprisonment.]

33  
34 [280.140. The director is authorized to apply to  
35 the court to grant a temporary or permanent injunction  
36 restraining any person from violating or continuing to  
37 violate any of the provisions of sections 280.005 to  
38 280.140 or any rule promulgated under sections 280.005  
39 to 280.140, notwithstanding the existence of other  
40 remedies at law.]

41  
42 Section B. Because immediate action is necessary to ensure  
43 the vitality of the agricultural industry in the state by  
44 allowing for research into the effectiveness of the multiple  
45 varieties of industrial hemp, the repeal and reenactment of  
46 section 195.767 of section A of this act is deemed necessary for

1 the immediate preservation of the public health, welfare, peace,  
2 and safety, and is hereby declared to be an emergency act within  
3 the meaning of the constitution, and the repeal and reenactment  
4 of section 195.767 of section A of this act shall be in full  
5 force and effect upon its passage and approval.

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13 Mike Cunningham

Dan Shaul