

HOUSE BILL No. 2607

By Committee on Agriculture and Natural Resources

Requested by Kelsey Olson on behalf of the Kansas Department of Agriculture

1-25

1 AN ACT concerning agriculture; relating to the Kansas department of
2 agriculture; the Kansas pesticide law; the Kansas chemigation safety
3 law; requiring supervision and training for uncertified applicators;
4 clarifying definition of governmental agency; requiring applicants to
5 file certificates of liability insurance in lieu of bonds, letters of credit or
6 proof of an escrow; government agency certification for pesticide
7 applications in the sodium cyanide predator control category; requiring
8 direct supervision of registered pest control technicians by a certified
9 commercial applicator when applying restricted use pesticides;
10 expanding applicability of the current civil penalty provisions to any
11 person or entity that violates the Kansas pesticide law; adding
12 additional categories of qualification for certification and licensing;
13 updating private applicator certificate requirements; allowing the
14 secretary to establish a training program for initial certification of
15 private applicators as an alternative to a written examination; requiring
16 additional information in statements of service or contracts;
17 government agencies to maintain records relating to each application of
18 pesticide made by such government agency; applying the same criminal
19 penalty to certified private applicators as other persons for violations of
20 the Kansas pesticide law; removing the secretary's authority to deny,
21 suspend, revoke or modify a permit if an applicant, registrant or permit
22 holder has been convicted or pled guilty to a state or federal felony;
23 amending K.S.A. 2-2438a, 2-2440, 2-2440b, 2-2440e, 2-2443a, 2-
24 2444a, 2-2445a, 2-2446, 2-2448, 2-2449, 2-2450, 2-2455, 2-2461, 2-
25 2467a and 2-3310 and repealing the existing sections.
26

27 *Be it enacted by the Legislature of the State of Kansas:*

28 New Section 1. (a) Each pesticide business licensee who applies
29 restricted use pesticides or causes restricted use pesticides to be applied
30 and employs uncertified applicators to make such pesticide applications
31 shall provide appropriate supervision and training for each uncertified
32 applicator.

33 (b) Each private applicator who permits uncertified applicators to
34 apply restricted use pesticides or causes restricted use pesticides to be
35 applied shall provide appropriate supervision and training for each

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1 by a commercial applicator who is certified to apply restricted use
2 pesticides for the control of pests in the category or subcategory for which
3 the pesticide application is made. The secretary may adopt rules and
4 regulations to prescribe requirements concerning the direct supervision of
5 registered pest control technicians by certified applicators.

6 (c) Any such employee applying for a pest control technician
7 registration shall file an application on a form prescribed by the secretary.
8 Application for such registration shall be accompanied by an application
9 fee established by rules and regulations adopted by the secretary, except
10 that such fee shall not exceed \$40, except that on and after July 1, 2028,
11 such fee shall not exceed \$25, and shall be reduced, but not below zero, by
12 an amount equal to the additional fee paid under K.S.A. 2-2440(b), and
13 amendments thereto, for such uncertified individual.

14 (d) If the secretary finds the applicant qualified to be a registered
15 pest control technician after meeting the training requirements determined
16 by the secretary in rules and regulations, the secretary shall issue a pest
17 control technician registration that will expire at the end of the calendar
18 year.

19 (e) This section shall be a part of and supplemental to the Kansas
20 pesticide law.

21 Sec. 5. K.S.A. 2-2440e is hereby amended to read as follows: 2-
22 2440e. (a) Any pesticide business licensee or pesticide dealer who person
23 or entity that violates any of the provisions provision of K.S.A. 2-2453 or
24 2-2454, and amendments thereto the Kansas pesticide law or any rules or
25 regulations adopted thereunder, in addition to any other penalty provided
26 by law, may incur a civil penalty imposed under subsection (b) in the
27 amount fixed by rules and regulations of the secretary in an amount not
28 less than \$100 nor more than \$5,000 for each violation and, in the case of a
29 continuing violation, every day such violation continues may be deemed a
30 separate violation.

31 (b) A duty authorized agent of the secretary may impose a civil
32 penalty as provided in this section upon a finding that a pesticide business
33 licensee or pesticide dealer any person or entity or any employee or agent
34 thereof or any person or entity required to be licensed as a pesticide
35 business licensee or registered as a pesticide dealer who or certified as an
36 applicator violates has violated any provision of the provisions of K.S.A.
37 2-2453 and 2-2454, and amendments thereto, may impose a civil penalty
38 as provided in this section upon such licensee or dealer the Kansas
39 pesticide law or any rules or regulations adopted thereunder.

40 (c) No civil penalty shall be imposed pursuant to this section except
41 upon the written order of the duty authorized agent of the secretary to the
42 pesticide business licensee or pesticide dealer who committed the
43 violation. Such order shall state the violation, the penalty to be imposed

In line 31, strike all after "(b)", strike all in lines 32 through 39

The secretary may impose a civil penalty as provided in this section upon finding that any person or entity has violated any provision of the Kansas pesticide law, or any rules or regulations adopted thereunder.

1 and may be renewed for an additional five years by retaking the private
2 applicator examination or by attending recertification training pursuant to
3 K.S.A. 2-2446, and amendments thereto.

4 (f) Restricted use pesticides may be used only by a certified
5 applicator or by an uncertified applicator working under the direct
6 supervision of a certified applicator. No certification shall be required
7 hereunder for individuals operating under the supervision of a certified
8 private applicator, but such supervised applicators shall be at least 18
9 years of age. If supervised by a relative or family member, the supervised
10 applicator shall be at least 16 years of age.

11 (b)(H)(g) Certified Private applicator certification may be
12 issued to individuals who have (A) complied with all other applicable
13 requirements and paid a fee fixed by rules and regulations adopted by the
14 secretary, except that on and after July 1, 2028, such fee shall not exceed
15 \$10; and (B) acquired practical knowledge of pest problems, proper
16 storage, use, handling and disposal of pesticides and pesticide containers,
17 pertinent information found on the pesticide labels, pesticide use safety
18 and environmental considerations, either through Kansas state university
19 extension service educational training or through individual study of
20 educational materials available at county extension offices or the secretary.
21 (2) The certified private applicator certificate fee in effect on the day
22 preceding the effective date of this act shall continue in effect until the
23 secretary adopts rules and regulations fixing a different fee therefor under
24 this section. Individuals shall indicate adequate knowledge of the subjects
25 enumerated herein by passing an open-book examination approved by the
26 secretary.

27 (c) Educational materials and examination blanks shall be made
28 available at county extension offices and at places where extension
29 educational training is conducted. The examinations shall be scored by
30 members of the extension or secretary's staff. If an individual passes the
31 examination by equating or exceeding a standard authorized by the
32 secretary, a certified private applicator's certificate shall be issued to such
33 individual. Such staff member shall send a copy of the certificate issued,
34 together with the fee, to the secretary such applicators shall be subject to
35 any testing or training fee established in rules and regulations adopted by
36 the secretary in an amount not to exceed \$75.

37 (4)(n) A certified applicator who holds a current certificate
38 certification to apply pesticides as a certified private applicator in any
39 other state or political subdivision of the United States may be exempted
40 from examination for private applicator certification in this state upon
41 payment of proper fees and approval by the secretary.

42 Sec. 9. K.S.A. 2-2446 is hereby amended to read as follows: 2-2446.
43 (a) A commercial applicator's certification may be renewed for a

direct
the uncertified applicator is directly
and is applying restricted use pesticides for the purpose of producing
any agricultural commodity on property owned or leased by the
individual or such individual's relative or family member

In line 10, strike "16"

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