

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 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)(1)(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 applicator's 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 ~~(b)(h)~~ 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

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