

**Effective 5/13/2014**

**4-14-3 Registration required for distribution -- Application -- Fees -- Renewal -- Local needs registration -- Distributor or applicator license -- Fees -- Renewal.**

- (1)
  - (a) No person may distribute a pesticide in this state that is not registered with the department.
  - (b) Application for registration shall be made to the department upon forms prescribed and furnished by it accompanied with an annual registration fee determined by the department pursuant to Subsection 4-2-2(2) for each pesticide registered.
  - (c) Upon receipt by the department of a proper application and payment of the appropriate fee, the commissioner shall issue a registration to the applicant allowing distribution of the registered pesticide in this state through June 30 of each year, subject to suspension or revocation for cause.
  - (d)
    - (i) Each registration is renewable for a period of one year upon the payment of an annual registration renewal fee in an amount equal to the current applicable original registration fee.
    - (ii) Each renewal fee shall be paid on or before June 30 of each year.
- (2) The application shall include the following information:
  - (a) 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's name;
  - (b) the name of the pesticide;
  - (c) a complete copy of the label which will appear on the pesticide; and
  - (d) any information prescribed by rule of the department considered necessary for the safe and effective use of the pesticide.
- (3)
  - (a) Forms for the renewal of registration shall be mailed to registrants at least 30 days before their registration expires.
  - (b) A registration in effect on June 30 for which a renewal application has been filed and the registration fee tendered shall continue in effect until the applicant is notified either that the registration is renewed or that it is suspended or revoked pursuant to Section 4-14-8.
- (4) The department may, before approval of any registration, require the applicant to submit the complete formula of any pesticide including active and inert ingredients and may also, for any pesticide not registered according to 7 U.S.C. Sec. 136a or for any pesticide on which restrictions are being considered, require a complete description of all tests and test results that support the claims made by the applicant or the manufacturer of the pesticide.
- (5) A registrant who desires to register a pesticide to meet special local needs according to 7 U.S.C. Sec. 136v(c) shall, in addition to complying with Subsections (1) and (2), satisfy the department that:
  - (a) a special local need exists;
  - (b) the pesticide warrants the claims made for it;
  - (c) the pesticide, if used in accordance with commonly accepted practices, will not cause unreasonable adverse effects on the environment; and
  - (d) the proposed classification for use conforms with 7 U.S.C. Sec. 136a(d).
- (6) No registration is required for a pesticide distributed in this state pursuant to an experimental use permit issued by the EPA or under Section 4-14-5.
- (7) No pesticide dealer may distribute a restricted use pesticide in this state without a license.
- (8) A person shall receive a license before applying:
  - (a) a restricted use pesticide; or
  - (b) a general use pesticide for hire or in exchange for compensation.

- (9)
- (a) A license to engage in an activity listed in Subsection (7) or (8) may be obtained by:
    - (i) submitting an application on a form provided by the department;
    - (ii) showing evidence of competence in the pesticide profession, as established by rule, and complying with the rules adopted by the department under this chapter;
    - (iii) demonstrating good character;
    - (iv) having no outstanding infractions and owing no money to the department; and
    - (v) paying the license fee determined by the department according to Subsection 4-2-2(2).
  - (b) A person may apply for a triennial license that expires on December 31 of the second calendar year after the calendar year in which the license is issued.
  - (c) Notwithstanding Section 63J-1-504, the department shall retain the fees as dedicated credits and may only use the fees to administer and enforce this title.

Amended by Chapter 411, 2014 General Session