

AN ACT

ENTITLED, An Act to revise certain provisions regarding registration for pesticide products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 38-20A-4 be amended to read:

38-20A-4. Before any person whose name or brand name appears on a pesticide may distribute, sell, or offer for sale or distribution in this state any pesticide, the person shall file with the secretary of agriculture an application for the registration of the pesticide. Each application shall include the following:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;
- (2) The name of the pesticide;
- (3) One complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use;
- (4) If requested by the secretary, efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment;
- (5) The classification or lack of classification and general use or restricted use of the pesticide; and
- (6) An annual application fee of one hundred twenty dollars.

Each registration is valid for one year and expires on June thirtieth. The registration may not be transferred. A fee equal to fifty percent of the application fee shall be applied to any late renewal. Each pesticide application fee is nonrefundable.

If a pesticide is no longer available for use due to a cancellation or suspension order of the United States Environmental Protection Agency, it is not subject to registration requirements. If the holder

of a pesticide registration cancels the registration, the pesticide shall complete a two-year discontinuance period. During the discontinuance period, the annual application fee shall be paid.

Section 2. That § 38-20A-59 be amended to read:

38-20A-59. The annual application fee for each pesticide registered in § 38-20A-4 shall be distributed as follows:

- (1) Twenty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-57;
- (2) Thirty-three dollars and seventy-five cents shall be deposited in the weed and pest fund created in § 38-22-35;
- (3) Twenty-one dollars and twenty-five cents shall be deposited in the public lands weed and pest fund created in § 38-20A-58;
- (4) Fifteen dollars shall be deposited within the agricultural experiment station pursuant to chapter 13-58;
- (5) Ten dollars shall be deposited within the cooperative extension service pursuant to chapter 13-54; and
- (6) Twenty dollars shall be deposited in the pesticide recycling and disposal fund created in § 38-20A-56.

The late renewal fee in § 38-20A-4 shall be divided equally among the weed and pest fund created in § 38-22-35, the pesticide regulatory fund created in § 38-21-57, and the public lands weed and pest fund created in § 38-20A-58.

An Act to revise certain provisions regarding registration for pesticide products.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 34

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 34

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State