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Pest Control Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Keven J. Stratton
House Sponsor: Carl R. Albrecht

LONG TITLE

General Description:

This bill addresses the regulation of pest control.

Highlighted Provisions:

This bill:

- ▶ modifies the definition provision;
- ▶ addresses rulemaking and requires reporting regarding rulemaking;
- ▶ removes certain language regarding liability;
- ▶ amends provisions related to a pesticide applicator business, including:
 - modifying fee requirements;
 - repealing the qualified party concept; and
 - providing for a registration established by rule;
- ▶ provides for permitting of ornamental and turf technicians, including fine amounts;
- ▶ provides for permitting of certain salespersons; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 4-14-102**, as last amended by Laws of Utah 2023, Chapter 34
- 4-14-106**, as last amended by Laws of Utah 2020, Chapter 154
- 4-14-108**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 4-14-109**, as renumbered and amended by Laws of Utah 2017, Chapter 345

28 **4-14-110**, as renumbered and amended by Laws of Utah 2017, Chapter 345

29 **4-14-111**, as last amended by Laws of Utah 2024, Chapter 104

30 ENACTS:

31 **4-14-112**, Utah Code Annotated 1953

32

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **4-14-102** is amended to read:

35 **4-14-102 . Definitions.**

36 As used in this chapter:

37 (1) "Active ingredient" means an ingredient that:

38 (a) prevents, destroys, repels, controls, or mitigates pests; or

39 (b) acts as a plant regulator, defoliant, or desiccant.

40 [~~(2) "Adulterated pesticide" means a pesticide with a strength or purity that is below the~~
 41 ~~standard of quality expressed on the label under which the pesticide is offered for sale.]~~

42 [~~(3)~~ (2) "Animal" means ~~[aH]~~ a vertebrate or invertebrate species.

43 [~~(4)~~ (3) "Beneficial insect" means an insect that is:

44 (a) an effective pollinator of plants;

45 (b) a parasite or predator of pests; or

46 (c) otherwise beneficial.

47 [~~(5)~~ (4) "Certified applicator" means an individual who is licensed by the department to
 48 apply:

49 (a) a restricted use pesticide; or

50 (b) a general use pesticide for hire or in exchange for compensation.

51 [~~(6) "Certified qualified applicator" means a certified applicator who is eligible to act as a~~
 52 ~~qualifying party.]~~

53 [~~(7)~~ (5) "Defoliant" means a substance or mixture intended to cause leaves or foliage to
 54 drop from a plant, with or without causing abscission.

55 [~~(8)~~ (6) "Desiccant" means a substance or mixture intended to artificially accelerate the
 56 drying of plant or animal tissue.

57 [~~(9)~~ (7) "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive,
 58 deliver, or offer to deliver pesticides in this state.

59 [~~(10)~~ (8) "Environment" means all living plants and animals, water, air, land, and the
 60 interrelationships that exist between them.

61 [~~(11)~~ (9)(a) "Equipment" means any type of ground, water, or aerial equipment or

62 contrivance using motorized, mechanical, or pressurized power to apply a pesticide.

63 (b) "Equipment" does not mean any pressurized hand-sized household apparatus used to
64 apply a pesticide or any equipment or contrivance used to apply a pesticide that is
65 dependent solely upon energy expelled by the person making the pesticide
66 application.

67 [(12)] (10) "EPA" means the United States Environmental Protection Agency.

68 [(13)] (11) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.

69 [(14)] (12)(a) "Fungus" means a nonchlorophyll-bearing thallophyte or a
70 nonchlorophyll-bearing plant of an order lower than mosses and liverworts, including
71 rust, smut, mildew, mold, yeast, and bacteria.

72 (b) "Fungus" does not include fungus existing on or in:

73 (i) a living person or other animal; or

74 (ii) processed food, beverages, or pharmaceuticals.

75 [(15)] (13) "Herbicide" means a substance that is toxic to plants and is used to control or
76 eliminate unwanted vegetation.

77 [(16)] (14) "Insect" means an invertebrate animal generally having a more or less obviously
78 segmented body:

79 (a) usually belonging to the Class Insecta, comprising six-legged, usually winged forms,
80 including beetles, bugs, bees, and flies; and

81 (b) allied classes of arthropods that are wingless usually having more than six legs,
82 including spiders, mites, ticks, centipedes, and wood lice.

83 [(17)] (15) "Label" means any written, printed, or graphic matter on, or attached to, a
84 pesticide or a container or wrapper of a pesticide.

85 [(18)] (16)(a) "Labeling" means ~~[all labels and all]~~ a label or other written, printed, or
86 graphic matter:

87 (i) accompanying a pesticide or equipment; or

88 (ii) to which reference is made on the label or in literature accompanying a pesticide
89 or equipment.

90 (b) "Labeling" does not include ~~[any]~~ a written, printed, or graphic matter created by the
91 EPA, the United States Departments of Agriculture or Interior, the United States
92 Department of Health, Education, and Welfare, state experimental stations, state
93 agricultural colleges, and other federal or state institutions or agencies authorized by
94 law to conduct research in the field of pesticides.

95 [(19)] (17) "Land" means land, water, air, and plants, animals, structures, buildings,

96 contrivances, and machinery appurtenant or situated [~~thereon~~] on land, water, air, or a
 97 plant, animal, structure, or contrivance, whether fixed or mobile, including any used for
 98 transportation.

99 [(20)] (18) "Misbranded" means any label or labeling that is false or misleading or that does
 100 not strictly comport with the label and labeling requirements set forth in Section
 101 4-14-104.

102 [(21)] (19) "Misuse" means use of any pesticide in a manner inconsistent with the pesticide's
 103 label or labeling.

104 [(22)] (20) "Nematode" means invertebrate animals of the Phylum Nematelminthes and
 105 Class Nematoda, including unsegmented round worms with elongated, fusiform, or
 106 saclike bodies covered with cuticle, also known as nemas or eelworms.

107 (21) "Ornamental and turf technician" means an individual who holds a permit under
 108 Subsection 4-14-112(1).

109 [(23)] (22) "Ornamental and turf weed pest control" means the use of a [~~pesticide~~] herbicide
 110 to control ornamental and turf pests in the maintenance and protection of an ornamental [
 111 trees, shrubs, flowers] tree, shrub, flower, or turf.

112 [(24)] (23)(a) "Pest" means:

113 (i) any insect, rodent, nematode, fungus, weed; or

114 (ii) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or
 115 other microorganism that is injurious to health or to the environment or that the
 116 department declares to be a pest.

117 (b) "Pest" does not include:

118 (i) viruses, bacteria, or other microorganisms on or in a living person or other living
 119 animal; or

120 (ii) protected wildlife species identified in Section 23A-1-101 that are regulated by
 121 the Division of Wildlife Resources in accordance with Sections 23A-2-102,
 122 23A-2-201, 23A-2-301, 23A-2-302, and 23A-2-303.

123 [(25)] (24) "Pesticide" means any:

124 (a) substance or mixture of substances, including a living organism, that is intended to
 125 prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode,
 126 snail, slug, fungus, weed, or other form of plant or animal life that is normally
 127 considered to be a pest or that the commissioner declares to be a pest;

128 (b) any substance or mixture of substances intended to be used as a plant regulator,
 129 defoliant, or desiccant;

130 (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder,
131 adhesive, or emulsifying agent with deflocculating properties of its own used with a
132 pesticide to aid the pesticide's application or effect; and

133 (d) any other substance designated by the department by rule.

134 [~~(26) "Pesticide applicator" is a person who:~~]

135 [~~(a) applies or supervises the application of a pesticide; and]~~

136 [~~(b) is required by this chapter to have a license.]~~]

137 [(27)] (25)(a) "Pesticide applicator business" means an entity that:

138 (i) is authorized to do business in this state; and

139 (ii) offers pesticide application services.

140 (b) "Pesticide applicator business" does not include an individual licensed agricultural
141 applicator who may work for hire.

142 [(28)] (26) "Pesticide dealer" means any person who distributes restricted use pesticides.

143 [(29)] (27)(a) "Plant regulator" means any substance or mixture intended, through
144 physiological action, to accelerate or retard the rate of growth or rate of maturation,
145 or otherwise alter the behavior of ornamental or crop plants.

146 (b) "Plant regulator" does not include plant nutrients, trace elements, nutritional
147 chemicals, plant inoculants, or soil amendments.

148 [(30) "Qualifying party" means a certified qualified applicator who is the owner or
149 employee of a pesticide applicator business and who is registered with the department as
150 the individual responsible for ensuring the training, equipping, and supervision of all
151 pesticide applicators who work for the pesticide applicator business.]

152 [(31)] (28) "Restricted use pesticide" means:

153 (a) a pesticide, including a highly toxic pesticide, that is a serious hazard to beneficial
154 insects, animals, or land; or

155 (b) any pesticide or pesticide use restricted by the administrator of EPA or by the
156 commissioner.

157 (29) "Salesperson" means an individual who holds a permit under Subsection 4-14-112(2).

158 (30) "Signal word" means a word required on the label of a pesticide under 40 C.F.R. Sec.
159 156.64 to indicate the toxicity category of the pesticide, including "danger," "warning,"
160 or "caution."

161 (31) "Soliciting" means an act to solicit a person to agree to the application of a pesticide as
162 defined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
163 Rulemaking Act.

164 [(32) "Spot treatment" means the limited application of an herbicide to an area that is no
 165 more than 5% of the potential treatment area or one-twentieth of an acre, whichever is
 166 smaller, using equipment that is designed to contain no more than five gallons of
 167 mixture.]

168 [(33)] (32) "Weed" means any plant that grows where not wanted.

169 [(34)] (33) "Wildlife" means [a] living things that are neither human, domesticated, nor
 170 pests.

171 Section 2. Section **4-14-106** is amended to read:

172 **4-14-106 . Department authorized to make and enforce rules.**

173 (1) The department may, [~~by following the procedures and requirements of~~] in
 174 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, [~~adopt~~]
 175 make rules to:

176 [(1)] (a) declare as a pest any form of plant or animal life that is injurious to health or the
 177 environment, except:

178 [(a)] (i) a human being; or

179 [(b)] (ii) a bacteria, virus, or other microorganism on or in a living person or animal;

180 [(2)] (b) establish, in accordance with the regulations issued by the EPA under 7 U.S.C.
 181 Sec. 136w(c)(2), whether pesticides registered for special local needs under the
 182 authority of 7 U.S.C. Sec. 136v(c) are highly toxic to man;

183 [(3)] (c) establish, consistent with EPA regulations, that certain pesticides or quantities of
 184 substances contained in these pesticides are injurious to the environment;

185 [(4)] (d) adopt a list of "restricted use pesticides" for the state or designated areas within
 186 the state if the department determines upon substantial evidence presented at a public
 187 hearing that restricted use is necessary to prevent damage to property or to the
 188 environment;

189 [(5)] (e) establish qualifications for a pesticide applicator business; [~~and~~]

190 (f) establish the training and supervision requirements described in Subsection
 191 4-14-112(1) for an ornamental and turf technician;

192 (g) establish what constitutes soliciting the application of a pesticide by, and the training
 193 requirements described in Subsection 4-14-112(2) for a salesperson; and

194 [(6)] (h) adopt any rule, not inconsistent with federal regulations issued under FIFRA,[-]
 195 considered necessary to administer and enforce this chapter, including[-] rules
 196 relating to the sale, distribution, use, and disposition of pesticides if necessary to
 197 prevent damage and to protect the public health.

198 (2) The department shall report to the Natural Resources, Agriculture, and Environment
199 Interim Committee by no later than the 2026 November interim meeting of that
200 committee regarding a rule made under this chapter to implement requirements related
201 to an ornamental and turf technician or salesperson permitted under Section 4-14-112.

202 Section 3. Section **4-14-108** is amended to read:

203 **4-14-108 . Suspension or revocation -- Stop sale, use, or removal order**
204 **authorized -- Court action -- Award of costs authorized -- Fines.**

205 (1) The department may revoke or suspend the registration of [any] a pesticide upon
206 satisfactory evidence that the registrant has used fraudulent or deceptive practices in the
207 registration of the pesticide or in the pesticide's distribution in this state.

208 (2)(a) The department may issue a "stop sale, use, or removal order" to the owner or
209 distributor of [any] a designated pesticide or lot of pesticide that the department finds
210 or has reason to believe is being offered or exposed for sale in violation of this
211 chapter.

212 (b) The order described in Subsection (2)(a) shall be in writing and no pesticide subject
213 to the order shall be moved, offered, or exposed for sale, except upon the subsequent
214 written release by the department.

215 (c) Before a release is issued, the department may require the owner or distributor of the
216 "stopped" pesticide or lot to pay the expense incurred by the department in
217 connection with the withdrawal of the product from the market.

218 (3)(a) The department [~~is authorized~~] may seek in a court [~~of competent~~] with jurisdiction [
219 ~~to seek~~] an order of seizure or condemnation of a pesticide that violates this chapter
220 or, upon proper grounds, to obtain a temporary restraining order or permanent
221 injunction to prevent the violation of this chapter.

222 (b) [~~No bond shall be required of~~] A court may not require the department to post a bond
223 in an injunctive proceeding brought under this section.

224 (4)(a) Subject to Subsection (4)(b), if condemnation is ordered, the registrant or other
225 person shall dispose of [-] pesticide or equipment [~~shall be disposed of~~] as the court
226 directs.

227 (b) The department may not order condemnation without giving the registrant or other
228 person an opportunity to apply to the court for permission to relabel, reprocess, or
229 otherwise bring the pesticide into conformance, or for permission to remove the
230 pesticide from the state.

231 (5) If the court orders condemnation, court costs, fees, storage, and other costs shall be

232 awarded against the claimant of the pesticide or equipment.

233 (6) The department may:

234 (a) deny an application for a [pesticide] certified applicator license;

235 (b) revoke a [pesticide] certified applicator license for cause; or

236 (c) suspend a [pesticide] certified applicator license for cause.

237 (7)(a) If a [pesticide] certified applicator license is revoked or suspended under

238 Subsection (6), the license shall be returned to the department within 14 days of the

239 day on which the [licensee] certified applicator received notice of the revocation or

240 suspension.

241 (b) A [licensee] certified applicator who fails to return a license, as described in

242 Subsection (7)(a), [may be subjected] is subject to an administrative fine of up to

243 \$100 for each 14 days the license is not returned.

244 (8) Notwithstanding the other provisions of this title except Subsection 4-14-112(6), an
 245 individual who violates a provision related to an ornamental and turf technician under
 246 this chapter is subject to an administrative fine of up to \$1,000 per each violation.

247 Section 4. Section **4-14-109** is amended to read:

248 **4-14-109 . Examination requirements for license to act as applicator may be**
 249 **waived through reciprocal agreement.**

250 The department may waive [~~any or all examination requirements~~] an examination
 251 requirement specified in rule for a noncommercial, commercial, or private [pesticide] certified
 252 applicator through a reciprocal agreement with another state whose examination requirements
 253 and standards for licensure are substantially similar to those of Utah.

254 Section 5. Section **4-14-110** is amended to read:

255 **4-14-110 . Defenses.**

256 [(1)] As an affirmative defense to any action brought as a result of the alleged misuse or
 257 misapplication of a pesticide, a person may present evidence that as of the time of the
 258 alleged violation, the person was in compliance with label directions, this chapter, and
 259 any rules issued in accordance with this chapter.

260 [(2) A person is not liable for injuries resulting from the misuse or misapplication of a
 261 pesticide unless the person was negligent.]

262 Section 6. Section **4-14-111** is amended to read:

263 **4-14-111 . Registration required for a pesticide applicator business.**

264 (1) A pesticide applicator business shall register with the department by:

265 (a) submitting an application on a form provided by the department;

- 266 (b) paying the registration fee; and
267 (c) certifying that the business is in compliance with this chapter and departmental rules
268 authorized by this chapter.
- 269 (2)(a) By following the procedures and requirements of Section 63J-1-504, the
270 department shall establish a registration fee~~[-based on the number of pesticide~~
271 ~~applicators employed by the pesticide applicator business].~~
- 272 (b)(i) Notwithstanding Section 63J-1-504, the department shall deposit the fees as
273 dedicated credits and may only use the fees to administer and enforce this chapter.
- 274 (ii) The Legislature may annually designate the revenue generated from the fee as
275 nonlapsing in an appropriations act.
- 276 (3) The department shall issue a business registration certificate to a pesticide applicator
277 business if the ~~[individual or entity]~~ person:
- 278 (a) has complied with the requirements of this section;
279 (b) has shown evidence of competence in the pesticide profession and meets the
280 certification requirements established by rule;
281 ~~[(e) provides evidence that the owner or qualifying party is a certified applicator;]~~
282 ~~[(d) provides evidence that the owner or qualifying party:]~~
283 ~~[(i) has been a certified applicator for at least two years out of the 10 years~~
284 ~~immediately before the date of the application for a business registration~~
285 ~~certificate is received by the department;]~~
286 ~~[(ii) holds an associate degree or higher in horticulture, agricultural sciences,~~
287 ~~biological sciences, pest management, or a related field; or]~~
288 ~~[(iii) has held a comparable license issued in another state, district, territory, or~~
289 ~~jurisdiction and meets the requirements described in Subsection 4-1-112(2);]~~
290 ~~[(e)]~~ (c) demonstrates good character;
291 ~~[(f)]~~ (d) has no outstanding infractions and owes no money to the department; and
292 ~~[(g)]~~ (e) pays the ~~[licensing]~~ registration fee established by the department.
- 293 (4) A registration certificate expires on December 31 of the second calendar year after the
294 calendar year in which the registration certificate is issued.
- 295 (5)(a) The department may suspend a registration certificate if the pesticide applicator
296 business violates this chapter or any rules authorized by ~~[it]~~ this chapter.
- 297 (b) A pesticide applicator business whose registration certificate has been suspended
298 may apply to the department for reinstatement of the registration certificate by
299 demonstrating compliance with this chapter and rules authorized by this chapter.

- 300 (6) A pesticide applicator business shall:
- 301 (a) only employ:
- 302 (i) a [pesticide] certified applicator [who has received a license from the department,
- 303 as required by] licensed under Section 4-14-103; [and]
- 304 (ii) an ornamental and turf technician who holds a permit under Subsection
- 305 4-14-112(1); or
- 306 (iii) a salesperson who holds a permit under Subsection 4-14-112(2);
- 307 (b) employ at least one certified applicator licensed under Section 4-14-103;
- 308 ~~[(b)]~~ (c) ensure that [all employees comply] an employee of the pesticide applicator
- 309 business complies with this chapter and the rules authorized by this chapter[-] ; and
- 310 (d) ensure that a certified applicator or ornamental and turf technician employed by the
- 311 pesticide applicator business understands and complies with the label on a pesticide.
- 312 (7) Notwithstanding the other provisions of this section, the department may by rule made
- 313 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a
- 314 pesticide applicator business registration for a person:
- 315 (a) engaged in the marketing of the application of a pesticide but not the application of
- 316 the pesticide; and
- 317 (b) who employs only one or more salespersons.
- 318 ~~[(7) An individual or entity applying for a business registration certificate does not have to~~
- 319 ~~meet the requirements of Subsection (3)(d) if the individual's or entity's sole use of~~
- 320 ~~pesticides is limited to:]~~
- 321 ~~[(a) providing ornamental and turf pest control spot treatment services; and]~~
- 322 ~~[(b) herbicides with labels that contain the signal word "caution" or "warning-"]~~
- 323 Section 7. Section **4-14-112** is enacted to read:
- 324 **4-14-112 . Ornamental and turf technician -- Salesperson.**
- 325 (1)(a) An individual shall obtain a permit as an ornamental and turf technician before
- 326 commercially applying a herbicide that is:
- 327 (i) classified as a general use pesticide with a "caution" or "warning" signal word on
- 328 the product label; and
- 329 (ii) being applied for ornamental and turf weed pest control.
- 330 (b) An individual may obtain a permit under this Subsection (1) by:
- 331 (i) submitting an application on a form provided by the department;
- 332 (ii) showing evidence of completing the training required under Subsection (1)(c);
- 333 (iii) having no outstanding infractions and owing no money to the department; and

- 334 (iv) paying the permit fee determined by the department according to Subsection
335 4-2-103(2).
- 336 (c) A ornamental and turf technician may apply a herbicide described in Subsection
337 (1)(a) if the ornamental and turf technician:
- 338 (i) completes in each calendar year that the ornamental and turf technician applies a
339 herbicide described in Subsection (1)(a) a video training approved by the
340 department by rule made in accordance with Title 63G, Chapter 3, Utah
341 Administrative Rulemaking Act;
- 342 (ii) works under the indirect supervision of a certified applicator licensed under
343 Section 4-14-103 who is employed by the same pesticide applicator business that
344 employs the ornamental and turf technician; and
- 345 (iii) understands and complies with the label on a herbicide described in Subsection
346 (1)(a).
- 347 (d) An ornamental and turf technician may not apply a pesticide that is not described in
348 Subsection (1)(a).
- 349 (e) A pesticide applicator business violates Subsection 4-14-111(6), if an ornamental and
350 turf technician employed by the pesticide applicator business:
- 351 (i) does not hold a permit under this section;
352 (ii) fails to complete the training required by Subsection (1)(c);
353 (iii) works without the indirect supervision of a certified applicator licensed under
354 Section 4-14-103;
- 355 (iv) fails to apply a pesticide described in Subsection (1)(a) in accordance with the
356 pesticide's label; or
- 357 (v) applies a pesticide not described in Subsection (1)(a), including applying:
358 (A) a herbicide with a "danger" signal word;
359 (B) a pesticide for any other purpose than ornamental and turf weed pest control;
360 or
361 (C) a restricted use pesticide.
- 362 (2)(a) An individual shall obtain a permit as a salesperson before soliciting a person to
363 agree to the application of a pesticide.
- 364 (b) An individual may obtain a permit under this Subsection (2) by:
- 365 (i) submitting an application on a form provided by the department;
366 (ii) showing evidence of completing the training required under Subsection (1)(c);
367 (iii) having no outstanding infractions and owing no money to the department; and

- 368 (iv) paying the permit fee determined by the department according to Subsection
369 4-2-103(2).
- 370 (c) A salesperson may solicit the application of a pesticide as provided in Subsection
371 (2)(a) if the salesperson:
- 372 (i) completes in each calendar year a video training approved by the department by
373 rule made in accordance with Title 63G, Chapter 3, Utah Administrative
374 Rulemaking Act; and
- 375 (ii) is employed by a pesticide applicator business registered under Section 4-14-111,
376 including a pesticide applicator business registered under Subsection 4-14-111(7).
- 377 (d) When soliciting a salesperson may not make a misrepresentation regarding the
378 application of a pesticide.
- 379 (e) A pesticide applicator business violates Subsection 4-14-111(6), if a salesperson
380 employed by the pesticide applicator business:
- 381 (i) does not hold a permit under this section; or
382 (ii) fails to complete the training required by Subsection (2)(c).
- 383 (3) An individual may apply for an annual permit under this section that expires on
384 December 31 and may renew the permit by complying with the same process as used to
385 obtain the permit.
- 386 (4) Notwithstanding Section 63J-1-504, the department shall retain the permit fees collected
387 under this section as dedicated credits and may only use the fees to administer and
388 enforce this chapter.
- 389 (5) The department may:
- 390 (a) deny an application for a permit under this section;
391 (b) revoke a permit under this section for cause; or
392 (c) suspend a permit under this section for cause.
- 393 (6)(a) If a permit is revoked or suspended under Subsection (5), the individual holding
394 the permit shall return the permit to the department within 14 days after the day on
395 which the individual receives notice of the revocation or suspension.
- 396 (b) An individual who fails to return a permit, as described in Subsection (6)(a), is
397 subject to an administrative fine of up to \$100 for each 14 days the individual does
398 not return the permit.

399 Section 8. **Effective Date.**

400 This bill takes effect on May 6, 2026.