

FIRST REGULAR SESSION

HOUSE BILL NO. 605

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

0793H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 281, RSMo, by adding thereto one new section relating to inherently volatile herbicides, with an emergency clause.

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

Section A. Chapter 281, RSMo, is amended by adding thereto one new section, to be known as section 281.125, to read as follows:

281.125. 1. For purposes of this section, the following terms shall mean:

(1) “Department”, the department of agriculture”;

(2) “Herbicide”, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed;

(3) “Inherently volatile herbicide” or “IVH”, a herbicide with an increased potential to vaporize due to high vapor pressure including, but not limited to, 2,4-D and dicamba.

2. The department shall review each herbicide sold in the state to determine if it is an inherently volatile herbicide (IVH).

3. The department shall determine if an IVH poses an economic risk to neighboring crops and, if so, develop IVH usage regions of the state based on regional cropping practices, planting dates, and weather patterns. The department shall develop a regional time line for when IVHs may be used in each region and when they shall be prohibited. Such time lines shall be based on the risk of volatilization and the potential damage to crops or plants other than the crops or plants for which the herbicide was intended.

4. Any person who uses an IVH outside of the time line established by the department for his or her region shall be subject to the following penalties:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(1) Three hundred dollars per acre treated with an IVH outside of the time line; or**

19 **(2) Three hundred dollars per acre of IVH-resistant seed purchased if the**
20 **department determines that such person used an IVH outside of the time line on more than**
21 **one hundred acres of agricultural land. The department shall revoke any license issued**
22 **under this chapter of any person found to be in violation of the provisions of this**
23 **subdivision for a period of not less than one year.**

24 **5. Any individual who is penalized under the provisions of this section shall be**
25 **liable for any reasonable costs associated with the department's testing of fields or personal**
26 **property affected by such herbicide use and shall remit such costs to the department.**

27 **6. The department shall publish and maintain a list of inherently volatile herbicides**
28 **and regional usage time lines on its website.**

29 **7. No herbicide formulation or use of a herbicide approved by the Environmental**
30 **Protection Agency after the effective date of this section for in-crop use shall be sold or**
31 **used in this state unless the department:**

32 **(1) Certifies that it can distinguish between an application of such herbicide and**
33 **an IVH; or**

34 **(2) Includes the herbicide on the list of IVHs.**

Section B. Because immediate action is necessary to ensure the vitality of the agricultural
2 industry in this state by preventing the devastating effects of the misuse of herbicides, the
3 enactment of section 281.125 of section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the enactment of section 281.125 of
6 section A of this act shall be in full force and effect upon its passage and approval.

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