

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Agriculture and Natural Resources
From: Office of Revisor of Statutes
Date: March 7, 2024
Subject: HB 2607—Kansas Pesticide Law

House Bill 2607 as amended by House Committee would amend the Kansas pesticide law with regard to penalties for violations and requirements for training and supervision of certain applicators, categories of certification, private applicators, proof of financial responsibility, recordkeeping, and the denial, suspension, revocation or modifications of licenses.

Training and Supervision of Certain Applicators

Uncertified Applicators

New section 1 of HB 2607 would require pesticide business licensees and private applicators to provide appropriate supervision and training for uncertified applicators who apply restricted use pesticides. Additionally, each pesticide business licensee would be required to maintain records to verify that the business's uncertified applicators have been appropriately trained. The secretary of agriculture would be authorized to adopt rules and regulations to prescribe: (1) Requirements for appropriate supervision and training of such applicators; and (2) record retention requirements, including maintaining such records for at least three years after the training has been given and requiring such records to be made available upon request.

Section 8 provides that uncertified private applicators may only use restricted use pesticides if they are at least 18 years old and working under the supervision of a certified applicator. If the uncertified applicator is directly supervised by a family member or relative and applying restricted use pesticides on property owned or leased by the unsupervised applicator or such applicator's family member or relative, then such applicator shall be at least 17 years old.

Pest Control Technicians

Section 4 of HB 2607 would amend K.S.A. 2-2440b to require direct supervision of registered pest control technicians by a certified commercial applicator when applying restricted use pesticides.

Categories of Certification

Section 6 would allow certified commercial applicators, at the discretion of the secretary, to obtain additional certification in other categories and subcategories, but this provision would expire on December 31, 2028. No applications may be made in the category of sodium cyanide predator control, except for government agency applicators.

Section 7 would amend K.S.A. 2-2444a to add to the existing categories of qualification for certification and licensing sodium cyanide predator control, aerial pest control and soil fumigation.

Private Applicator Requirements

In addition to the supervision and training requirements provided in the bill for private applicators, section 8 would amend K.S.A. 2-2445a regarding certified private applicators to require individuals using restricted use pesticides to be at least 18 years of age. No certification for private applicators in the categories of sodium cyanide predator control, non-soil fumigation, aerial pest control and soil fumigation would be authorized.

The secretary would be authorized to adopt rules and regulations to establish a training program for initial certification as an alternative to the written examination and certification could be renewed for an additional five years if an applicator retakes the private applicator examination or attends recertification training. Such applicators would be subject to testing and training fees established by the secretary in rules and regulations in an amount not to exceed \$75.

Section 9 of HB 2607 would provide that a private applicator who renews their certification through training would be required to pay a fee not to exceed \$50.

Proof of Financial Responsibility Requirements

Sections 10 and 12 of HB 2607 would amend the requirements for proof of financial responsibility to only allow use of a certificate of liability insurance or a surety bond of at least \$6,000 and would require rules and regulations to be promulgated for such proof of financial responsibility.

Statement of Service Information

In addition to the information already required to be included in statements of service, section 13 would require statements of service to include the license number of the pesticide business licensee and the applicator certification number of the applicator.

Government Agency Records

Government agencies, as defined in section 2 of the bill, would be required to hold a government agency registration issued by the department before such agency could apply pesticides that are in the sodium cyanide predator control category. The government agency would not be required to show proof of financial responsibility. In current law, the government agency is not required to furnish a surety bond.

Additionally, each government agency would be required to maintain certain information and records relating to each application of pesticide made by such government agency and would be required to be made available upon request.

Denial, Suspension, Revocation or Modification of Licenses

Section 11 would amend K.S.A. 2-2449 so that denial, suspension, revocation or modification of licenses would only apply to violations of Kansas pesticide law and not to convictions or guilty pleas for violations of state or federal law not related to pesticide control and use.

Section 16 would amend K.S.A. 2-3310, which is part of the chemigation safety law to parallel the changes in section 11 so that denial, suspension, revocation or modification of chemigation permits would only apply to violations of the Kansas chemigation safety law and Kansas pesticide law and not to convictions or guilty pleas for violations of state or federal law not related to chemigation or pesticide control and use.

Penalties for Violations of Kansas Pesticide Law

Section 5 of HB 2607 would amend K.S.A. 2-2440e to provide that penalties apply to any person or entity for any violation of the Kansas pesticide law or any rules and regulations adopted thereunder. Additionally, the bill would provide that the maximum fine for each violation be reduced from its current \$5,000 to \$500 and the total maximum civil penalty would not exceed \$2,500. The secretary would be authorized to impose a civil penalty upon a finding that the Kansas pesticide law or rules and regulations have been violated.

Section 14 of HB 2607 would amend K.S.A. 2-2461 to provide that any person who violates or fails to comply with the pesticide law or rules and regulations adopted thereunder would be guilty of a class A misdemeanor. Additionally, the bill would remove the fine for certified private applicators from this section, so such applicators would be treated the same as any other violator.

General Bill Information

HB 2607 also includes technical amendments and would take effect on July 1, 2024, upon publication in the Kansas statute book.