

SENATE BILL No. 216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-15; IC 15-16.

Synopsis: Office of the state chemist. Limits certain rulemaking authorities for the Indiana pesticide review board and the state chemist to restricted use pesticides only. Specifically identifies and eliminates state rules and requirements that are more restrictive than federal rules or requirements. Replaces more stringent state rules and requirements with federal rules and requirements.

Effective: July 1, 2024.

Walker K, Garten, Niemeyer

January 9, 2024, read first time and referred to Committee on Environmental Affairs.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 216

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-15-1-35, AS ADDED BY P.L.2-2008,
- 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2024]: Sec. 35. (a) The state seed commissioner shall pay all
- 4 fees collected under this chapter to the treasurer of Purdue University.
- 5 (b) The board of trustees of Purdue University shall expend the fees
- 6 on proper vouchers filed with the treasurer of Purdue University. The
- 7 treasurer shall pay vouchers for the following expenses:
- 8 (1) The employment of inspectors and seed analysts.
- 9 (2) Procuring samples.
- 10 (3) Printing bulletins giving the results of inspection.
- 11 (4) Any other expenses of the Purdue University agricultural
- 12 programs authorized by law and for implementing this chapter.
- 13 (c) The dean of agriculture of Purdue University shall make **and**
- 14 **submit a an annual** financial report to the:
- 15 (1) governor;
- 16 (2) **legislative council; and**
- 17 (3) **budget committee;**



1 in such form as the state board of accounts requires, showing the total
 2 receipts and expenditures of all fees received under this chapter. **The**
 3 **budget committee shall review this report annually.**

4 (d) Excess funds from the collection of fees under this chapter are
 5 subject to IC 15-16-2-36.

6 SECTION 2. IC 15-15-2-6, AS AMENDED BY THE TECHNICAL
 7 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
 8 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

9 Sec. 6. (a) The state chemist shall charge, collect, and receive a
 10 minimum fee of twenty-five dollars (\$25):

11 (1) at the time of registering a pure or mixed culture of
 12 microorganisms or materials described in section 3 of this chapter
 13 for each material or culture registered; and

14 (2) not later than the fifteenth day of January of each succeeding
 15 year until the pure or mixed cultures of microorganisms or
 16 material is no longer sold, distributed, offered, or displayed for
 17 sale in Indiana.

18 (b) Money received under subsection (a) must be forwarded to the
 19 treasurer of Purdue University, who shall expend the money on
 20 vouchers to be filed with the ~~auditor of state~~ **comptroller** to pay all
 21 necessary expenses incurred in implementing this chapter, including:

22 (1) the employment of inspectors, chemists, and bacteriologists;

23 (2) the expenses incurred in procuring samples;

24 (3) printing bulletins; and

25 (4) giving the results of inspections, as provided by this chapter;
 26 and for any other expenses of Purdue University agricultural programs,
 27 as authorized by law and in support of the purposes of this chapter.

28 (c) The dean of agriculture of Purdue University shall submit to the:

29 (1) governor;

30 (2) **legislative council; and**

31 (3) **budget committee;**

32 an annual classified report showing the total receipts and expenditures
 33 of all fees received under this chapter. **The budget committee shall**
 34 **review this report annually.**

35 (d) Excess funds from the collection of fees under this chapter are
 36 subject to IC 15-16-2-36.

37 SECTION 3. IC 15-15-13-16, AS ADDED BY P.L.165-2014,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2024]: Sec. 16. (a) The state seed commissioner shall pay all
 40 fees collected under this chapter to the treasurer of Purdue University.

41 (b) The board of trustees of Purdue University shall expend the fees
 42 on proper vouchers filed with the treasurer of Purdue University. The



1 treasurer shall pay vouchers for the following expenses:

- 2 (1) The employment of inspectors and seed analysts.
 3 (2) Procuring samples.
 4 (3) Printing bulletins giving the results of inspection.
 5 (4) Any other expenses of the Purdue University agricultural
 6 programs authorized by law and for implementing this chapter.

7 (c) The dean of agriculture of Purdue University shall make and
 8 submit **an annual** financial report to the:

- 9 (1) governor;
 10 (2) **legislative council; and**
 11 (3) **budget committee;**

12 in such form as the state board of accounts requires, showing the total
 13 receipts and expenditures of all fees received under this chapter. **The**
 14 **budget committee shall review this report annually.**

15 (d) Excess funds from the collection of fees under this chapter are
 16 subject to IC 15-16-2-36.

17 SECTION 4. IC 15-16-2-35, AS AMENDED BY P.L.81-2009,
 18 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2024]: Sec. 35. (a) The state chemist shall pay to the treasurer
 20 of Purdue University all inspection fees collected under this chapter.

21 (b) Inspection fees collected under this chapter must be used to pay
 22 all necessary expenses incurred in carrying out this chapter, including
 23 the following:

- 24 (1) Employing inspectors and chemists.
 25 (2) Procuring samples.
 26 (3) Printing bulletins.
 27 (4) Giving the results of inspections as provided for by this
 28 chapter.
 29 (5) Any other expenses incurred by Purdue University agricultural
 30 programs:
 31 (A) authorized by law; and
 32 (B) in support of the purposes of this chapter.

33 (c) The dean of agriculture of Purdue University shall make an
 34 annual classified report to the:

- 35 (1) governor;
 36 (2) **legislative council; and**
 37 (3) **budget committee;**

38 showing the total receipts and expenditures of all fees received under
 39 this chapter. **The budget committee shall review this report**
 40 **annually.**

41 SECTION 5. IC 15-16-2-36, AS AMENDED BY P.L.141-2018,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 36. (a) Notwithstanding any other law, all excess
2 funds accumulated from the fees collected by:

3 (1) the state chemist, under this chapter, IC 15-15-2, IC 15-16-4,
4 IC 15-16-5, and IC 15-19-7; and

5 (2) the state seed commissioner under IC 15-15-1 and
6 IC 15-15-13;

7 shall be paid to the treasurer of Purdue University. The funds shall be
8 administered by the board of trustees of Purdue University.

9 (b) On approval of the governor and the budget agency, **and upon**
10 **review of the budget committee**, the board of trustees may spend the
11 excess funds for the construction, operation, rehabilitation, and repair
12 of buildings, structures, or other facilities used for:

13 (1) carrying out the purposes of those chapters referred to in
14 subsection (a) under which the fees are collected; or

15 (2) the agricultural programs authorized by law and in support of
16 the purposes of the chapters referred to in subsection (a).

17 SECTION 6. IC 15-16-2-44.5, AS ADDED BY P.L.81-2009,
18 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2024]: Sec. 44.5. (a) The state chemist shall pay to the
20 treasurer of Purdue University all certification and educational program
21 fees collected under section 44 of this chapter.

22 (b) Certification and educational program fees collected under
23 section 44 of this chapter must be used to pay all necessary expenses
24 incurred in carrying out and administering the certification and
25 educational programs.

26 (c) The dean of agriculture of Purdue University shall make an
27 annual classified report to the:

28 (1) governor;

29 (2) **legislative council; and**

30 (3) **budget committee;**

31 showing the total receipts and expenditures of all fees received under
32 this section. **The budget committee shall review this report**
33 **annually.**

34 SECTION 7. IC 15-16-4-3.5, AS ADDED BY P.L.76-2021,
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2024]: Sec. 3.5. As used in this chapter, "adverse effect"
37 means a pesticide exposure to a nontarget site (~~as defined in 357~~
38 ~~IC 1-12-1~~) that results in:

39 (1) pesticide residues in excess of established food or feed
40 tolerances established by the United States Environmental
41 Protection Agency;

42 (2) pesticide residues in excess of environmental media standards



- 1 or benchmarks for pesticides established by a federal or state
 2 agency; or
 3 (3) visible, measurable, or documented:
 4 (A) death;
 5 (B) illness;
 6 (C) stunting;
 7 (D) deformation;
 8 (E) discoloration; or
 9 (F) **other effects material damage.**
 10 **that are detrimental to the nontarget site.**
 11 SECTION 8. IC 15-16-4-7 IS REPEALED [EFFECTIVE JULY 1,
 12 2024]. **Sec. 7.** As used in this chapter, "bulk pesticide" means any
 13 pesticide or mixture of pesticides that is transported or held in a
 14 reusable immediate container in undivided quantities greater than:
 15 (1) one hundred (100) pounds net dry weight; or
 16 (2) fifty-five (55) U.S. gallons liquid measure.
 17 The term does not include a pesticide that is in the custody of the
 18 ultimate user and has been prepared for application by the ultimate user
 19 by diluting the pesticide according to the label directions for that
 20 pesticide.
 21 SECTION 9. IC 15-16-4-24.5 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2024]: **Sec. 24.5.** As used in this chapter,
 24 "material damage" means any:
 25 (1) **functional impairment of surface features, structures, or**
 26 **facilities;**
 27 (2) **physical change that has a significant adverse impact on**
 28 **the nontarget site's capability to support any current or**
 29 **reasonably foreseeable uses;**
 30 (3) **significant loss in production or income; or**
 31 (4) **significant change in condition, appearance, or utility of a**
 32 **structure or facility.**
 33 SECTION 10. IC 15-16-4-27.5 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2024]: **Sec. 27.5.** As used in this chapter,
 36 "nontarget site" has the meaning set forth in **IC 15-16-5-21.5.**
 37 SECTION 11. IC 15-16-4-43, AS ADDED BY P.L.2-2008,
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2024]: **Sec. 43.** A vacancy on the board of a **voting member**
 40 created by death, resignation, or removal for cause of a member shall
 41 be filled by the governor not later than thirty (30) days after the
 42 occurrence. The new member serves for the remainder of the vacated



- 1 term and must meet the qualifications to be appointed to the board.
 2 SECTION 12. IC 15-16-4-45, AS ADDED BY P.L.2-2008,
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2024]: Sec. 45. (a) The board shall meet at least annually.
 5 (b) The board may meet at other times and at a location specified by
 6 the chairperson or a majority of the board.
 7 **(c) The board shall publish the:**
 8 **(1) minutes; and**
 9 **(2) video;**
 10 **of each meeting.**
 11 SECTION 13. IC 15-16-4-46, AS AMENDED BY P.L.120-2008,
 12 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 46. (a) ~~Nine (9)~~ **Ten (10) voting** members of the
 14 board constitute a quorum.
 15 (b) Official actions are subject to approval by a simple majority of
 16 board members present at a called meeting.
 17 (c) The chairperson shall actively participate in all decisions of the
 18 board.
 19 SECTION 14. IC 15-16-4-50, AS AMENDED BY P.L.249-2023,
 20 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2024]: Sec. 50. (a) The board may recommend to the general
 22 assembly the addition, deletion, or reclassification of pesticides by
 23 submitting in an electronic format under IC 5-14-6 a report of the
 24 recommendations to the legislative council. In making a determination
 25 to add or reclassify a pesticide as a restricted use pesticide for all of
 26 Indiana or designated areas within Indiana, the board must find that the
 27 characteristics of a pesticide require that rules restricting the:
 28 (1) sale;
 29 (2) distribution; or
 30 (3) use;
 31 of the pesticide by any person are necessary to prevent undue hazards
 32 to persons, animals, wildlife, lands, or waters, other than the pests that
 33 they are intended to prevent, destroy, control, or mitigate. The board
 34 shall publish the board's findings in the Indiana Register.
 35 (b) The board may adopt rules under IC 4-22-2 to do the following:
 36 (1) Provide for the safe:
 37 (A) handling;
 38 (B) transportation;
 39 (C) storage;
 40 (D) display;
 41 (E) distribution;
 42 (F) disposal; and



- 1 (G) production;
 2 of pesticide products and pesticide containers.
 3 (2) Restrict or prohibit the use of certain types of containers or
 4 packages for specific pesticides. The restrictions may apply to the:
 5 (A) type of construction;
 6 (B) strength; or
 7 (C) size;
 8 to alleviate danger of spillage, breakage, or misuse.
 9 (3) Determine the time and conditions of the:
 10 (A) sale;
 11 (B) distribution; or
 12 (C) use;
 13 of **restricted use** pesticide products.
 14 (4) Require that any or all **restricted use** pesticide products be
 15 purchased, possessed, or used only under:
 16 (A) permit;
 17 (B) certificate;
 18 (C) license; or
 19 (D) registration;
 20 of the state chemist or under certain conditions or in certain
 21 quantities or concentrations.
 22 (5) Require all persons issued:
 23 (A) permits;
 24 (B) certificates;
 25 (C) licenses; or
 26 (D) registrations;
 27 under this subsection to maintain records as to the use of the
 28 **restricted use** pesticide products.
 29 (c) The state chemist shall maintain a list of each class of pesticides
 30 adopted by Indiana law or board rule on the website for the state
 31 chemist. Failure to include a pesticide on the list does not exempt a
 32 person from compliance with a law or rule for a pesticide designated
 33 by law or rule.
 34 SECTION 15. IC 15-16-4-55, AS AMENDED BY P.L.99-2012,
 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 55. **If the state chemist or the state chemist's**
 37 **agent has reasonable suspicion of a violation of this chapter by a**
 38 **person who distributes a pesticide product**, the state chemist or the
 39 state chemist's agent may do the following:
 40 (1) Enter any public or private premises, including any vehicle of
 41 transport during regular business hours:
 42 (A) to:



- 1 (i) have access to; and
 2 (ii) obtain samples of;
 3 pesticide products; and
 4 (B) to:
 5 (i) examine; and
 6 (ii) copy;
 7 records relating to the production, use, transportation, and sale
 8 of pesticide products, subject to this chapter, the rules adopted
 9 under this chapter, and the Federal Insecticide, Fungicide, and
 10 Rodenticide Act (7 U.S.C. 136 et seq.).
- 11 (2) Enter at a reasonable time in or upon any:
 12 (A) private; or
 13 (B) public;
 14 property for the purpose of inspection and investigating
 15 conditions possibly resulting from the use or misuse of a pesticide
 16 product.
- 17 SECTION 16. IC 15-16-4-57, AS AMENDED BY P.L.249-2023,
 18 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2024]: Sec. 57. Except as provided in section 58 of this
 20 chapter, a person may not produce, distribute, display, sell, or offer for
 21 sale within Indiana or deliver for transportation or transport in
 22 intrastate commerce or between points within Indiana through any
 23 point outside Indiana any of the following:
- 24 (1) Any pesticide product that has not been registered under
 25 section 61 of this chapter.
 26 (2) Any pesticide product if any of the claims made for it or any
 27 of the directions for its use differ in substance from the
 28 representations made in connection with its registration.
 29 (3) A pesticide product if the composition of the product differs
 30 from the composition as represented in connection with its
 31 registration. However, at the discretion of the state chemist, a
 32 change in the labeling or formula of a pesticide may be made
 33 within a registration period without requiring reregistration of the
 34 product.
 35 (4) Any pesticide product (except a ~~bulk pesticide~~ or a pesticide
 36 in a container designed and constructed to accommodate the
 37 return and refill of the container **as required in 40 CFR 165**)
 38 unless it is in the registrant's or the manufacturer's unbroken
 39 immediate container, and there is affixed to that container, and to
 40 any outside container or wrapper of the retail package through
 41 which the required information on the immediate container cannot
 42 be clearly read, a label bearing:



- 1 (A) the name and address of the manufacturer, registrant, or
 2 person for whom manufactured;
 3 (B) the name, brand, or trademark under which the pesticide
 4 product is sold; and
 5 (C) the net weight or measure of the content, subject, however,
 6 to reasonable variations as the state chemist may permit.
 7 (5) Any pesticide product that is adulterated or misbranded.
 8 (6) Any pesticide product in containers violating rules adopted
 9 under section 50(b)(2) of this chapter **or 40 CFR 165**. Pesticides
 10 found in containers that are unsafe due to damage may be seized
 11 and impounded.
 12 (7) A highly volatile herbicide except on written permission by
 13 the state chemist.
 14 ~~(8) Any bulk pesticide unless it is accompanied in all transfers of~~
 15 ~~custody or ownership by or held in storage vessels to which is~~
 16 ~~affixed a label bearing the information specified in subdivision~~
 17 ~~(4).~~
 18 ~~(9)~~ **(8)** Any pesticide that violates the Federal Insecticide,
 19 Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or
 20 regulations adopted under the Act.
 21 SECTION 17. IC 15-16-4-62, AS AMENDED BY P.L.91-2020,
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2024]: Sec. 62. (a) Each registrant shall pay an annual,
 24 nonrefundable application fee of one hundred seventy dollars (\$170)
 25 for each application for each pesticide product submitted for
 26 registration or reregistration.
 27 (b) Each registration expires January 1 of each year.
 28 (c) All fees collected by the state chemist under this chapter shall be
 29 paid to the treasurer of Purdue University, who shall deposit the fees in
 30 a special restricted account designated by the treasurer of the board of
 31 trustees of Purdue University.
 32 (d) From the account described in subsection (c), the treasurer shall
 33 pay all expenses incurred in administering this chapter, including
 34 expenses for the following:
 35 (1) The employment of:
 36 (A) inspectors;
 37 (B) investigators;
 38 (C) researchers;
 39 (D) analysts;
 40 (E) administrators; and
 41 (F) clerical and service staff.
 42 (2) Expenses in procuring samples and printing results of



- 1 inspections.
- 2 (3) Purchasing:
- 3 (A) supplies;
- 4 (B) equipment; and
- 5 (C) services.
- 6 (4) Necessary remodeling.
- 7 (5) Other expenses of the office of the state chemist.
- 8 (6) The transfer of ten dollars (\$10) from each fee paid under
- 9 subsection (a) on an annual basis to the office of Purdue pesticide
- 10 programs to provide education about the safe and effective use of
- 11 pesticides.

12 The treasurer is not required to use any other funds, except those

13 collected as registration fees, to pay any expenses incurred in the

14 administration of this chapter. The dean of agriculture shall make an

15 annual financial report to the governor, **legislative council, and budget**

16 **committee** showing total receipts and expenditures of all fees received

17 under this chapter. **The budget committee shall review this report**

18 **annually.**

19 (e) A registrant who registers or pays an annual fee after December

20 31 of any year shall pay a late fee of one hundred seventy dollars

21 (\$170) as well as the annual fee.

22 (f) Excess funds from the collection of fees under this chapter are

23 subject to IC 15-16-2-36.

24 SECTION 18. IC 15-16-4-65, AS ADDED BY P.L.2-2008,

25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

26 JULY 1, 2024]: Sec. 65. (a) **Subject to subsection (b)**, the state

27 chemist may, by rule, declare that information required under this

28 chapter is confidential.

29 (b) **Any findings related to a violation of this chapter or rules**

30 **adopted under this chapter must be disclosed to the alleged**

31 **violation before a:**

- 32 (1) **final determination is made; and**
- 33 (2) **penalty is assessed.**

34 SECTION 19. IC 15-16-4-69, AS AMENDED BY P.L.76-2021,

35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

36 JULY 1, 2024]: Sec. 69. (a) Subject to this section, if a person violates

37 this chapter or a rule adopted under this chapter, the state chemist

38 under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on the

39 person or:

- 40 (1) deny;
- 41 (2) suspend;
- 42 (3) revoke; or



- 1 (4) amend;
 2 the person's registration under this chapter.
- 3 (b) The state chemist may impose civil penalties under this section
 4 only in accordance with subsections (c) through (e). However, this
 5 section does not require the state chemist to impose a civil penalty on
 6 a person for any violation of this chapter or a rule adopted under this
 7 chapter.
- 8 (c) Except for a violation described in subsection (d) or (e), the state
 9 chemist may impose a civil penalty not exceeding two hundred fifty
 10 dollars (\$250) for a violation of this chapter or any rule adopted under
 11 this chapter. A civil penalty imposed under this subsection may be
 12 adjusted for mitigating actions described in subsection (f). A civil
 13 penalty under this subsection may not be imposed unless a warning for
 14 a violation has previously been issued to the person for the same
 15 violation within the previous five (5) years.
- 16 (d) Subject to adjustment under subsection (f) for mitigating actions,
 17 the state chemist may impose a civil penalty not exceeding five
 18 hundred dollars (\$500) if the state chemist finds that a person has done
 19 any of the following:
- 20 (1) Unknowingly committed an act described in section 57(1) of
 21 this chapter.
 - 22 (2) Committed an act described in section 57(2) through 57(5) of
 23 this chapter.
 - 24 (3) Unknowingly committed an act described in section 66(1) of
 25 this chapter.
 - 26 (4) Committed an act described in section 66(2) or 66(3) of this
 27 chapter.
 - 28 ~~(5) Unknowingly committed an act described in 357 IAC 1-3-3.~~
 - 29 **(6) (5) Stored a nonrestricted use pesticide in a minibulk pesticide**
 30 **storage container outside of secondary containment. or dispensed**
 31 **a general use pesticide in a manner inconsistent with 40 CFR**
 32 **165.**
- 33 (e) The state chemist may impose a civil penalty of one thousand
 34 dollars (\$1,000) if the state chemist finds that a person has done any of
 35 the following:
- 36 (1) Knowingly committed an act described in section 57(1) of this
 37 chapter.
 - 38 (2) Committed an act described in section ~~57(9)~~ **57(8)** of this
 39 chapter.
 - 40 (3) Knowingly committed an act described in section 66(1) of this
 41 chapter.
 - 42 (4) Committed an act described in section 67, 68, 73(c), or 77 of



- 1 this chapter.
- 2 ~~(5) Committed an act described in 357 IAC 1-3-2.~~
- 3 ~~(6) Knowingly committed an act described in 357 IAC 1-3-3.~~
- 4 ~~(7) (5) Stored~~
- 5 ~~(A) any pesticide in a bulk pesticide storage container; or~~
- 6 ~~(B) a restricted use pesticide in a minibulk pesticide storage~~
- 7 ~~container;~~
- 8 ~~outside of secondary containment. or dispensed a restricted use~~
- 9 ~~pesticide in a manner inconsistent with 40 CFR 165.~~
- 10 ~~(8) (6) After notice, refused to comply with this chapter, the rules~~
- 11 ~~adopted under this chapter, or a lawful order of the state chemist~~
- 12 ~~or board.~~
- 13 (f) The state chemist may not adjust the amount of the civil penalty
- 14 for a violation listed in subsection (e). The state chemist may reduce
- 15 the amount of the civil penalty for a violation listed in subsection (c) or
- 16 (d) if the state chemist finds that the person responsible for the
- 17 violation has taken any of the following mitigating actions:
- 18 (1) Cooperated with the state chemist during the investigation or
- 19 inspection process.
- 20 (2) Took corrective action to prevent future similar violations.
- 21 (3) Compensated a victim for any adverse effects that resulted
- 22 from the violation.
- 23 The state chemist may reduce the amount of the civil penalty by twenty
- 24 percent (20%) for each mitigating action taken by the person
- 25 responsible for the violation.
- 26 (g) A proceeding under IC 4-21.5-3 that involves the imposition of
- 27 a civil penalty may be consolidated with any other proceeding
- 28 commenced under IC 4-21.5 to enforce this chapter or the rules
- 29 adopted under this chapter.
- 30 **(h) The state chemist shall limit the imposition of a civil penalty**
- 31 **in a proceeding involving multiple counts of repeated incidents of**
- 32 **the same violation to five (5) counts.**
- 33 **(i) Any findings related to a violation of this chapter must be**
- 34 **disclosed to the alleged violator before a:**
- 35 **(1) final determination is made; and**
- 36 **(2) penalty is assessed.**
- 37 ~~(h) (j) Money collected for civil penalties imposed under this~~
- 38 ~~section shall be credited to the office of Purdue pesticide programs.~~
- 39 ~~The money may be used only to provide education about pesticides.~~
- 40 SECTION 20. IC 15-16-5-6, AS ADDED BY P.L.2-2008,
- 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2024]: Sec. 6. As used in this chapter, "certified applicator"



1 means any individual who is certified under this chapter as qualified to
2 use or supervise the use of **restricted use** pesticides and has been
3 issued a license or permit as evidence of the individual's qualifications.

4 SECTION 21. IC 15-16-5-7, AS AMENDED BY P.L.91-2020,
5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2024]: Sec. 7. As used in this chapter, "commercial
7 applicator" means a certified applicator, whether or not a private
8 applicator with respect to some uses, who uses or supervises the use of
9 **restricted use** pesticide products for any purpose or on any property
10 other than as provided by section 30 of this chapter.

11 SECTION 22. IC 15-16-5-10.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2024]: **Sec. 10.5. As used in this chapter,**
14 **"direct supervision" has the meaning established in 40 CFR**
15 **171.201.**

16 SECTION 23. IC 15-16-5-14.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2024]: **Sec. 14.5. As used in this chapter,**
19 **"general use pesticide" has the meaning set forth in**
20 **IC 15-16-4-15.5.**

21 SECTION 24. IC 15-16-5-15.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2024]: **Sec. 15.5. As used in this chapter,**
24 **"isolation area" means the area that is:**

- 25 (1) **located within two hundred (200) feet of a community**
26 **public water supply system production well that serves at**
27 **least fifteen (15) service connections used by year-round**
28 **residents or regularly serves at least twenty-five (25)**
29 **year-round residents; and**
30 (2) **intended to protect ground water from direct**
31 **contamination by pesticides.**

32 SECTION 25. IC 15-16-5-16, AS AMENDED BY P.L.91-2020,
33 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2024]: Sec. 16. As used in this chapter, "licensed applicator
35 for hire" means any licensed certified commercial applicator who is
36 employed by a licensed pesticide business to use or to supervise the use
37 of any **restricted use** pesticide product on the property of another and
38 who has assumed direct responsibility for the use or supervision of the
39 use of **restricted use** pesticide products by the business.

40 SECTION 26. IC 15-16-5-17, AS ADDED BY P.L.2-2008,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2024]: Sec. 17. As used in this chapter, "licensed applicator



1 not for hire" means a licensed certified commercial applicator who is
 2 employed by a private employer to use or supervise the use of a
 3 restricted use pesticide only on the property of the employer. ~~The term~~
 4 ~~includes a commercial applicator using a pesticide in a potentially~~
 5 ~~hazardous situation or site as determined by the board.~~

6 SECTION 27. IC 15-16-5-20, AS ADDED BY P.L.2-2008,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 20. As used in this chapter, "licensed public
 9 applicator" means a licensed certified commercial applicator who uses
 10 or supervises the use of a restricted use pesticide as an employee of a
 11 state agency, municipal corporation, or other governmental agency. ~~The~~
 12 ~~term includes a commercial applicator using a pesticide in a potentially~~
 13 ~~hazardous situation or site as determined by the board.~~

14 SECTION 28. IC 15-16-5-21.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2024]: **Sec. 21.5. As used in this chapter,**
 17 **"nontarget site" means any location, thing, or organism that is not**
 18 **the intended target site of the pesticide application, including the**
 19 **following:**

- 20 (1) **Personal property.**
- 21 (2) **Public property.**
- 22 (3) **A body of water.**
- 23 (4) **An individual.**
- 24 (5) **An animal that is not a pest, including managed**
 25 **pollinators.**
- 26 (6) **Livestock.**
- 27 (7) **A commodity, including an agricultural crop.**
- 28 (8) **A plant that is not a weed.**

29 SECTION 29. IC 15-16-5-26 IS REPEALED [EFFECTIVE JULY
 30 1, 2024]. Sec. 26. As used in this chapter, "pesticide consultant" means
 31 a person engaged in the retail sale of pesticides who:

- 32 (1) offers or supplies technical advice to;
- 33 (2) aids; or
- 34 (3) makes recommendations to;

35 another person concerning the use of a pesticide as part of business.

36 SECTION 30. IC 15-16-5-27.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2024]: **Sec. 27.5. As used in this chapter,**
 39 **"pesticide notification registry" means the registry created and**
 40 **maintained by a school listing the names and contact information**
 41 **of:**

- 42 (1) **parents and guardians of children at the school; and**



1 **(2) school staff;**
 2 **who have requested to be notified of the details of pesticide**
 3 **applications at the school.**

4 SECTION 31. IC 15-16-5-30, AS ADDED BY P.L.2-2008,
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 30. As used in this chapter, "private applicator"
 7 means a certified **and permitted** applicator who uses or supervises the
 8 use of **restricted use** pesticides for purposes of producing any
 9 agricultural commodity on property owned, rented, or managed by the
 10 employer or the applicator, if applied without compensation on the
 11 property of another person.

12 SECTION 32. IC 15-16-5-33 IS REPEALED [EFFECTIVE JULY
 13 1, 2024]. Sec. ~~33~~. As used in this chapter, "registered technician"
 14 means a person who:

- 15 (1) is not licensed under this chapter;
- 16 (2) has registered with the state chemist; and
- 17 (3) is authorized to engage in pesticide use and related activities
 18 under the direct supervision of a licensed and certified applicator.

19 SECTION 33. IC 15-16-5-34.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2024]: Sec. 34.5. (a) As used in this chapter,
 22 "school" means the physical buildings and grounds of an
 23 institution for the instruction of students, including the following:

- 24 (1) An elementary school (as defined in IC 20-18-2-4).
- 25 (2) A high school (as defined in IC 20-18-2-7).
- 26 (3) A charter school (as defined in IC 20-24-1-4).
- 27 (4) A nonpublic school (as defined in IC 20-18-2-12).
- 28 (5) The Indiana School for the Blind and Visually Impaired
 29 established by IC 20-21.
- 30 (6) The Indiana School for the Deaf established by IC 20-22.
- 31 (7) A before or after school program that is located in a
 32 physical building or on the grounds of an institution listed in
 33 subdivisions (1) through (6).

34 (b) The term does not include any of the following:

- 35 (1) A Sunday school, a vacation Bible school, and any private
 36 religious school except those that are accredited by the
 37 department of education.
- 38 (2) A day care center, including a child care center, child care
 39 home, or child care ministry.
- 40 (3) A home school.
- 41 (4) A postsecondary school, including a college and university.

42 SECTION 34. IC 15-16-5-37.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2024]: **Sec. 37.5. As used in this chapter,**
 3 **"wellhead protection area zone" means the surface and subsurface**
 4 **area of the wellhead protection area that is located within a three**
 5 **thousand (3,000) foot radius of a community public water supply**
 6 **system production well or well field and through which**
 7 **contaminants are likely to move and reach the well.**

8 SECTION 35. IC 15-16-5-39.6 IS REPEALED [EFFECTIVE JULY
 9 1, 2024]. ~~Sec. 39.6. The board shall establish a working group to~~
 10 ~~review civil penalties. Before December 1, 2020, the working group~~
 11 ~~shall make recommendations concerning civil penalties to the:~~

12 ~~(1) board; and~~

13 ~~(2) general assembly in an electronic format under IC 5-14-6.~~

14 SECTION 36. IC 15-16-5-42, AS AMENDED BY P.L.99-2012,
 15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 42. The state chemist may waive all or part of the
 17 requirements provided for in sections 45, 46, 48, 49, 50, 51, 52, 54, ~~56,~~
 18 and 57 of this chapter on a reciprocal basis with any other state agency
 19 or federal agency that has substantially the same standards.

20 SECTION 37. IC 15-16-5-44, AS ADDED BY P.L.2-2008,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 44. (a) The board may adopt rules under IC 4-22-2
 23 prescribing policies and procedures relating to **restricted use**
 24 **pesticides:**

25 (1) ~~the use; and~~

26 (2) ~~application; of pesticides; and~~

27 (2) ~~diagnostic inspections and reports for wood destroying pests.~~

28 (3) ~~storage;~~

29 (4) ~~distribution; and~~

30 (5) ~~record keeping.~~

31 (b) For the purpose of uniformity and in order to enter into both
 32 cooperative and reciprocal agreements, the board may adopt restricted
 33 use pesticide classifications as determined by the United States
 34 Environmental Protection Agency. The state chemist may adopt
 35 additional rules under IC 4-22-2 as required to accomplish the purpose
 36 of this chapter.

37 (c) Rules adopted under this chapter may not permit any pesticide
 38 use that is prohibited by federal law and regulations or orders issued
 39 under federal law.

40 (d) **The following requirements and standards established in**
 41 **federal rules shall be adopted as state requirements and standards:**

42 (1) **40 CFR 165, federal pesticide containers, repackaging, and**



1 **containment structures.**

2 **(2) 40 CFR 170, federal pesticide agricultural worker**
3 **protection standard.**

4 **(3) 40 CFR 171.201, federal direct supervision of noncertified**
5 **applicators by certified applicators.**

6 SECTION 38. IC 15-16-5-45, AS AMENDED BY P.L.91-2020,
7 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]: Sec. 45. (a) **As required by 40 CFR 171**, the state
9 chemist shall adopt rules to establish categories and qualifications to
10 certify and license persons to use pesticides and to make diagnostic
11 inspections and reports for wood destroying pests under this chapter.
12 Each category is subject to separate testing procedures and
13 requirements. A person is not required to pay an additional license fee
14 if the person desires to be licensed in more than one (1) of the license
15 categories provided for by the state chemist under this section.

16 (b) The state chemist, in adopting rules under this section, shall
17 establish examination content and standards for the certification of
18 persons who use pesticides or who make diagnostic inspections and
19 reports for wood destroying pests. The examination content and
20 standards must relate to the following:

21 (1) The hazards involved in the use and handling of pesticides, or
22 the use and handling of the pesticide or class of pesticides
23 covered by the individual's certification.

24 (2) The job responsibilities of the individual using pesticides that
25 are covered by the individual's certification.

26 (3) Any relevant information addressed in 40 CFR ~~Part~~ 171.

27 (c) **If required by 40 CFR 171**, the state chemist ~~may~~ **shall** require
28 a person certified under this chapter as a commercial applicator or a
29 private applicator to renew the person's certification, under
30 requirements and standards established by the state chemist, to assure
31 that the person maintains a level of competence and ability to use
32 **restricted use** pesticides safely and properly.

33 (d) An individual who is certified and licensed under this chapter
34 must be at least eighteen (18) years of age, as proven by a valid
35 government issued identification or an equivalent form of
36 identification.

37 SECTION 39. IC 15-16-5-46, AS ADDED BY P.L.2-2008,
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2024]: Sec. 46. A person required to be certified ~~or registered~~
40 under this chapter may not:

41 (1) use or supervise the use of any **restricted use** pesticide; or

42 (2) make diagnostic inspections or reports to determine



1 infestations of wood destroying pests;
 2 unless the person complies with the certification ~~or registration~~
 3 requirements under this chapter and any other requirements determined
 4 by the state chemist to be necessary to prevent unreasonable adverse
 5 effects on the environment.

6 SECTION 40. IC 15-16-5-48, AS AMENDED BY P.L.91-2020,
 7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 48. (a) Subject to section 55 of this chapter, a
 9 person may not engage in or profess to engage in the business of:

10 (1) using a **restricted use** pesticide; or

11 (2) making diagnostic inspections or reports to determine
 12 infestations of wood destroying pests;
 13 on the property of another for hire at any time without a pesticide
 14 business license issued by the state chemist. The state chemist shall
 15 require an annual license fee of forty-five dollars (\$45) for each
 16 pesticide business license that is issued.

17 (b) A pesticide business license must be obtained for each unique
 18 business location or business name from which ~~pesticide use~~ **restricted**
 19 **use pesticides are used** or application of **restricted use pesticides** is
 20 conducted.

21 (c) The application for a license must be on a form provided by the
 22 state chemist. Each application must contain information necessary for
 23 the administration of this chapter.

24 (d) The state chemist may not issue a pesticide business license until
 25 the applicant or a pesticide applicator in the applicant's hire who uses
 26 or supervises the use of a **restricted use** pesticide on the property of
 27 another is certified by passing an examination to demonstrate to the
 28 state chemist the applicant's or applicator's knowledge of the:

29 (1) use of **restricted use** pesticides under the category for which
 30 the applicant or applicator has applied; and

31 (2) nature and effect of pesticides the applicant or applicator may
 32 apply under the categories.

33 At least one (1) licensed applicator for hire must be associated with
 34 each location from which **restricted use** pesticides are used for hire.

35 (e) The state chemist may renew any pesticide business license.

36 (f) Subject to subsections (a), (b), (c), and (d) and section 65 of this
 37 chapter, if:

38 (1) the state chemist finds the applicant qualified to engage in the
 39 business of using **restricted use** pesticides or making diagnostic
 40 inspections or reports to determine infestations of wood
 41 destroying pests on the property of another;

42 (2) the applicant files evidence of financial responsibility required



1 under section 58 of this chapter; and

2 (3) the applicant applying for a license involving aerial
3 application of **restricted use** pesticides has met all of the
4 requirements of:

5 (A) the Federal Aviation Administration;

6 (B) the Indiana department of transportation; and

7 (C) any other applicable federal or state statutes or regulations
8 to operate the equipment described in the application;

9 the state chemist may issue a pesticide business license limited to the
10 categories for which the applicant or a pesticide applicator in the
11 applicant's hire is qualified. The license expires January 1 of the year
12 following issue unless it has been invalidated, revoked, or suspended
13 earlier by the state chemist. A surety bond or certificate of liability
14 insurance in force or certificate of financial responsibility required
15 under section 58 of this chapter must be maintained and in effect on a
16 continuing basis.

17 (g) The state chemist may limit a license or the operation of a
18 business to the use of certain **restricted use** pesticides, or to certain
19 areas, or to certain types of equipment if the applicant is only so
20 qualified.

21 (h) If a license is not issued as applied for, the state chemist shall
22 inform the applicant in writing of the reasons the license was not
23 issued.

24 SECTION 41. IC 15-16-5-49, AS ADDED BY P.L.2-2008,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2024]: Sec. 49. A person may not:

27 (1) act as an employee of a licensed pesticide business and use or
28 supervise the use of a **restricted use** pesticide on another person's
29 property; or

30 (2) make diagnostic inspections or reports to determine
31 infestations of wood destroying pests on another person's
32 property;

33 without having obtained a license to act as a licensed applicator for hire
34 or a licensed pest inspector from the state chemist. However, a
35 ~~competent~~ person who is not a licensed applicator for hire may use a
36 **restricted use** pesticide under the direct supervision of a licensed
37 applicator. An applicator's license and a pest inspector's license does
38 not relieve the person from the responsibility of obtaining any other
39 license or permit required for the operation or use of any equipment.

40 SECTION 42. IC 15-16-5-50, AS ADDED BY P.L.2-2008,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2024]: Sec. 50. (a) Except as provided in subsection (b), a



1 person may not act as a licensed applicator not for hire unless the
2 person has obtained a license from the state chemist.

3 (b) A person who is not a licensed applicator not for hire may use
4 a **restricted use** pesticide if the person is under the direct supervision
5 of a licensed applicator not for hire.

6 SECTION 43. IC 15-16-5-51, AS ADDED BY P.L.2-2008,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]: Sec. 51. (a) All state agencies, municipal corporations,
9 and other governmental agencies are subject to this chapter and rules
10 adopted under this chapter concerning the application of **restricted use**
11 pesticides.

12 (b) Except as provided in subsection (c), a person may not act as a
13 licensed public applicator unless the person has obtained a license from
14 the state chemist.

15 (c) A person who is not a licensed public applicator may use a
16 **restricted use** pesticide if the person is under the direct supervision of
17 a licensed public applicator.

18 (d) The public applicator's license is valid only when the applicator
19 is using or supervising the use of **restricted use** pesticides by public
20 agencies. Government research personnel are not exempt from the
21 licensing requirement when using **restricted use** pesticides.

22 SECTION 44. IC 15-16-5-52, AS AMENDED BY P.L.99-2012,
23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2024]: Sec. 52. (a) A person applying for a license described
25 under section 49, 50, or 51 of this chapter must:

26 (1) submit an application to the state chemist on a form provided
27 by the state chemist;

28 (2) pass the appropriate examination provided under section 45 of
29 this chapter;

30 (3) except for a person who is:

31 (A) applying for a licensed public applicator's license; or

32 (B) an employee of a nonprofit organization;

33 submit a fee of forty-five dollars (\$45) to the state chemist; and

34 (4) if the person will engage in the aerial application of **restricted**
35 **use** pesticides, submit proof to the state chemist that the person
36 has satisfied aerial application requirements under applicable
37 state and federal laws.

38 (b) Subject to section 65 of this chapter, if a person meets the
39 requirements under subsection (a), the state chemist shall issue the
40 appropriate license to the person.

41 (c) If the state chemist does not issue a license to a person who
42 applied for a license described under subsection (a), the state chemist



1 shall inform the person in writing of the reason the license was not
2 issued.

3 (d) A person who has been issued a license under subsection (b):

4 (1) shall notify the state chemist in writing within ten (10) days
5 after a change in or termination of the person's employment as a
6 licensed applicator for hire, a licensed applicator not for hire, or
7 a licensed public applicator; and

8 (2) may apply to the state chemist to transfer or amend the
9 person's license by submitting an updated application form
10 described under subsection (a)(1).

11 (e) A license issued under subsection (b):

12 (1) expires January 1 of each year; and

13 (2) subject to section 65 of this chapter, may be renewed by the
14 person holding the license if the person:

15 (A) submits a renewal application on a form provided by the
16 state chemist; and

17 (B) except for a person renewing a licensed public applicator's
18 license or an employee of a nonprofit organization, pays a
19 forty-five dollar (\$45) renewal fee;

20 before January 1.

21 SECTION 45. IC 15-16-5-54, AS ADDED BY P.L.2-2008,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 54. (a) A private applicator may not be issued a
24 permit to use a restricted use pesticide without first complying with the
25 certification requirements, including passing an examination,
26 determined by the state chemist necessary to prevent unreasonable
27 adverse effects on the environment, including injury to the applicator
28 or other persons.

29 (b) Certification standards to determine a person's competency with
30 respect to the use and handling of the pesticide or class of pesticides
31 that the private applicator is to be certified to use must be relative to
32 hazards as described in section 45 of this chapter. In determining these
33 standards, the state chemist shall observe those standards for private
34 applicator certification provided by the ~~U.S.~~ **United States**
35 Environmental Protection Agency.

36 (c) A fee of twenty dollars (\$20) must be paid to the state chemist
37 by each person applying for a certification as a private applicator under
38 this section.

39 (d) If the state chemist does not certify the private applicator under
40 this section, the state chemist shall inform the applicant of the reasons
41 the applicant was not certified and return the applicant's application
42 fee.



1 (e) **As required by 40 CFR 171**, the state chemist may require
 2 additional knowledge to ensure that applicators continue to meet the
 3 requirements of changing technology and to assure a continuing level
 4 of competence and ability to use pesticides safely and properly.

5 SECTION 46. IC 15-16-5-55, AS AMENDED BY P.L.91-2020,
 6 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 55. Section 48 of this chapter relating to pesticide
 8 business licenses and requirements for their issuance does not apply to
 9 the following:

10 (1) A farmer who applies pesticides for the farmer's own use or
 11 with ground equipment or manually for the farmer's neighbors if:

12 (A) the farmer operates farm property and operates and
 13 maintains pesticide application equipment primarily for the
 14 farmer's own use;

15 (B) the farmer is not engaged in the business of applying
 16 **restricted use** pesticides for hire and the farmer does not
 17 publicly profess to be a pesticide business;

18 (C) the farmer operates the farmer's pesticide application
 19 equipment only in the vicinity of the farmer's own property
 20 and for the accommodation of the farmer's neighbors without
 21 any compensation; and

22 (D) the farmer is certified as a private applicator if the farmer
 23 uses restricted use pesticides.

24 (2) A veterinarian who uses **restricted use** pesticides as an
 25 incidental part of the veterinarian's practice, if the veterinarian is
 26 not regularly engaged in or does not profess to be engaged in the
 27 business of using **restricted use** pesticides for hire.

28 ~~(3) Research personnel applying general use pesticides only to~~
 29 ~~bona fide experimental plots.~~

30 ~~(4) A person who uses nonrestricted general use pesticides for~~
 31 ~~purposes of disinfecting or sanitizing, unless a license is required~~
 32 ~~by a rule established by the board.~~

33 SECTION 47. IC 15-16-5-56 IS REPEALED [EFFECTIVE JULY
 34 1, 2024]. Sec. 56. ~~The state chemist shall establish and administer a~~
 35 ~~program to register individuals as registered technicians.~~

36 SECTION 48. IC 15-16-5-57, AS ADDED BY P.L.2-2008,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: Sec. 57. (a) Each person who is a restricted use
 39 pesticide dealer shall register with the state chemist. Registration shall
 40 be required for each business location distributing restricted use
 41 pesticides and shall be accomplished on a form to be provided by the
 42 state chemist. A registration expires January 1 following issuance



1 unless the registration is renewed annually. A registration fee of
2 forty-five dollars (\$45) must accompany the application.

3 (b) This section does not apply to:

4 (1) a licensed pesticide business that sells pesticides only as an
5 integral part of its pesticide application service when the
6 pesticides are dispensed only through equipment used for this
7 pesticide application;

8 (2) any federal, state, county, or municipal agency that provides
9 pesticides only for its own programs; or

10 (3) any person who is the final purchaser of a pesticide for
11 application to property or property rights owned, leased, or
12 acquired by the person.

13 (c) Each registered pesticide dealer is responsible for the acts of
14 each person employed by the dealer in the solicitation and sale of
15 restricted use pesticides and all claims and recommendations for use
16 of pesticides. The dealer's registration is subject to sections 65 and 66
17 of this chapter for any violation of this chapter whether committed by
18 the dealer or by the dealer's officer, agent, or employee.

19 **(d) As required by 40 CFR 171, a registered pesticide dealer
20 must keep and maintain a record for each transaction involving the
21 distribution of a restricted use pesticide to a certified end user for
22 at least two (2) years from the date of distribution. The records
23 must include the following:**

24 **(1) Name of the certified applicator for whom the purchase or
25 distribution is being made.**

26 **(2) Certification, license, or permit number of the certified
27 applicator.**

28 **(3) Except for a certification from the state chemist, the state,
29 tribe, or federal agency that issued the certification.**

30 **(4) Certification, license, or permit expiration date of the
31 certified applicator.**

32 **(5) Certification, license, or permit categories of the certified
33 applicator.**

34 **(6) Address of the certified applicator or application business
35 that employs the certified applicator.**

36 **(7) Date of distribution.**

37 **(8) Brand name of the pesticide product.**

38 **(9) United States Environmental Protection Agency
39 registration number of the pesticide product.**

40 **(10) Amount of pesticide product distributed.**

41 **(11) Any applicable emergency exemption or state special
42 local need registration number.**



1 **(12) Signature or verifiable confirmation of the person**
 2 **presenting the certification credentials, ordering, or taking**
 3 **delivery of the pesticide product.**

4 SECTION 49. IC 15-16-5-58, AS ADDED BY P.L.120-2008,
 5 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 58. (a) The state chemist may not issue a pesticide
 7 business license or a pest inspector license until the applicant for the
 8 license has furnished a surety bond, a certificate of liability insurance
 9 in force, or a certificate of financial responsibility to protect persons
 10 who may suffer legal damages as a result of the **restricted use**
 11 pesticide operations or pest inspections of the applicant. If the surety
 12 bond, liability insurance, or financial responsibility is not maintained
 13 at all times during the licensing period, the pesticide business license,
 14 pest inspector license, and any associated commercial applicator
 15 licenses ~~and technician registrations~~ are invalid. The applicant may not
 16 engage in or profess to be engaged in the business of using **restricted**
 17 **use** pesticides or pest inspection until the financial responsibility is in
 18 compliance and the applicant's license is reinstated by the state
 19 chemist.

20 (b) This chapter does not relieve any person from liability for any
 21 damage to the person or property of another caused by the use of
 22 **restricted use** pesticides even though the use conforms to the rules
 23 adopted under this chapter.

24 SECTION 50. IC 15-16-5-58.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2024]: **Sec. 58.5. This chapter does not**
 27 **relieve any person from liability for any damage to the person or**
 28 **property of another person caused by the use of general use**
 29 **pesticides.**

30 SECTION 51. IC 15-16-5-59, AS AMENDED BY P.L.91-2020,
 31 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2024]: Sec. 59. (a) **As required in 40 CFR 171**, commercial
 33 applicators **and** private applicators ~~and licensed pest inspectors~~ shall
 34 maintain records concerning

- 35 (1) the application of restricted use pesticides.
 36 (2) ~~the application of pesticides for hire;~~
 37 (3) the application of pesticides on golf courses;
 38 (4) the application of pesticides on school property;
 39 (5) diagnostic inspections to determine infestations of wood
 40 destroying pests; and
 41 (6) any relevant information that the state chemist determines by
 42 rule is necessary for purposes of this chapter.



- 1 (b) Records required under this section must be kept for
 2 ~~(1)~~ two (2) years after the date of ~~the inspection~~ or the application
 3 of the **restricted use** pesticide. ~~or~~
 4 ~~(2)~~ the time specified by rule.
- 5 (c) **As required in 40 CFR 171, records required to be**
 6 **maintained under this section include the following:**
- 7 (1) **Name of the customer, property owner, or custodian of the**
 8 **site of application.**
- 9 (2) **Address, geographic coordinates, or general location**
 10 **description of the site of application.**
- 11 (3) **Name of the person making the application.**
- 12 (4) **Name of the commercial or private applicator responsible**
 13 **for the application, if different from the name in subdivision**
 14 **(3).**
- 15 (5) **License number of the commercial or private applicator**
 16 **responsible for the application.**
- 17 (6) **Date of application.**
- 18 (7) **Start and stop times of the application.**
- 19 (8) **Description of the plants, crop, animals, commodities,**
 20 **stored products, or sites treated.**
- 21 (9) **Principal pests to be controlled.**
- 22 (10) **Specific acreage, area, parts of a structure, parts of a**
 23 **property, or number of plants or animals treated, or other**
 24 **appropriate description.**
- 25 (11) **Each brand name of each pesticide product applied.**
- 26 (12) **United States Environmental Protection Agency**
 27 **registration number of each pesticide product applied.**
- 28 (13) **Amount of each pesticide product used, expressed as**
 29 **either total quantity or volume of the:**
- 30 (A) **packaged product; or**
- 31 (B) **diluted mixture and active ingredient concentration**
 32 **(percentage).**
- 33 ~~(e)~~ (d) The state chemist shall be provided access to the records
 34 required to be maintained under this section.
- 35 SECTION 52. IC 15-16-5-61, AS AMENDED BY P.L.141-2018,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 61. (a) All fees collected by the state chemist
 38 under this chapter shall be paid to Purdue University and deposited in
 39 a special restricted account designated by the treasurer of the board of
 40 trustees of Purdue University.
- 41 (b) From the account described in subsection (a), the treasurer shall
 42 pay from the special restricted account the expenses incurred in



1 administering this chapter, including expenses for the following:

- 2 (1) The employment of:
- 3 (A) inspectors;
- 4 (B) investigators;
- 5 (C) researchers;
- 6 (D) analysts;
- 7 (E) administrators; and
- 8 (F) clerical and service staff.
- 9 (2) Conducting and reporting inspections and investigations.
- 10 (3) Purchasing supplies and services.
- 11 (4) Providing necessary facilities and remodeling.
- 12 (5) Any other expense of the office of the state chemist.

13 The treasurer is not required to use any other funds, except those
14 collected under this chapter, to defray any expenses incurred in the
15 administration of this chapter.

16 (c) The dean of agriculture of Purdue University shall make an
17 annual financial report to the:

- 18 (1) governor;
- 19 (2) **legislative council; and**
- 20 (3) **budget committee;**

21 showing total receipts and expenditures of all fees received under this
22 chapter. **The budget committee shall review this report annually.**

23 (d) Fee revenue remaining in the account described in subsection (a)
24 after payment of the expenses described in subsection (b) is subject to
25 IC 15-16-2-36.

26 SECTION 53. IC 15-16-5-63, AS ADDED BY P.L.120-2008,
27 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2024]: Sec. 63. (a) The state chemist may cooperate with, and
29 enter into agreements with, any other agency of the state, any federal
30 agency, or any other state agency or nongovernmental organization to
31 carry out this chapter to:

- 32 (1) secure uniformity of rules;
- 33 (2) cooperate in the enforcement of the federal pesticide control
34 laws through the use of state or federal personnel and facilities
35 and to implement cooperative enforcement programs;
- 36 (3) develop and administer state plans for certification of
37 applicators consistent with federal standards;
- 38 (4) contract or cooperate with agencies or organizations for the
39 purpose of training applicators;
- 40 (5) contract for monitoring pesticides;
- 41 (6) prepare and submit state plans to meet federal certification
42 standards;



1 (7) administer and enforce requirements under this chapter; and
 2 (8) make reports to the United States Environmental Protection
 3 Agency as the agency requires.

4 **(b) In accordance with 7 U.S.C. 136w-1, the state chemist shall**
 5 **have primary enforcement responsibility for pesticide use**
 6 **violations for any period for which:**

7 **(1) the United States Environmental Protection Agency**
 8 **determines that the state of Indiana:**

9 **(A) has adopted adequate pesticide use laws and rules;**

10 **(B) has adopted and is implementing adequate procedures**
 11 **for the enforcement of the pesticide laws and rules; and**

12 **(C) will keep records and make reports showing**
 13 **compliance with clauses (A) and (B); and**

14 **(2) the state chemist:**

15 **(A) enters into a cooperative agreement with the United**
 16 **States Environmental Protection Agency; and**

17 **(B) has a plan for the certification of pesticide applicators**
 18 **that has been approved by the United States**
 19 **Environmental Protection Agency.**

20 SECTION 54. IC 15-16-5-64, AS AMENDED BY P.L.99-2012,
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 64. (a) A person may not produce, transport, store,
 23 handle, or dispose of any pesticide product or pesticide product
 24 containers in a manner that may:

25 (1) cause injury to:

26 (A) humans;

27 (B) beneficial vegetation;

28 (C) crops;

29 (D) livestock;

30 (E) wildlife; or

31 (F) beneficial insects; or

32 (2) pollute any waterway in a way harmful to any wildlife in a
 33 waterway.

34 (b) The board may adopt rules governing the production,
 35 transportation, storage, handling, and disposal of pesticide products or
 36 pesticide containers. In determining these standards, the board shall
 37 take into consideration any regulations issued by the United States
 38 Environmental Protection Agency.

39 **(c) Except for pesticides labeled for use in the treatment of**
 40 **drinking water, pesticide storage, mixing, and loading is prohibited**
 41 **within the isolation area of a wellhead protection area zone.**
 42 **Application of pesticides within the isolation area is permitted**



1 unless prohibited by the pesticide label.

2 (d) A pesticide storage container located within the wellhead
3 protection area zone and outside of the isolation area must be
4 stored:

5 (1) on an impervious surface designed to contain a discharge
6 of the entire contents of the largest storage container plus the
7 volume displaced by all the other items within the contained
8 area; and

9 (2) in an area protected from precipitation.

10 (e) A pesticide spill or discharge within the wellhead protection
11 area zone must be cleaned up immediately upon discovery and in
12 a manner that prevents the pesticide from threatening waters of
13 the state, dry wells, storm sewers, sanitary sewers, or septic
14 systems.

15 (f) A person may not open burn a pesticide container in a
16 manner that allows air contaminants resulting from combustion to
17 be emitted directly into the air without passing through a stack or
18 chimney from an enclosed chamber, as allowed under 326 IAC 4-1.

19 SECTION 55. IC 15-16-5-64.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2024]: Sec. 64.5. (a) Except as provided in
22 subsection (b), a pesticide may not be applied at a school during
23 normal instructional hours when school is in session.

24 (b) A pesticide may be applied at a school during periods
25 specified in subsection (a) if applied to:

26 (1) control an observed pest that poses an immediate health
27 threat situation to the students present; or

28 (2) an area outside of and not immediately adjacent to student
29 occupied buildings.

30 (c) Except as provided in subsection (d), a school may not allow
31 students to enter a pesticide application area after an application
32 until the longer of the following time periods has elapsed:

33 (1) The minimum reentry time specified on the pesticide label.

34 (2) Four (4) hours.

35 (d) A rodenticide bait may be applied in areas that are
36 inaccessible to students.

37 (e) A pesticide stored at a school must be in:

38 (1) the original pesticide container or a clearly labeled service
39 container;

40 (2) a locked area or cabinet clearly marked as pesticide
41 storage; and

42 (3) an area separated by a solid wall from areas where:



- 1 **(A) food is stored;**
 2 **(B) food is served; or**
 3 **(C) students have access.**
 4 SECTION 56. IC 15-16-5-64.7 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2024]: **Sec. 64.7. (a) A school must send a**
 7 **notification to the parents and guardians of a student and the staff**
 8 **at the school that they may be added to a pesticide notification**
 9 **registry:**
 10 **(1) at the start of each school year; or**
 11 **(2) during the school year when a student:**
 12 **(A) enrolls in; or**
 13 **(B) transfers to;**
 14 **the school.**
 15 **(b) An individual may request to be added to the registry at any**
 16 **time during the school year.**
 17 **(c) Except as provided in subsection (e), a school must, by**
 18 **whatever means the school determines to be appropriate, provide**
 19 **individuals on the registry with a pesticide notice.**
 20 **(d) The pesticide notice must include the following:**
 21 **(1) The name or address of the school.**
 22 **(2) The licensed commercial applicator responsible for the**
 23 **application, including the applicator's:**
 24 **(A) name;**
 25 **(B) license number; and**
 26 **(C) telephone number.**
 27 **(3) The designee for information about the pesticide**
 28 **application if different than the applicator.**
 29 **(4) The anticipated date and time of the application.**
 30 **(5) The principal target pest.**
 31 **(6) A description of the application area.**
 32 **(7) Each pesticide to be applied, including the following:**
 33 **(A) The name of the manufacturer.**
 34 **(B) The United States Environmental Protection Agency**
 35 **registration number.**
 36 **(C) The brand name.**
 37 **(8) If forty-eight (48) hours advance notice is not provided, an**
 38 **explanation of why it was not provided.**
 39 **(e) The pesticide notice must be provided at least forty-eight**
 40 **(48) hours in advance of a pesticide application at the school.**
 41 **However, a pesticide notice is not required for a pesticide**
 42 **application:**



- 1 **(1) made more than forty-eight (48) hours before a scheduled**
 2 **school day; or**
 3 **(2) described in section 64.5(b) of this chapter.**

4 SECTION 57. IC 15-16-5-65, AS AMENDED BY P.L.91-2020,
 5 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 65. Subject to section 66 of this chapter, the state
 7 chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty
 8 on a person for a violation under this chapter. The state chemist may
 9 also deny, suspend, revoke, or modify any provision of any license,
 10 permit, registration, or certification issued under this chapter if the state
 11 chemist finds that the applicant or the holder of a license, permit,
 12 registration, or certification **has been issued a final civil order**
 13 **imposed under 7 U.S.C. 136l(a), has a criminal conviction under 7**
 14 **U.S.C. 136l(b), or** has committed any of the following acts, each of
 15 which is a violation of this chapter:

- 16 (1) Made false or fraudulent claims either verbally or through any
 17 media misrepresenting the effect of pesticide products or methods
 18 to be used.
 19 (2) Recommended, used, or supervised the use of any registered
 20 pesticide product in a manner inconsistent with its labeling
 21 approved by the United States Environmental Protection Agency
 22 or Indiana state registration for that pesticide, or in violation of
 23 the United States Environmental Protection Agency or Indiana
 24 state restrictions on the use of that pesticide product.
 25 (3) Used known ineffective or improper pesticide products or
 26 known ineffective amounts of pesticides.
 27 (4) Operated faulty or unsafe equipment.
 28 (5) Operated in a careless or negligent manner.
 29 (6) Neglected or, after notice, refused to comply with this chapter,
 30 the rules adopted under this chapter, or of any lawful order of the
 31 state chemist or the board.
 32 (7) Refused or neglected to:
 33 (A) keep and maintain the records required by this chapter; or
 34 (B) make reports and supply information when required or
 35 requested by the state chemist in the course of an investigation
 36 or inspection.
 37 (8) Made false or fraudulent records, invoices, or reports.
 38 (9) Engaged in or professed to be engaged in the business of:
 39 (A) using a pesticide or any other product regulated under this
 40 chapter or by rules adopted under this chapter; or
 41 (B) making a diagnostic inspection to determine infestations
 42 of a wood destroying pest;



- 1 for hire on the property of another without having a business
2 license issued by the state chemist.
- 3 (10) Used or supervised the use of a pesticide product that is
4 required to be used under this chapter by a person who is
5 certified, licensed, or permitted without having a person who is
6 certified, licensed, or permitted under this chapter conducting the
7 use.
- 8 (11) Used fraud or misrepresentation in the qualification or
9 application for, or renewal of, a license, permit, registration, or
10 certification.
- 11 (12) Refused or neglected to comply with any limitations or
12 restrictions on or in a duly issued license, permit, registration, or
13 certification.
- 14 (13) Aided or abetted a person to evade this chapter, conspired
15 with a person to evade this chapter, or allowed a license, permit,
16 registration, or certification to be used by another person.
- 17 (14) Made false or misleading statements during or after an
18 inspection concerning any infestation or infection of pests.
- 19 (15) Impersonated any federal, state, county, or city inspector,
20 investigator, or official.
- 21 (16) Knowingly purchased or used a pesticide product that was
22 not registered under IC 15-16-4.
- 23 (17) Failed to continuously maintain financial responsibility
24 required under section 58 of this chapter or to provide proof of
25 financial responsibility to the state chemist when requested.
- 26 (18) Intentionally altered a duly issued license, permit,
27 registration, or certification.
- 28 (19) Recklessly, knowingly, or intentionally impeded or prevented
29 the state chemist or the state chemist's agent from performing a
30 duty of the state chemist.
- 31 **(20) Applied a pesticide in a manner that allowed it to drift**
32 **from the target site in a sufficient quantity to cause an**
33 **adverse effect to a nontarget site.**
- 34 **(21) Distributed a restricted use pesticide without having a**
35 **pesticide dealer registration issued by the state chemist.**
- 36 **(22) Distributed a restricted use pesticide to a noncertified end**
37 **user of the pesticide.**
- 38 **(23) Stored or disposed of a pesticide in a manner inconsistent**
39 **with the requirements established by the United States**
40 **Environmental Protection Agency or this chapter.**
- 41 **(24) Failed to perform the notification requirements for a**
42 **pesticide application in a school.**



1 SECTION 58. IC 15-16-5-66, AS AMENDED BY P.L.76-2021,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 66. (a) The state chemist may impose civil
 4 penalties under this section only in accordance with subsections (b)
 5 through (d). However, this section does not require the state chemist to
 6 impose a civil penalty on a person for any violation of this chapter or
 7 a rule adopted under this chapter.

8 (b) Except for a violation described in subsection (c) or (d), the state
 9 chemist may impose a civil penalty not exceeding two hundred fifty
 10 dollars (\$250) for a violation of this chapter or any rule adopted under
 11 this chapter. A civil penalty imposed under this subsection ~~may~~ **shall**
 12 be adjusted for mitigating actions described in subsection (e). A civil
 13 penalty under this subsection may not be imposed unless a warning for
 14 a violation has previously been issued to the person for the same
 15 violation within the previous five (5) years.

16 (c) Subject to adjustment under subsection (e) for mitigating
 17 actions, the state chemist may impose a civil penalty not exceeding five
 18 hundred dollars (\$500) if the state chemist finds that a person has done
 19 any of the following:

20 (1) After written notice, neglected to:

21 (A) keep and maintain records; or

22 (B) make reports and supply information when required or
 23 requested by the state chemist in the course of an investigation
 24 or inspection;

25 as described in section 65(7) of this chapter.

26 (2) Committed an act described in section 65(8) of this chapter.

27 (3) Unknowingly committed an act described in section 65(9) or
 28 65(10) of this chapter.

29 (4) After written notice, neglected to comply with any limitations
 30 or restrictions on or in a duly issued license, permit, registration,
 31 or certification as described in section 65(12) of this chapter.

32 (5) Committed an act described in section 65(14) or 65(16) of this
 33 chapter.

34 (6) Recommended, used, or supervised the use of a ~~nonrestricted~~
 35 **general** use pesticide product in a manner inconsistent with its
 36 labeling and resulting in an adverse effect.

37 (7) Recommended, used, or supervised the use of a restricted use
 38 pesticide product in a manner inconsistent with its labeling and
 39 resulting in no adverse effect.

40 (8) Applied a ~~nonrestricted~~ **general** use pesticide in a manner that
 41 allows it to drift from the target site in a sufficient quantity to
 42 cause an adverse effect to a nontarget site. ~~(as defined in 357~~



~~IAC 1-12-1~~;

(9) Stored or dispensed a general use pesticide in a manner inconsistent with the requirements in 40 CFR 165, Subpart E.

(d) The state chemist may impose a civil penalty of one thousand dollars (\$1,000) if the state chemist finds that a person has done any of the following:

(1) ~~Committed an act~~ **Stored or dispensed a pesticide in a manner inconsistent with the requirements in 40 CFR 165, Subpart E, or as** described in section 64(a) of this chapter.

(2) Committed an act described in section 65(5) of this chapter.

(3) After notice, refused to comply with this chapter, the rules adopted under this chapter, or any lawful order of the state chemist or the board as described in section 65(6) of this chapter.

(4) Refused to:

(A) keep and maintain records; or

(B) make reports and supply information when required or requested by the state chemist in the course of an investigation or inspection;

as described in section 65(7) of this chapter.

(5) Intentionally committed an act described in section 65(8) of this chapter.

(6) Knowingly committed an act described in section 65(9) or 65(10) of this chapter.

(7) Committed an act described in section 65(11) of this chapter.

(8) Refused to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification as described in section 65(12) of this chapter;

(9) Committed an act described in section 65(13), 65(15), 65(18), or 65(19) of this chapter.

~~(10) Committed an act described in 355 IAC 4-7-7.~~

~~(11)~~ **(10)** Recommended, used, or supervised the use of a restricted use pesticide product in a manner inconsistent with its labeling and resulting in an adverse effect.

~~(12)~~ **(11)** Applied a restricted use pesticide in a manner that allows it to drift from the target site in a sufficient quantity to cause an adverse effect to a nontarget site. ~~(as defined in 357~~

~~IAC 1-12-1~~);

(12) Distributed a restricted use pesticide without having a pesticide dealer registration issued by the state chemist, as described in section 65(21) of this chapter.

(13) Distributed a restricted use pesticide to a noncertified end user of the pesticide, as described in section 65(22) of this



1 **chapter.**

2 (e) The state chemist may not adjust the amount of the civil penalty
3 for a violation listed in subsection (d). The state chemist may reduce
4 the amount of the civil penalty for a violation listed in subsection (b)
5 or (c) if the state chemist finds that the person responsible for the
6 violation has taken any of the following mitigating actions:

- 7 (1) Cooperated with the state chemist during the investigation or
8 inspection process.
9 (2) Took corrective action to prevent future similar violations.
10 (3) Compensated a victim for any adverse effects that resulted
11 from the violation.

12 The state chemist may reduce the amount of the civil penalty by twenty
13 percent (20%) for each mitigating action taken by the person
14 responsible for the violation.

15 (f) A proceeding under IC 4-21.5-3 that involves a civil penalty may
16 be consolidated with any other proceeding commenced under IC 4-21.5
17 to enforce this chapter or the rules adopted under this chapter.

18 **(g) The state chemist shall limit the imposition of a civil penalty**
19 **in a proceeding involving multiple counts of repeated incidents of**
20 **the same violation to five (5) counts.**

21 ~~(g)~~ **(h)** Money collected for civil penalties imposed under section 65
22 of this chapter shall be credited to the office of Purdue pesticide
23 programs. The money may be used only to provide education about
24 pesticides.

25 SECTION 59. [EFFECTIVE JULY 1, 2024] **(a) The following**
26 **rules are void:**

- 27 (1) 355 IAC 4-0.5-1.6.
28 (2) 355 IAC 4-0.5-1.7.
29 (3) 355 IAC 4-0.5-6.
30 (4) 355 IAC 4-0.5-7.
31 (5) 355 IAC 4-0.5-8.
32 (6) 355 IAC 4-1-1.1.
33 (7) 355 IAC 4-1-2.1(k).
34 (8) 355 IAC 4-1-3(4)(B).
35 (9) 355 IAC 4-1-3(15).
36 (10) 355 IAC 4-2.
37 (11) 355 IAC 4-4.
38 (12) 355 IAC 4-5-2(c) and 355 IAC 4-5-2(d).
39 (13) 355 IAC 4-7.
40 (14) 355 IAC 5.
41 (15) 357 IAC 1.

42 **(b) The publisher of the Indiana Administrative Code and the**



1 **Indiana Register shall remove the rules in subsection (a) from the**
2 **Indiana Administrative Code.**

3 **(c) This SECTION expires July 1, 2025.**

4 SECTION 60. [EFFECTIVE JULY 1, 2024] **(a) Before July 1,**
5 **2025, the state chemist shall amend 355 IAC 4-1-3 to allow**
6 **commercial applicators to use general use pesticides without a**
7 **license or certification.**

8 **(b) This SECTION expires July 1, 2026.**

