

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 133

100TH GENERAL ASSEMBLY

2019

0529S.04T

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.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. 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280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 64.002, 65.702, 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 196.352, 261.140, 264.061, 266.031, 266.165, 266.190, 281.035, 281.037, 281.038, 281.050, 281.260, and 281.265, to read as follows:

64.002. For purposes of a zoning law, ordinance, or code authorized and enacted under this chapter, a zoning or property classification of agricultural or horticultural shall include any sawmill

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 or planing mill as defined in the U.S. Department of Labor's Standard
5 Industrial Classification (SIC) Manual under Industry Group 242 with
6 the SIC number 2421.

65.702. For purposes of a zoning law, ordinance, or code
2 authorized and enacted under sections 65.650 to 65.700, a zoning or
3 property classification of agricultural or horticultural shall include any
4 sawmill or planing mill as defined in the U.S. Department of Labor's
5 Standard Industrial Classification (SIC) Manual under Industry Group
6 242 with the SIC number 2421.

89.020. 1. For the purpose of promoting health, safety, morals or the
2 general welfare of the community, the legislative body of all cities, towns, and
3 villages is hereby empowered to regulate and restrict the height, number of
4 stories, and size of buildings and other structures, the percentage of lot that may
5 be occupied, the size of yards, courts, and other open spaces, the density of
6 population, the preservation of features of historical significance, and the location
7 and use of buildings, structures and land for trade, industry, residence or other
8 purposes.

9 2. For the purpose of any zoning law, ordinance or code, the classification
10 single family dwelling or single family residence shall include any home in which
11 eight or fewer unrelated mentally or physically handicapped persons reside, and
12 may include two additional persons acting as houseparents or guardians who
13 need not be related to each other or to any of the mentally or physically
14 handicapped persons residing in the home. In the case of any such residential
15 home for mentally or physically handicapped persons, the local zoning authority
16 may require that the exterior appearance of the home and property be in
17 reasonable conformance with the general neighborhood standards. Further, the
18 local zoning authority may establish reasonable standards regarding the density
19 of such individual homes in any specific single family dwelling neighborhood.

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

23 4. Any county, city, town or village which has a population of at least five
24 hundred and whose boundaries are partially contiguous with a portion of a lake
25 with a shoreline of at least one hundred fifty miles shall have the authority to
26 enforce its zoning laws, ordinances or codes for one hundred yards beyond the
27 shoreline which is adjacent to its boundaries. In the event that a lake is not

28 large enough to allow any county, city, town or village to enforce its zoning laws,
29 ordinances or codes for one hundred yards beyond the shoreline without
30 encroaching on the enforcement powers granted another county, city, town or
31 village under this subsection, the counties, cities, towns and villages whose
32 boundaries are partially contiguous to such lake shall enforce their zoning laws,
33 ordinances or orders under this subsection pursuant to an agreement entered into
34 by such counties, cities, towns [and], or villages.

35 5. Should a single family dwelling or single family residence as [defined]
36 **described** in subsection 2 of this section cease to operate for the purpose as set
37 forth in subsection 2 of this section, any other use of such home, other than
38 allowed by local zoning restrictions, must be approved by the local zoning
39 authority.

40 6. For purposes of any zoning law, ordinance or code the classification of
41 single family dwelling or single family residence shall include any private
42 residence licensed by the children's division or department of mental health to
43 provide foster care to one or more but less than seven children who are unrelated
44 to either foster parent by blood, marriage or adoption. Nothing in this subsection
45 shall be construed to relieve the children's division, the department of mental
46 health or any other person, firm or corporation occupying or utilizing any single
47 family dwelling or single family residence for the purposes specified in this
48 subsection from compliance with any ordinance or regulation relating to
49 occupancy permits except as to number and relationship of occupants or from
50 compliance with any building or safety code applicable to actual use of such single
51 family dwelling or single family residence.

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

56 8. **For purposes of any zoning law, ordinance, or code authorized**
57 **and enacted under this section, a zoning or property classification of**
58 **agricultural or horticultural shall include any sawmill or planing mill**
59 **as defined in the U.S. Department of Labor's Standard Industrial**
60 **Classification (SIC) Manual under Industry Group 242 with the SIC**
61 **number 2421.**

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

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

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

10 [(2)] (3) **"Crop", industrial hemp grown under a single registration;**

11 [(3)] (4) **"Department", the Missouri department of agriculture;**

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

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

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

20 (7) **"Indoor cultivation facility", any greenhouse or enclosed**
21 **building or structure capable of continuous cultivation throughout the**
22 **year that is not a residential building;**

23 (6) **"Industrial hemp plant monitoring system", a reporting system that**
24 **includes, but is not limited to, testing, transfer reports, and data collection**
25 **maintained by a [grower or handler] producer or agricultural hemp**
26 **propagule and seed permit holder and available to the department for**
27 **purposes of monitoring viable [agricultural hemp seed and] industrial hemp**
28 **cultivated as an agricultural product from planting to final [packaging] sale or**
29 **transfer as a publicly marketable hemp product;**

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

32 (8) **"Produce", the cultivation and harvest of viable industrial**
33 **hemp;**

34 (9) **"Producer", a person who is a Missouri resident, or an entity**
35 **that is domiciled in this state, who grows or produces viable industrial**
36 **hemp;**

37 (10) **"Publicly marketable product", any nonviable hemp material,**
38 **including seed, stem, root, leaf, or floral material, that contains no**

39 **material with a delta-9 tetrahydrocannabinol concentration exceeding**
40 **three-tenths of one percent on a dry weight basis.**

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

5 **2.] Viable** industrial hemp shall be an agricultural product that is subject
6 to regulation by the department, including compliance with an industrial hemp
7 plant monitoring system.

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

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

20 **3.** An application for an industrial hemp registration or agricultural hemp
21 **propagule and** seed [production] permit shall include:

22 (1) The name and address of the applicant;

23 (2) The name and address of the industrial hemp or agricultural hemp
24 **propagule or** seed operation;

25 (3) **For any industrial hemp registration,** the global positioning
26 system coordinates and legal description for the property used for the industrial
27 hemp [or agricultural hemp seed] operation;

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

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

32 [3.] 4. The department shall issue a registration [or permit] under this
33 section to an applicant who meets the requirements of this section and section
34 195.749[,] **and** who satisfactorily completes a state and federal fingerprint
35 criminal history background check under section 43.543[, who signs an
36 acknowledgment that industrial hemp is an experimental crop, and who signs a
37 waiver that holds the department harmless in the event a lawsuit occurs or if the
38 growth, cultivation, processing, feeding, or marketing of industrial hemp or seed
39 is later declared illegal under federal law]. The department may charge an
40 applicant an additional fee for the cost of the fingerprint criminal history
41 background check in addition to the registration [or permit] fee. **If required by**
42 **federal law, the department shall require an applicant for an**
43 **agricultural hemp propagule and seed permit to comply with the**
44 **fingerprint criminal history background check requirements of this**
45 **subsection.**

46 [4.] 5. Upon issuance of a registration or permit, information regarding
47 all [registration] **producers** and permit holders shall be forwarded to the
48 Missouri state highway patrol.

49 [5.] 6. An industrial hemp registration or agricultural hemp **propagule**
50 **and** seed [production] permit is:

51 (1) Nontransferable, except such registration or permit may be transferred
52 to a [spouse or child] **person** who otherwise meets the requirements of a
53 registrant or [permittee] **permit holder**, and the [spouse or child] **person** may
54 operate under the existing registration or permit until the registration or permit
55 expires, at which time the renewal shall reflect the change of the registrant or
56 [permittee] **permit holder**;

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

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

60 7. **Each individual parcel of ground or indoor cultivation facility**
61 **with a separate legal description shall be required to obtain a separate**
62 **registration unless the parcels are contiguous and owned by the same**
63 **person of record.**

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

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

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

9 (3) Any industrial hemp plant monitoring system requirement; or

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

13 2. A registration or permit shall not be issued to a person who in the
14 **[five] ten** years immediately preceding the application date has been found guilty
15 of, or pled guilty to, a felony offense under any state or federal law regarding the
16 possession, distribution, manufacturing, cultivation, or use of a controlled
17 substance.

18 3. The department may revoke, refuse to issue, or refuse to renew an
19 industrial hemp registration or agricultural hemp **propagule and** seed
20 **[production]** permit for failing to comply with any provision of this chapter, or for
21 a violation of any department rule relating to agricultural operations or activities
22 other than industrial hemp **[growing or handling] production.**

23 **[4. The department shall refuse to issue an industrial hemp registration**
24 **or agricultural hemp seed permit to any applicant if approving such registration**
25 **or permit would authorize the growth or cultivation of industrial hemp or**
26 **agricultural hemp seed on a plot of land that is less than ten acres or more than**
27 **forty acres by any single registrant or permittee, or over two thousand acres of**
28 **land statewide among all registrants or permittees, notwithstanding the**
29 **twenty-acre limitation for institutions of higher education set forth in section**
30 **195.767.]**

195.752. 1. Any person **[growing] producing** industrial hemp who does
2 not have a valid industrial hemp registration issued under section 195.746 **[shall]**
3 **may** be subject to an administrative fine of five hundred dollars and **[shall obtain]**
4 a valid registration to grow industrial hemp within thirty days. If, during the
5 thirty-day period, such person applies for and receives an industrial hemp
6 registration, the amount of the fine imposed under this section shall be refunded

7 in full. If, during the thirty-day period described in this section, such person fails
8 to obtain an industrial hemp registration, the person shall] **may** be fined one
9 thousand dollars per day until such person [obtains a registration. After thirty
10 days of failing to obtain an industrial hemp registration and an accumulation of
11 administrative fines exceeding thirty days, such person shall destroy] **destroys**
12 the industrial hemp crop. The Missouri state highway patrol shall certify such
13 destruction to the department.

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

195.756. Notwithstanding sections 281.050 and 281.101 to the contrary,
2 in the [growing and handling] **production** of industrial hemp consistent with
3 sections 195.740 to 195.773, no retailer of pesticides as defined in 7 U.S.C.
4 Section 136, or agricultural chemicals shall be liable for the sale, application, or
5 handling of such products by a producer or applicator in any manner or for any
6 purpose not approved by applicable state and federal agencies. No producer or
7 applicator may use or apply pesticides or agricultural chemicals in the growing
8 or handling of industrial hemp except as approved by state and federal law.

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

- 7 (1) Any provision of sections 195.740 to 195.773;
- 8 (2) Department rules and regulations;
- 9 (3) Industrial hemp registration or agricultural hemp **propagule and**
10 **seed [production] permit requirements, terms, or conditions;**
- 11 (4) Any industrial hemp plant monitoring system requirement; or
- 12 (5) A final department order directed to the [grower's or handler's]
13 **producer or permit holder's** industrial hemp or agricultural hemp **propagule**
14 **and** seed operations or activities.

15 2. In addition to any inspection conducted under subsection 1 of this

16 section, the department may inspect any industrial hemp crop during the crop's
17 growth phase and take a representative sample for field analysis. If a crop
18 contains an average delta-9 tetrahydrocannabinol concentration exceeding
19 three-tenths of one percent or the maximum concentration allowed under federal
20 law, whichever is greater, on a dry weight basis, the department may **retest the**
21 **crop. If the second test indicates that a crop contains an average delta-**
22 **9 tetrahydrocannabinol concentration exceeding three-tenths of one**
23 **percent or the maximum concentration allowed under federal law,**
24 **whichever is greater, on a dry weight basis, the department may order**
25 any [grower or handler] **producer** to destroy the crop.

26 3. If such crop is not destroyed within fifteen days of the [grower or
27 handler] **producer** being notified by the department by certified mail that the
28 crop contains concentrations exceeding those set forth in subsection 2 of this
29 section, and directing the [grower or handler] **producer** to destroy the crop, such
30 [grower or handler] **producer** shall be subject to a fine of five thousand dollars
31 per day until such crop is destroyed. [Such fine shall be in addition to any
32 criminal liability the grower or handler may incur, except that] No such penalty
33 or fine shall be imposed prior to the expiration of the fifteen-day notification
34 period.

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

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

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

44 7. **Unless required by federal law, the department shall not**
45 **regulate the sale or transfer of nonviable hemp including, but not**
46 **limited to, stripped stalks, fiber, dried roots, nonviable leaf material,**
47 **nonviable floral material, nonviable seeds, seed oils, floral and plant**
48 **extracts, unadulterated forage, and other marketable agricultural hemp**
49 **products to members of the general public both within and outside the**
50 **state.**

195.764. 1. The department may charge [growers and handlers]

2 **producers and permit holders** reasonable fees as determined by the
3 department for the purposes of administering sections 195.740 to 195.773. Fees
4 charged for purposes of administering sections 195.740 to 195.773 shall only be
5 used to administer such sections, and shall not provide additional revenue for the
6 department to use to administer any other program or provide staff to the
7 department for any other program. All fees collected under sections 195.740 to
8 195.773 shall be deposited in the industrial hemp fund created under this section
9 for use by the department to administer sections 195.740 to 195.773.

10 2. There is hereby created in the state treasury the "Industrial Hemp
11 Fund", which shall consist of **any grants, gifts, donations, bequests, or**
12 money collected under sections 195.740 to 195.773. The state treasurer shall be
13 custodian of the fund. In accordance with sections 30.170 and 30.180, the state
14 treasurer may approve disbursements. The fund shall be a dedicated fund and
15 money in the fund shall be used solely by the department of agriculture for the
16 purpose of administering such sections, including reimbursing the Missouri state
17 highway patrol for the enforcement of such sections. Notwithstanding the
18 provisions of section 33.080 to the contrary, any moneys remaining in the fund
19 at the end of the biennium shall not revert to the credit of the general revenue
20 fund. The state treasurer shall invest moneys in the fund in the same manner
21 as other funds are invested. Any interest and moneys earned on such
22 investments shall be credited to the fund.

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

9 [2. The department shall refuse to issue an industrial hemp registration
10 or agricultural hemp seed permit to any institution of higher education if
11 approving such registration or permit would authorize the growth or cultivation
12 of industrial hemp or agricultural hemp seed by institutions of higher education
13 on over twenty acres of land statewide, notwithstanding the two thousand-acre
14 limitation set forth in section 195.749. Notwithstanding subsection 4 of section
15 195.749 to the contrary, the department may issue a registration or permit to an

16 institution of higher education for the growth or cultivation of industrial hemp
17 or agricultural hemp seed on a plot of land that is less than ten acres.]

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

**261.140. 1. The department of agriculture shall convene a work
2 group every five years to review all fees charged by the
3 department. The review shall include both fees set by statute and fees
4 set by regulation.**

**5 2. After each review required under this section, the department
6 of agriculture shall prepare and submit a report to the general
7 assembly on any recommended changes to the fees that would ensure
8 adequate funding for the department.**

**264.061. 1. It is unlawful to move, carry, transport or ship bees, combs
2 or used beekeeping equipment into the state of Missouri unless accompanied by
3 a valid permit issued by the director of the department of
4 agriculture. Applications for permit to transport bees or used beekeeping
5 equipment into the state shall be submitted on a form approved by the
6 director. This application form must be accompanied by a certificate of health,
7 issued by the authorized official of the state from which the bees are to be moved,
8 certifying that the bees and used beekeeping equipment have been inspected by
9 an approved inspector, during a period of active brood rearing, within ninety days
10 prior to the proposed date of movement, and that such bees and used beekeeping
11 equipment were found apparently free from any diseases or pests. Each
12 application shall disclose the number of colonies of bees to be transported and a
13 description of the location or locations where said bees are to be kept. Upon
14 receipt of an application for a permit to move bees or used beekeeping equipment
15 into the state, accompanied by a proper certificate of health and an application
16 fee of [five] ten dollars per application, the director shall issue the desired
17 permit. This shall not apply to honey bees from quarantined areas outside the**

18 state of Missouri. These quarantines shall include all federal, state or Missouri
19 exterior quarantines. Importation of honey bees from quarantined areas shall be
20 in accordance with the rules made pursuant to this chapter.

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

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

30 4. Combless packages of bees or queens, or both, are admitted into
31 Missouri, without a Missouri permit, when accompanied by a valid certificate of
32 inspection from the state of origin stating they are free of diseases and
33 pests. This shall not apply to honey bees from quarantined areas outside the
34 state of Missouri. These quarantines shall include all federal, state or Missouri
35 exterior quarantines. Importation of honey bees from quarantined areas shall be
36 in accordance with the rules made pursuant to this chapter.

266.031. 1. Any person who sells, distributes, offers or exposes for sale
2 any agricultural or vegetable seed in the state of Missouri shall obtain a seed
3 permit from the director of agriculture unless exempted as in section
4 266.080. Seed dealers must purchase permits for each seed sales classification
5 performed, selling or taking orders for seed from other than an established place
6 of business, selling seed from a retail place of business, selling seed from a
7 wholesale place of business, or negotiating sales as a broker. A separate permit
8 shall be required for each place of business from which seed regulated by this law
9 is sold. A separate permit shall also be required of each person selling or taking
10 orders for seed from other than an established place of business. Seed permit
11 fees will be assessed as follows:

12 (1) Place of business selling vegetable seed packets of one pound or less
13 or lawn seed packages to the end user [~~\$5.00~~] **\$20.00**

14 (2) Person that sells only labeled seed grown on their own property
15 [~~\$5.00~~] **\$20.00**

16 (3) Retail place of business or person not otherwise identified that sells
17 or offers for sale agricultural seed or offers for sale agricultural seed or bulk

18 vegetable seed to the end user and which does not provide storage facilities
19 ~~[\$5.00]~~ **\$20.00**

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

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

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

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

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

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

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

34 3. No permit is transferable. All persons holding a Missouri seed permit
35 shall post the permit in a conspicuous place in the place of business to which it
36 applies. The licensing year shall be twelve months, or any fraction thereof,
37 beginning on January first and ending December thirty-first. All permit fees
38 shall be paid to the Missouri department of agriculture and shall be deposited in
39 the state treasury **to the credit of the agriculture protection fund created**
40 **in section 261.200.**

41 4. If the application for renewal of any seed permit is not filed prior to
42 expiration date in any year, a penalty of fifty percent shall be assessed and added
43 to the original fee and shall be paid by the applicant before that renewal license
44 shall be issued; provided, that such penalty shall not apply if the applicant
45 furnishes an affidavit certifying that he **or she** has not engaged in selling,
46 distributing, offering or exposing seed for sale, subsequent to the expiration date
47 of his **or her** license.

266.165. 1. Any person who manufactures a commercial feed within the
2 state, or who distributes a commercial feed in or into the state, or whose name
3 appears on the label of a commercial feed as guarantor, or any person who acts
4 as an independent consultant shall obtain a license for each facility authorizing
5 such person to manufacture or distribute commercial feed or act as an
6 independent consultant in the formulation of feeds before such person engages in

7 such activity. Any person who makes only retail sales of commercial feed which
8 bears labeling or other approved indication that the commercial feed is from a
9 licensed manufacturer, guarantor, or distributor who has assumed full
10 responsibility for the tonnage inspection fee due under sections 266.152 to
11 266.220 is not required to obtain a license. Any person who acts as an
12 independent consultant shall also obtain such a license. Any person who is
13 required to obtain such a license shall submit an application on a form provided
14 or approved by the state department of agriculture accompanied by a license fee
15 of [twenty-five] **thirty-five** dollars and specified by rule promulgated pursuant
16 to section 266.195. The license year shall be July first through June
17 thirtieth. Each license shall expire on the thirtieth day of June of the year for
18 which it is issued; provided that any license shall be valid through July
19 thirty-first of the next ensuing year or until the issuance of the renewal license,
20 whichever event first occurs, if the holder of such license has filed a renewal
21 application with the state on or before June thirtieth of the year for which the
22 current license was issued. Any new applicant who fails to obtain a license
23 within fifteen working days of notification of the requirement to obtain a license,
24 or any licensee who fails to comply with license renewal requirements, shall pay
25 a twenty-five dollar late fee in addition to the license fee.

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

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

31 4. The state may refuse to issue a license to any person not in compliance
32 with the provisions of sections 266.152 to 266.220. The department may suspend
33 or revoke any license issued to any person found not to be in compliance with any
34 provision of sections 266.152 to 266.220. The director of the department of
35 agriculture may place conditions that limit production or distribution of a
36 particular commercial feed on the license of any person not found to be in
37 compliance with sections 266.152 to 266.220. No license shall be conditionalized,
38 suspended, refused or revoked unless the applicant or licensee shall first be given
39 an opportunity to be heard before the director or a hearing officer designated by
40 the director in order to comply with the requirements of sections 266.152 to
41 266.220.

42 5. The state, under conditions specified by rule, may require independent

43 consultants formulating consultant-formula feeds to furnish signed copies of their
44 formulations and specifications along with directions for use and appropriate
45 warning statements to the manufacturer and end user of the product. Consultant
46 recommendations found to be inadequate are subject to all the penalties as
47 described in section 266.210.

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

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

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

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

12 (4) No fee shall be paid on commercial feeds which are used as ingredients
13 for the manufacture of commercial feeds. If the fee has already been paid, credit
14 shall be given for such payment;

15 (5) In the case of pet food which is distributed in the state only in
16 packages of ten pounds or less, [an annual fee of twenty-five dollars and] a listing
17 of each product must be submitted annually on forms provided by the director
18 and accompanied by [the] **an annual** payment of [twenty-five] **ninety** dollars
19 per product **or, in the case of a person whose total amount of gross**
20 **annual sales does not exceed five thousand dollars, twenty-five dollars**
21 **per product**, which shall be paid in lieu of the inspection fee specified
22 above. Payment is required by January first of each year. Payments not received
23 until after January thirty-first are subject to a late fee of fifty percent of the
24 payment due. The inspection fee required by subsection 1 of this section shall
25 apply to pet food distributed in packages exceeding ten pounds. The assessment
26 of these penalty fees shall not prevent the director from taking other actions as
27 provided in this chapter. **The department of agriculture may promulgate**
28 **rules to allow for the review of records of persons claiming gross**
29 **annual sales not exceeding five thousand dollars in order to ensure that**
30 **they qualify for the reduced payment. Any rule or portion of a rule, as**
31 **that term is defined in section 536.010, that is created under the**

32 authority delegated in this section shall become effective only if it
33 complies with and is subject to all of the provisions of chapter 536 and,
34 if applicable, section 536.028. This section and chapter 536 are
35 nonseverable, and if any of the powers vested with the general
36 assembly pursuant to chapter 536 to review, to delay the effective date,
37 or to disapprove and annul a rule are subsequently held
38 unconstitutional, then the grant of rulemaking authority and any rule
39 proposed or adopted after August 28, 2019, shall be invalid and void;

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

41 (7) In the case of specialty pet food which is distributed in the state only
42 in packages of one pound or less, a listing of each product shall be submitted
43 annually on forms provided by the director and accompanied by payment of
44 [twenty-five] ninety dollars per product [up to a maximum annual fee of one
45 thousand dollars per manufacturer] in lieu of an inspection fee. Payment is
46 required by January first of each year. Payments not received until after
47 January thirty-first are subject to a late fee of fifty percent of the payment
48 due. The inspection fee required by subsection 1 of this section shall apply to
49 specialty pet food distributed in packages exceeding one pound. The assessment
50 of these penalty fees shall not prevent the director from taking other actions as
51 provided in this chapter.

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

53 (1) File, not later than the last day of January, April, July and October
54 of each year, a quarterly tonnage report, setting forth the number of net tons of
55 commercial feeds distributed in this state during the preceding calendar quarter;
56 and upon filing such statement shall pay the inspection fee at the rate stated in
57 subsection 1 of this section. Inspection fees which are due and owing and have
58 not been remitted to the director within fifteen days following the due date shall
59 have a penalty fee of twenty percent of the amount due, or five dollars, whichever
60 is greater, added to the amount due when payment is finally made. The
61 assessment of this penalty fee shall not prevent the director from taking other
62 actions as provided in this chapter;

63 (2) Keep such records as may be necessary or required by the director to
64 indicate accurately the tonnage of commercial feed distributed in this state. The
65 director shall have the right to examine such records to verify statements of
66 tonnage. Failure to make an accurate statement of tonnage or to pay the
67 inspection fee or comply with the requirements of this subdivision may constitute

68 sufficient cause for the cancellation of the company's license.

69 3. Fees collected shall constitute a fund for the payment of the costs of
70 inspection, sampling, analysis, and other expenses necessary for the
71 administration of sections 266.152 to 266.220 and shall be deposited in the state
72 treasury [and credited to the general revenue fund] **to the credit of the**
73 **agriculture protection fund created in section 261.200.**

281.035. 1. No individual shall engage in the business of determining the
2 need for the use of, supervising the use of, or using any pesticide, in categories
3 as specified by regulation, on the lands of another at any time without a certified
4 commercial applicator's license issued by the director. A certified commercial
5 applicator shall not determine the need for the use of, supervise the use of or use
6 any pesticide for any particular purpose unless he **or she** has demonstrated his
7 **or her** competence to use pesticides for that purpose by being certified by the
8 director in the proper certification category. The director shall require an annual
9 fee of [fifty] **sixty-five** dollars for each certified commercial applicator's license
10 issued. No certified commercial applicator shall knowingly authorize, direct, or
11 instruct any individual to engage in determining the need for the use of or using
12 any pesticide on the land of another at any time unless such individual is a
13 pesticide technician or pesticide technician trainee in such categories as specified
14 by regulation or is working under the direct supervision of a certified commercial
15 applicator so authorizing, directing or instructing, in which case the certified
16 commercial applicator shall be liable for any use of a pesticide by an individual
17 operating under his **or her** direct supervision. The certified commercial
18 applicator or the employer shall assure that the director is informed in writing
19 within ten working days of the employment of any person as a pesticide
20 technician or pesticide technician trainee.

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

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

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

36 5. If the director finds the applicant qualified to use pesticides in the
37 classification for which application has been made, and if the applicant files
38 evidence that the requirement for bonds or insurance has been met as required
39 under section 281.065, the director shall issue a certified commercial applicator's
40 license limited to the classifications for which he **or she** is qualified, which shall
41 expire one year from date of issuance unless it has been revoked or suspended
42 prior thereto by the director for cause; provided, such financial responsibility
43 required under section 281.065 does not expire at an earlier date, in which case
44 said license shall expire upon the expiration date of the financial
45 responsibility. The director may limit the license of the applicant to the use of
46 certain restricted use pesticides, or to certain areas, or to certain types of
47 equipment if the applicant is only so qualified. If a license is not issued as
48 applied for, the director shall inform the applicant in writing of the reasons
49 therefor.

50 6. The director shall require each certified commercial applicator or his
51 **or her** employer to maintain records with respect to applications of any
52 pesticide. Such relevant information as the director may deem necessary may be
53 specified by regulation. Such records shall be kept for a period of three years
54 from the date of the application of the pesticide to which such records refer, and
55 the director shall, upon request in writing, be furnished with a copy of such
56 records by any certified commercial applicator or his **or her** employer.

57 7. A person or individual engaged in the business of using pesticides on
58 the lands of another, who is deprived of his **or her** sole certified commercial
59 applicator by reason of death, illness, incapacity or any absence which the
60 director determines is unavoidable, is authorized to continue business operations
61 without the services of a certified commercial applicator for a period of time
62 deemed appropriate by the director, but not to exceed sixty days; except that, no
63 restricted use pesticide shall be used, or caused to be used, by such person or
64 individual. Any such person or individual shall immediately notify the director
65 as to the absence of his **or her** sole certified commercial applicator.

66 8. Every certified commercial applicator shall display his **or her** license

67 in a prominent place at the site, location or office from which he **or she** will
68 operate as a certified commercial applicator; that place, location or office being
69 at the address printed on the license.

70 9. Every certified commercial applicator who changes the address from
71 which he **or she** will operate as a certified commercial applicator shall
72 immediately notify the director. The director shall immediately issue a revised
73 license upon which shall be printed the changed address. The director shall not
74 collect a fee for the issuance of a revised license. The expiration date of the
75 revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section
2 281.035, 281.040 or 281.045, or has not been issued a private applicator permit
3 pursuant to subsection 5 of section 281.040 shall not use, or supervise the use of,
4 any restricted use pesticide without a certified noncommercial applicator license.
5 A certified noncommercial applicator shall not use, or supervise the use of, any
6 restricted use pesticide for any purpose unless he **or she** has demonstrated his
7 **or her** competence to use pesticides for that purpose by being certified by the
8 director in the proper certification category.

9 2. Application for a certified noncommercial applicator license shall be
10 made in writing to the director on a designated form obtained from the director's
11 office. Each application shall include such information as prescribed by the
12 director by regulation.

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

19 4. If the director finds the applicant qualified to use restricted use
20 pesticides in the classification for which he **or she** has applied, the director shall
21 issue a certified noncommercial applicator license limited to the applicator
22 categories in which he **or she** is certified. The license shall expire one year from
23 the date of issuance unless it has been revoked or suspended prior thereto by the
24 director for cause. The director may limit the license of the applicant to the use
25 of certain restricted use pesticides, or to certain areas, or to certain types of
26 equipment if the applicant is only so qualified. If a license is not issued as
27 applied for, the director shall inform the applicant in writing of the reasons

28 therefor.

29 5. The director may renew any certified noncommercial applicator license
30 under the classification for which the license is issued subject to reexamination
31 for additional knowledge which may be required to apply pesticides safely and
32 properly.

33 6. The director shall collect a fee of [twenty-five] **thirty-five** dollars for
34 each certified noncommercial applicator license issued.

35 7. Any certified noncommercial applicator may use, or supervise the use
36 of, restricted use pesticides only to or on lands or structures owned, leased or
37 rented by himself **or herself** or his **or her** employer.

38 8. The director shall require the certified noncommercial applicator or his
39 **or her** employer to maintain records with respect to applications of restricted use
40 pesticides. Any relevant information which the director may deem necessary may
41 be required by regulation. Such records shall be kept for a period of three years
42 from the date of the application of the pesticide to which such records refer, and
43 the director shall, upon request in writing, be furnished with a copy of such
44 records by any certified noncommercial applicator or his **or her** employer.

45 9. Every certified noncommercial applicator shall display his **or her**
46 license in a prominent place at the site, location or office from which he **or she**
47 will operate as a certified noncommercial applicator; that place, location or office
48 being at the address printed on the license.

49 10. Every certified noncommercial applicator who changes the address
50 from which he **or she** will operate as a certified noncommercial applicator shall
51 immediately notify the director. The director shall immediately issue a revised
52 license upon which shall be printed the changed address. The director shall not
53 collect a fee for the issuance of a revised license. The expiration date of the
54 revised license shall be the same as the expiration date for the original license.

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

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

10 3. The director shall not issue a pesticide technician's license until the
11 individual has demonstrated his **or her** competence by completion of an approved
12 training program to the satisfaction of the director.

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

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

19 6. If the director finds the applicant qualified to use pesticides in the
20 classification for which application has been made, the director shall issue a
21 pesticide technician's license limited to the classifications for which he **or she** is
22 qualified, which shall expire one year from date of issuance unless it has been
23 revoked or suspended prior thereto by the director for cause. The director may
24 limit the license of the applicant to the use of certain pesticides, or to certain
25 areas, or to certain types of equipment if the applicant is only so qualified. If a
26 license is not issued as applied for, the director shall inform the applicant in
27 writing of the reasons for such denial of license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer
2 or shall engage in the business of, advertise as, or assume to act as a pesticide
3 dealer unless he **or she** has obtained a license from the director which shall
4 expire one year from date of issuance. An individual shall be required to obtain
5 a license for each location or outlet from which such pesticides are distributed,
6 sold, held for sale, or offered for sale at retail or wholesale direct to the end
7 user. Pesticide dealers may be designated by the director as agents of the state
8 for the purpose of issuing permits for restricted use pesticides to private
9 applicators.

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

18 3. Each applicant shall satisfy the director as to his **or her** knowledge

19 of the laws and regulations governing the use and sale of pesticides and his **or**
20 **her** responsibility in carrying on the business of a pesticide dealer. Each licensed
21 pesticide dealer shall be responsible for insuring that all of his **or her** employees
22 and agents who sell or recommend restricted use pesticides have adequate
23 knowledge of the laws and regulations governing the use and sale of such
24 restricted use pesticides.

25 4. Each pesticide dealer shall be responsible for the acts of each person
26 employed by him **or her** in the solicitation and sale of pesticides and all claims
27 and recommendations for use of pesticides. The dealer's license shall be subject
28 to denial, suspension, or revocation after a hearing for any violation of sections
29 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer,
30 agent or employee.

31 5. No pesticide dealer shall sell, give away or otherwise make available
32 any restricted use pesticides to anyone but certified applicators or operators, or
33 to private applicators who have met the requirements of subsection 5 of section
34 281.040, or to other pesticide dealers, except that pesticide dealers may allow the
35 designated representative of such certified applicators, operators or private
36 applicators to take possession of restricted use pesticides when those restricted
37 use pesticides are purchased by and for use by or under the direct supervision of
38 such certified applicator, operator or private applicator.

39 6. The director shall require the pesticide dealer, or his **or her** employer,
40 to maintain books and records with respect to sales of restricted use
41 pesticides. Such relevant information as the director may deem necessary may
42 be specified by regulation. Such records shall be kept for a period of three years
43 from the date of sale of the restricted use pesticide to which such records refer,
44 and the director shall upon request in writing be furnished with a copy of such
45 records by any licensed pesticide dealer or his **or her** employer.

46 7. Every licensed pesticide dealer who changes his **or her** address or
47 place of business shall immediately notify the director.

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

6 2. The registrant shall file with the director a statement including:

7 (1) The name and address of the registrant and the name and address of

8 the person whose name will appear on the label, if other than the registrant;

9 (2) The name of the pesticide;

10 (3) Classification of the pesticide; and

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

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

27 4. Any registration approved by the director and in effect on the
28 thirty-first day of December for which a renewal application has been made and
29 the proper fee paid shall continue in full force and effect until such time as the
30 director notifies the applicant that the registration has been renewed, or
31 otherwise denied, in accord with the provisions of subsection [8] **9** of this
32 section. Forms for reregistration shall be mailed to registrants at least ninety
33 days prior to the expiration date.

34 5. If the renewal of a pesticide registration is not filed prior to January
35 first of any one year, an additional fee of fifty dollars shall be assessed and added
36 to the original fee and shall be paid by the applicant before the registration
37 renewal for that pesticide shall be issued; provided, that, such additional fee shall
38 not apply if the applicant furnishes an affidavit certifying that he **or she** did not
39 distribute such unregistered pesticide during the period of nonregistration. The
40 payment of such additional fee is not a bar to any prosecution for doing business
41 without proper registry. The fee shall be credited to the agriculture protection
42 fund created under section 261.200 to be used solely to administer the pest and
43 pesticide programs of the department of agriculture. If the funding exceeds the

44 reasonable cost to administer the programs as set forth herein, the department
45 of agriculture shall reduce fees for all registrants if the fees derived exceed the
46 reasonable cost of administering the pest and pesticide programs of the
47 department of agriculture.

48 6. Provided the state complies with requirements of the federal
49 government to register pesticides to meet special local needs, the director shall
50 require that registrants comply with sections 281.210 to 281.310 and pertinent
51 federal laws and regulations. Where two or more pesticides meet the
52 requirements of this subsection, one shall not be registered in preference to the
53 other.

54 7. The director may require the submission of the complete formula of any
55 pesticide to approve or deny product registration. If it appears to the director
56 that the composition and efficacy of the pesticide is such as to warrant the
57 proposed claims for it and if the pesticide and its labeling and other material
58 required to be submitted comply with the requirements of sections 281.210 to
59 281.310, he **or she** shall register the pesticide.

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

62 (1) Issue an experimental use permit to any person applying for an
63 experimental use permit if he **or she** determines that the applicant needs such
64 permit in order to accumulate information necessary to register a pesticide under
65 sections 281.210 to 281.310. An application for an experimental use permit may
66 be filed at the time of or before or after an application for registration is filed;

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

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

72 9. If it does not appear to the director that the pesticide is such as to
73 warrant the proposed claims for it or if the pesticide and its labeling and other
74 material required to be submitted do not comply with the provisions of sections
75 281.210 to 281.310 or with federal laws, he **or she** shall notify the registrant of
76 the manner in which the pesticide, labeling, or other material required to be
77 submitted fail to comply with sections 281.210 to 281.310 or with federal laws so
78 as to afford the registrant an opportunity to make the necessary corrections. If,
79 upon receipt of such notice, the registrant insists that such corrections are not

80 necessary and requests in writing that the pesticide be registered or, in the case
81 of a pesticide that is already registered, that it not be cancelled, the director,
82 within ninety days, shall hold a public hearing to determine if the pesticide in
83 question should be registered or cancelled. If, after such hearing, it is determined
84 that the pesticide should not be registered or that its registration should be
85 cancelled, the director may refuse registration or cancel an existing registration
86 until the required label changes are accomplished. If the pesticide is shown to
87 be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide
88 will be registered. Any appeals resulting from administrative decisions by the
89 director will be taken in accordance with sections 536.100 to 536.140.

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

94 11. The director shall not make any lack of essentiality a criterion for
95 denying registration of a pesticide except where none of the labeled uses are
96 present in the state. Where two or more pesticides meet the requirements of
97 sections 281.210 to 281.310, one shall not be registered in preference to the other.

98 12. Notwithstanding any other provision of law to the contrary, the
99 director may allow a reasonable period of time for the retailer to dispose of
100 existing stocks of pesticides after the manufacturer or distributor has ceased to
101 register the product with the state. The method of disposal shall be determined
102 by the director.

281.265. There is hereby created in the state treasury the
2 **"Pesticide Education Fund", which shall consist of any moneys or fees**
3 **appropriated to the fund as well as a portion of any fees collected by**
4 **the department of agriculture under section 281.260 and deposited by**
5 **the director that are not otherwise placed in the state treasury to the**
6 **credit of the agriculture protection fund under section 261.200. The**
7 **state treasurer shall be custodian of the fund. In accordance with**
8 **sections 30.170 and 30.180, the state treasurer may approve**
9 **disbursements. The fund shall be a dedicated fund and, upon**
10 **appropriation, moneys in the fund shall be used solely to provide**
11 **funding for pesticide applicator certification programs, pesticide**
12 **education programs, and pesticide waste and container disposal**
13 **programs. Notwithstanding the provisions of section 33.080 to the**

14 **contrary, any moneys remaining in the fund at the end of the biennium**
15 **shall not revert to the credit of the general revenue fund. The state**
16 **treasurer shall invest moneys in the fund in the same manner as other**
17 **funds are invested. Any interest and moneys earned on such**
18 **investments shall be credited to the fund.**

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

2 [195.770. 1. The Missouri Crop Improvement Association,
3 in collaboration with the department, may establish and administer
4 a certification program for agricultural hemp seed in this
5 state. Participation in the certification program shall be voluntary
6 for growers and cultivators of industrial hemp.

7 2. The Missouri Crop Improvement Association, in
8 collaboration with the department, may develop a Missouri
9 heritage seed for industrial hemp. In developing a Missouri
10 heritage seed, the department may:

11 (1) Breed, plant, grow, cultivate, and harvest the plant
12 cannabis; and

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

2 [280.005. Sections 280.005 to 280.140 shall be known as the
3 "Missouri Treated Timber Law".]

4 [280.010. As used in this chapter the following terms mean:

5 (1) "Brand", an identification mark assigned to a treated
6 timber producer, used to mark treated timber products after
7 treatment;

8 (2) "Director", the director of the state department of
9 agriculture;

10 (3) "Preservative" includes such chemicals or combination
11 thereof that will protect wood or wood products against
12 deterioration or destruction from any one or combination of the
13 following: insects, fungi, bacteria, or other wood-destroying

11 organisms;

12 (4) "Retention of preservatives", the amount of preservative
13 in pounds per cubic foot or metric equivalent retained in wood after
14 preservative treatment;

15 (5) "Stop-sale", an administrative order provided by law,
16 restraining the sale, disposition, and movement of a definite
17 amount of treated timber, of a specific piece, bundle, charge or
18 shipment if the treated timber is distinguished by piece, bundle,
19 charge or shipment;

20 (6) "Treated timber", wood or wood products treated by the
21 impregnation or application of chemical solutions or chemical
22 mixtures for the purpose of retarding or preventing deterioration
23 or destruction by insects, fungi, bacteria, or other wood-destroying
24 organisms;

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

28 (8) "Treated timber producer", any person, firm or
29 corporation who engages in the business of treating timber
30 products with preservatives.]

[280.020. It shall be unlawful for any treated timber
2 producer to sell or offer for sale within the state of Missouri any
3 treated timber unless such treated timber meets the standards for
4 such products as established by the director under the provisions
5 of this chapter.]

[280.030. Every treated timber producer shall annually
2 secure a license from the director before such treated timber may
3 be sold or offered for sale in the state of Missouri. The fee for such
4 treated timber producer license shall be two hundred dollars
5 annually. This annual license fee shall also allow the sale of
6 treated timber without the additional purchase of the treated
7 timber dealer license required by section 280.035.]

[280.035. Every treated timber dealer who engages in the
2 business of selling treated timber shall annually secure a license
3 from the director for each location or place of business where such
4 sales occur before such treated timber may be sold or offered for

5 sale in the state of Missouri by such treated timber dealer. The fee
6 for a treated timber dealer license shall be fifteen dollars.]

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

- 5 (1) Company name, address, and telephone number; and
- 6 (2) The type of treated timber to be sold.]

[280.038. 1. No license is transferable. All persons holding
2 a Missouri treated timber license shall post the license in a
3 conspicuous place in the place of business to which it applies. The
4 licensing year shall be twelve months, or any fraction thereof
5 beginning on July first and ending June thirtieth. Fees collected
6 under sections 280.030 and 280.035 shall constitute a fund for the
7 payment of costs of inspection, sampling, and analysis and other
8 expenses necessary for the administration of sections 280.005 to
9 280.145 and shall be deposited in the state treasury and credited
10 to the general revenue fund.

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

[280.040. Whenever the director has knowledge that a
2 licensee licensed under the provisions of this chapter has violated
3 the provisions of this chapter, in order to protect the interest of the
4 public, the director, after hearing, may suspend or revoke his
5 license. The licensee shall be notified in writing of the violation,
6 date and place of the hearing of suspension or revocation of his
7 license.]

[280.050. The director may promulgate rules to establish
2 specifications for wood preservation and treating practices; to
3 prescribe the minimum net retention of preservative per cubic foot
4 or metric equivalent of wood in treating timber products; to
5 establish branding requirements for treated timber; and to set
6 requirements for preservative and product use information to be

7 supplied to purchasers. No rule or portion of a rule promulgated
8 under the authority of this chapter shall become effective unless it
9 has been promulgated pursuant to the provisions of section
10 536.024.]

[280.060. Every treated timber producer chemically treating
2 timber for sale or offer for sale in Missouri, whether in state or out
3 of state, shall, before selling or offering for sale, file with the
4 director a statement giving the following information:

- 5 (1) The type of treatment used in processing the treated
6 timber;
- 7 (2) The guaranteed net retention of preservative per cubic
8 foot or metric equivalent of treated timber.]

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

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

- 5 (1) The type of preservative used in processing treated
6 timber;
- 7 (2) The guaranteed net retention of preservative per cubic
8 foot or metric equivalent of treated wood; and
- 9 (3) Other information determined necessary and prescribed
10 by the director by rule.]

[280.090. For the purpose of carrying out the provisions and
2 requirements of this chapter and the rules made and notices given
3 pursuant thereto, the director or his authorized agents, inspectors
4 or employees may enter into or upon any premises during
5 reasonable business hours and open any package or container
6 containing or believed to contain treated timber and to take
7 reasonable samples for testing purposes of preservatives used or
8 treated products being sold or offered for sale. If the director or his
9 authorized agent is denied access to any premises, where such
10 access was sought for the purposes set forth in this chapter, the

11 director or his authorized agent may apply to a court of competent
12 jurisdiction for a search warrant authorizing access to the
13 premises. The court may issue a search warrant for the purposes
14 requested upon probable cause being shown.]

[280.095. 1. The director or his authorized agent is
2 authorized to issue and enforce written or printed "stop sale"
3 orders to the owner or custodian of any treated timber and to hold
4 those timber products at a designated place when the director or
5 his authorized agent finds treated timber being offered for sale in
6 violation of any provision of this chapter or rules promulgated
7 pursuant thereto.

8 2. The owner or custodian of the treated timber subject to
9 the "stop sale" order may require, and upon request shall be
10 granted, a hearing in the circuit court of the city or county in which
11 the products are located to determine whether probable cause
12 exists that the statutes or regulations have been violated. The
13 hearing shall be granted within three working days of the day of
14 receipt by the court of the request for a hearing. The director or
15 his agent shall, at the time of the seizure, notify in writing the
16 custodian of the seized treated timber of the right to a hearing. If
17 the custodian is not the owner of the treated timber, the director
18 or his agent shall make reasonable efforts to notify the person
19 holding title to the property, as owner, of the seizure and of his
20 right to a hearing.

21 3. The "stop sale" order shall be effective until the law has
22 been complied with and the treated timber has been released, in
23 writing, by the director, or the violations have been otherwise
24 legally disposed of by written authority. When the requirements
25 of this chapter and rules promulgated hereto have been complied
26 with, the director shall release the treated timber. If compliance
27 is not obtained within thirty days, the director may begin, or upon
28 request of the owner or custodian shall begin, proceedings for
29 condemnation.]

[280.100. Any treated timber being sold or offered for sale
2 in Missouri in violation of the provisions of this chapter may be
3 proceeded against in any circuit court in any county of the state

4 where it may be found and seized for condemnation, provided the
5 offending person, firm or corporation has had official warning from
6 the director of the department of agriculture or his authorized
7 agent of this or previous violation.]

[280.110. 1. If any treated timber is condemned, it shall,
2 after entry of decree, be disposed of by destruction or sale as the
3 court may direct, and the proceeds, if the treated timber is sold,
4 less legal costs and administrative costs and civil penalty, shall be
5 paid to the person holding title to the treated timber; provided that
6 the treated timber shall not be sold contrary to the provisions of
7 sections 280.005 to 280.140; and provided, further, that upon
8 payment of costs and execution and delivery of a good and
9 sufficient bond, conditioned that the treated timber shall not be
10 disposed of unlawfully, the court may direct that said treated
11 timber be delivered to the owner or custodian thereof for retreating
12 or disposal, as the case may be.

13 2. If the court orders a condemnation sale to dispose of the
14 treated timber, ten percent of the proceeds or ten thousand dollars,
15 whichever is less, shall be paid to the general revenue fund as a
16 civil penalty.]

[280.120. Exceptions:

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

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

13 (3) No part of this chapter shall be construed to include
14 within the definition of treated timber dealer federal or state
15 agencies, departments or political subdivisions, railroads, mines,
16 public and municipal utilities and corporations organized under

17 chapter 394 which engage in the sale of surplus treated timber
18 products produced under preservative standards and methods as
19 described in subdivision (2) of this section;

20 (4) No particular method or methods of treatment shall be
21 prescribed.]

[280.130. Any person, firm or corporation who violates any
2 provision or requirement of this chapter is guilty of a class B
3 misdemeanor and upon conviction thereof shall be punished by a
4 fine of not more than five hundred dollars, or by imprisonment for
5 not more than six months, or by both such fine and imprisonment.]

[280.140. The director is authorized to apply to the court to
2 grant a temporary or permanent injunction restraining any person
3 from violating or continuing to violate any of the provisions of
4 sections 280.005 to 280.140 or any rule promulgated under sections
5 280.005 to 280.140, notwithstanding the existence of other
6 remedies at law.]

Section B. Because immediate action is necessary to ensure the vitality
2 of the agricultural industry in the state by allowing for research into the
3 effectiveness of the multiple varieties of industrial hemp, the repeal and
4 reenactment of section 195.767 of section A of this act is deemed necessary for the
5 immediate preservation of the public health, welfare, peace, and safety, and is
6 hereby declared to be an emergency act within the meaning of the constitution,
7 and the repeal and reenactment of section 195.767 of section A of this act shall
8 be in full force and effect upon its passage and approval.

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