

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 ENROLLED ACT No. 216

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

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

SECTION 1. IC 15-15-1-35, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 35. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

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

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

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

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

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

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subject to IC 15-16-2-36.

SECTION 2. IC 15-15-2-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) The state chemist shall charge, collect, and receive a minimum fee of twenty-five dollars (\$25):

- (1) at the time of registering a pure or mixed culture of microorganisms or materials described in section 3 of this chapter for each material or culture registered; and
- (2) not later than the fifteenth day of January of each succeeding year until the pure or mixed cultures of microorganisms or material is no longer sold, distributed, offered, or displayed for sale in Indiana.

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

- (1) the employment of inspectors, chemists, and bacteriologists;
- (2) the expenses incurred in procuring samples;
- (3) printing bulletins; and
- (4) giving the results of inspections, as provided by this chapter;

and for any other expenses of Purdue University agricultural programs, as authorized by law and in support of the purposes of this chapter.

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

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

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

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

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

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

- (1) The employment of inspectors and seed analysts.
- (2) Procuring samples.
- (3) Printing bulletins giving the results of inspection.

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(4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.

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

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

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

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

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

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

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

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

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

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

SECTION 5. IC 15-16-2-36, AS AMENDED BY P.L.141-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 36. (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

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



(2) the state seed commissioner under IC 15-15-1 and IC 15-15-13;  
shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

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

- (1) carrying out the purposes of those chapters referred to in subsection (a) under which the fees are collected; or
- (2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

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

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

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

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

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

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

- (1) pesticide residues in excess of established food or feed tolerances established by the United States Environmental Protection Agency;
- (2) pesticide residues in excess of environmental media standards or benchmarks for pesticides established by a federal or state agency; or
- (3) visible, measurable, or documented:
  - (A) death;

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- (B) illness;
- (C) stunting;
- (D) deformation;
- (E) discoloration; or
- (F) **other effects material damage.**

that are detrimental to the nontarget site.

SECTION 8. IC 15-16-4-7 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 7. As used in this chapter, "bulk pesticide" means any pesticide or mixture of pesticides that is transported or held in a reusable immediate container in undivided quantities greater than:

- (1) one hundred (100) pounds net dry weight; or
- (2) fifty-five (55) U.S. gallons liquid measure.

The term does not include a pesticide that is in the custody of the ultimate user and has been prepared for application by the ultimate user by diluting the pesticide according to the label directions for that pesticide.

SECTION 9. IC 15-16-4-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 24.5. As used in this chapter, "material damage" means any:

- (1) functional impairment of surface features, structures, or facilities;
- (2) physical change that has a significant adverse impact on the nontarget site's capability to support any current or reasonably foreseeable uses;
- (3) significant loss in production or income; or
- (4) significant change in condition, appearance, or utility of a structure or facility.

SECTION 10. IC 15-16-4-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 27.5. As used in this chapter, "nontarget site" has the meaning set forth in IC 15-16-5-21.5.

SECTION 11. IC 15-16-4-43, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 43. A vacancy on the board of a voting member created by death, resignation, or removal for cause of a member shall be filled by the governor not later than thirty (30) days after the occurrence. The new member serves for the remainder of the vacated term and must meet the qualifications to be appointed to the board.

SECTION 12. IC 15-16-4-45, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 45. (a) The board shall meet at least annually.

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(b) The board may meet at other times and at a location specified by the chairperson or a majority of the board.

**(c) The board shall publish the:**

**(1) minutes; and**

**(2) video;**

**of each meeting.**

SECTION 13. IC 15-16-4-46, AS AMENDED BY P.L.120-2008, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 46. (a) ~~Nine (9)~~ **Ten (10)** voting members of the board constitute a quorum.

(b) Official actions are subject to approval by a simple majority of board members present at a called meeting.

(c) The chairperson shall actively participate in all decisions of the board.

SECTION 14. IC 15-16-4-50, AS AMENDED BY P.L.249-2023, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 50. (a) The board may recommend to the general assembly the addition, deletion, or reclassification of pesticides by submitting in an electronic format under IC 5-14-6 a report of the recommendations to the legislative council. In making a determination to add or reclassify a pesticide as a restricted use pesticide for all of Indiana or designated areas within Indiana, the board must find that the characteristics of a pesticide require that rules restricting the:

(1) sale;

(2) distribution; or

(3) use;

of the pesticide by any person are necessary to prevent undue hazards to persons, animals, wildlife, lands, or waters, other than the pests that they are intended to prevent, destroy, control, or mitigate. The board shall publish the board's findings in the Indiana Register.

(b) The board may adopt rules under IC 4-22-2 to do the following:

(1) Provide for the safe:

(A) handling;

(B) transportation;

(C) storage;

(D) display;

(E) distribution;

(F) disposal; and

(G) production;

of pesticide products and pesticide containers.

(2) Restrict or prohibit the use of certain types of containers or packages for specific pesticides. The restrictions may apply to the:

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(A) type of construction;  
 (B) strength; or  
 (C) size;  
 to alleviate danger of spillage, breakage, or misuse.

(3) Determine the time and conditions of the:

(A) sale;  
 (B) distribution; or  
 (C) use;  
 of **restricted use** pesticide products.

(4) Require that any or all **restricted use** pesticide products be purchased, possessed, or used only under:

(A) permit;  
 (B) certificate;  
 (C) license; or  
 (D) registration;  
 of the state chemist or under certain conditions or in certain quantities or concentrations.

(5) Require all persons issued:

(A) permits;  
 (B) certificates;  
 (C) licenses; or  
 (D) registrations;  
 under this subsection to maintain records as to the use of the **restricted use** pesticide products.

(c) The state chemist shall maintain a list of each class of pesticides adopted by Indiana law or board rule on the website for the state chemist. Failure to include a pesticide on the list does not exempt a person from compliance with a law or rule for a pesticide designated by law or rule.

SECTION 15. IC 15-16-4-55, AS AMENDED BY P.L.99-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 55. The state chemist or the state chemist's agent may do the following:

(1) Enter any public or private premises, including any vehicle of transport during regular business hours,

~~(A)~~ to:  
 (i) **(A)** have access to; and  
 (ii) **(B)** obtain samples of;  
 pesticide products. ~~and~~

~~(B)~~ **(2) Enter any public or private premises, including any vehicle of transport during regular business hours, to:**

(i) **(A)** examine; ~~and~~



- (ii) **(B) copy; and**  
**(C) receive copies of;**

records relating to the production, use, transportation, and sale of pesticide products, subject to this chapter, the rules adopted under this chapter, and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.). **However, the person who retains the records may defer access to the records by the state chemist or the state chemist's agent if access is granted by the person not more than ten (10) days after the initial request for records.**

~~(2)~~ **(3) If the state chemist or the state chemist's agent has reasonable suspicion of a violation of this chapter by a person who distributes or uses a pesticide product, enter at a reasonable time in or upon any:**

- (A) private; or  
 (B) public;

property for the purpose of inspection and investigating conditions possibly resulting from the use or misuse of a pesticide product.

SECTION 16. IC 15-16-4-57, AS AMENDED BY P.L.249-2023, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 57. Except as provided in section 58 of this chapter, a person may not produce, distribute, display, sell, or offer for sale within Indiana or deliver for transportation or transport in intrastate commerce or between points within Indiana through any point outside Indiana any of the following:

- (1) Any pesticide product that has not been registered under section 61 of this chapter.
- (2) Any pesticide product if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration.
- (3) A pesticide product if the composition of the product differs from the composition as represented in connection with its registration. However, at the discretion of the state chemist, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.
- (4) Any pesticide product (except a ~~bulk pesticide~~ or a pesticide in a container designed and constructed to accommodate the return and refill of the container **as required in 40 CFR 165**) unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to that container, and to





any outside container or wrapper of the retail package through which the required information on the immediate container cannot be clearly read, a label bearing:

- (A) the name and address of the manufacturer, registrant, or person for whom manufactured;
  - (B) the name, brand, or trademark under which the pesticide product is sold; and
  - (C) the net weight or measure of the content, subject, however, to reasonable variations as the state chemist may permit.
- (5) Any pesticide product that is adulterated or misbranded.
- (6) Any pesticide product in containers violating rules adopted under section 50(b)(2) of this chapter **or 40 CFR 165**. Pesticides found in containers that are unsafe due to damage may be seized and impounded.
- (7) A highly volatile herbicide except on written permission by the state chemist.
- ~~(8) Any bulk pesticide unless it is accompanied in all transfers of custody or ownership by or held in storage vessels to which is affixed a label bearing the information specified in subdivision (4).~~
- ~~(9)~~ **(8)** Any pesticide that violates the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or regulations adopted under the Act.

SECTION 17. IC 15-16-4-62, AS AMENDED BY P.L.91-2020, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 62. (a) Each registrant shall pay an annual, nonrefundable application fee of one hundred seventy dollars (\$170) for each application for each pesticide product submitted for registration or reregistration.

(b) Each registration expires January 1 of each year.

(c) All fees collected by the state chemist under this chapter shall be paid to the treasurer of Purdue University, who shall deposit the fees in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(d) From the account described in subsection (c), the treasurer shall pay all expenses incurred in administering this chapter, including expenses for the following:

- (1) The employment of:
  - (A) inspectors;
  - (B) investigators;
  - (C) researchers;
  - (D) analysts;



- (E) administrators; and
- (F) clerical and service staff.
- (2) Expenses in procuring samples and printing results of inspections.
- (3) Purchasing:
  - (A) supplies;
  - (B) equipment; and
  - (C) services.
- (4) Necessary remodeling.
- (5) Other expenses of the office of the state chemist.
- (6) The transfer of ten dollars (\$10) from each fee paid under subsection (a) on an annual basis to the office of Purdue pesticide programs to provide education about the safe and effective use of pesticides.

The treasurer is not required to use any other funds, except those collected as registration fees, to pay any expenses incurred in the administration of this chapter. The dean of agriculture shall make an annual financial report to the governor, **legislative council, and budget committee** showing total receipts and expenditures of all fees received under this chapter. **The budget committee shall review this report annually.**

(e) A registrant who registers or pays an annual fee after December 31 of any year shall pay a late fee of one hundred seventy dollars (\$170) as well as the annual fee.

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

SECTION 18. IC 15-16-4-65, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 65. (a) **Subject to subsection (b)**, the state chemist may, by rule, declare that information required under this chapter is confidential.

**(b) Any findings related to a violation of this chapter or rules adopted under this chapter must be disclosed to the alleged violator before a:**

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

SECTION 19. IC 15-16-4-69, AS AMENDED BY P.L.76-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 69. (a) Subject to this section, if a person violates this chapter or a rule adopted under this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on the person or:

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- (1) deny;
- (2) suspend;
- (3) revoke; or
- (4) amend;

the person's registration under this chapter.

(b) The state chemist may impose civil penalties under this section only in accordance with subsections (c) through (e). However, this section does not require the state chemist to impose a civil penalty on a person for any violation of this chapter or a rule adopted under this chapter.

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

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

- (1) Unknowingly committed an act described in section 57(1) of this chapter.
- (2) Committed an act described in section 57(2) through 57(5) of this chapter.
- (3) Unknowingly committed an act described in section 66(1) of this chapter.
- (4) Committed an act described in section 66(2) or 66(3) of this chapter.
- ~~(5) Unknowingly committed an act described in 357 IAC 1-3-3.~~
- (6) (5) Stored a nonrestricted use pesticide in a minibulk pesticide storage container outside of secondary containment. or dispensed a general use pesticide in a manner inconsistent with 40 CFR 165.**

(e) 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) Knowingly committed an act described in section 57(1) of this chapter.
- (2) Committed an act described in section ~~57(9)~~ **57(8)** of this chapter.

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(3) Knowingly committed an act described in section 66(1) of this chapter.

(4) Committed an act described in section 67, 68, 73(c), or 77 of this chapter.

~~(5) Committed an act described in 357 IAC 1-3-2.~~

~~(6) Knowingly committed an act described in 357 IAC 1-3-3.~~

~~(7) (5) Stored~~

~~(A) any pesticide in a bulk pesticide storage container; or~~

~~(B) a restricted use pesticide in a minibulk pesticide storage container;~~

~~outside of secondary containment. or dispensed a restricted use pesticide in a manner inconsistent with 40 CFR 165.~~

~~(8) (6) After notice, refused to comply with this chapter, the rules adopted under this chapter, or a lawful order of the state chemist or board.~~

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

(1) Cooperated with the state chemist during the investigation or inspection process.

(2) Took corrective action to prevent future similar violations.

(3) Compensated a victim for any adverse effects that resulted from the violation.

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

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

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

**(i) Any findings related to a violation of this chapter must be disclosed to the alleged violator before a:**

**(1) final determination is made; and**

**(2) penalty is assessed.**

**(j) Unless the state chemist has evidence of wrongdoing by the licensed pesticide business, any warnings, citations, or civil penalties regarding a pesticide use in violation of this chapter must**



be directed at:

- (1) the employee who committed the violation; or
- (2) the person who was responsible for the supervision of the employee who committed the violation.

(k) Money collected for civil penalties imposed under this section shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

SECTION 20. IC 15-16-5-6, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. As used in this chapter, "certified applicator" means any individual who is certified under this chapter as qualified to:

(1) use or supervise the use of **restricted use** pesticides; or

(2) **use general use pesticides or fertilizer material for hire;**

and has been issued a license or permit as evidence of the individual's qualifications.

SECTION 21. IC 15-16-5-7, AS AMENDED BY P.L.91-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. As used in this chapter, "commercial applicator" means a certified applicator, whether or not a private applicator with respect to some uses, who:

(1) uses or supervises the use of **restricted use** pesticide products; or

(2) **uses general use pesticide products or fertilizer materials for hire;**

for any purpose or on any property other than as provided by section 30 of this chapter.

SECTION 22. IC 15-16-5-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 10.5. As used in this chapter, "direct supervision" refers to the supervision required under 40 CFR 171.201 of a noncertified individual who uses a restricted use pesticide.**

SECTION 23. IC 15-16-5-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 13.5. As used in this chapter, "fertilizer material" has the meaning set forth in IC 15-16-2-11.**

SECTION 24. IC 15-16-5-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 14.5. As used in this chapter, "general use pesticide" has the meaning set forth in IC 15-16-4-15.5.**

SECTION 25. IC 15-16-5-15.5 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 15.5. As used in this chapter, "isolation area" means the area that is:**

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

SECTION 26. IC 15-16-5-16, AS AMENDED BY P.L.91-2020, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 16. As used in this chapter, "licensed applicator for hire" means any licensed certified commercial applicator who is employed by a licensed pesticide business to:**

- (1) use or to supervise the use of ~~any~~ restricted use pesticide product products; or**
- (2) use general use pesticide products or fertilizer materials;** on the property of another **for hire** and who has assumed direct responsibility for the use or supervision of the use of ~~pesticide those~~ products by the business.

SECTION 27. IC 15-16-5-17, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 17. As used in this chapter, "licensed applicator not for hire" means a licensed certified commercial applicator who is employed by a private employer to use or supervise the use of a restricted use pesticide only on the property of the employer. ~~The term includes a commercial applicator using a pesticide in a potentially hazardous situation or site as determined by the board.~~**

SECTION 28. IC 15-16-5-20, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 20. As used in this chapter, "licensed public applicator" means a licensed certified commercial applicator who uses or supervises the use of a restricted use pesticide as an employee of a state agency, municipal corporation, or other governmental agency. ~~The term includes a commercial applicator using a pesticide in a potentially hazardous situation or site as determined by the board.~~**

SECTION 29. IC 15-16-5-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 21.5. As used in this chapter, "nontarget site" means any location, thing, or organism that is not the intended target site of the pesticide application, including the**



following:

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

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

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

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

SECTION 31. IC 15-16-5-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 27.5. As used in this chapter, "pesticide notification registry" means the registry created and maintained by a school listing the names and contact information of:

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

**who have requested to be notified of the details of pesticide applications on the school's property.**

SECTION 32. IC 15-16-5-30, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 30. As used in this chapter, "private applicator" means a certified **and permitted** applicator who uses or supervises the use of **restricted use** pesticides for purposes of producing any agricultural commodity on property owned, rented, or managed by the employer or the applicator, if applied without compensation on the property of another person.

SECTION 33. IC 15-16-5-33, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 33. As used in this chapter, "registered technician" means a person who:

- (1) is not **certified or** licensed under this chapter;
- (2) has registered with the state chemist; and
- (3) is authorized to engage in **pesticide use and related activities**

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**under the direct supervision of a licensed and certified applicator; the use of general use pesticide products or fertilizer materials for hire.**

SECTION 34. IC 15-16-5-34.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 34.5. As used in this chapter, "school" means the following:**

- (1) A public school (as defined in IC 20-18-2-15(1)), including a charter school.**
- (2) A nonpublic school (as defined in IC 20-18-2-12) with more than one (1) employee.**
- (3) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.**
- (4) The Indiana School for the Deaf established by IC 20-22-2-1.**

SECTION 35. IC 15-16-5-34.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 34.7. As used in this chapter, "school property" means the following:**

- (1) A building or other structure owned or rented by a school.**
- (2) The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school.**

SECTION 36. IC 15-16-5-37.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 37.5. As used in this chapter, "wellhead protection area zone" means the surface and subsurface area of the wellhead protection area that is located within a three thousand (3,000) foot radius of a community public water supply system production well or well field and through which contaminants are likely to move and reach the well.**

SECTION 37. IC 15-16-5-39.6 IS REPEALED [EFFECTIVE JULY 1, 2024]. **Sec. 39.6. The board shall establish a working group to review civil penalties. Before December 1, 2020, the working group shall make recommendations concerning civil penalties to the:**

- (1) board; and**
- (2) general assembly in an electronic format under IC 5-14-6.**

SECTION 38. IC 15-16-5-44, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 44. (a) The board may adopt rules under IC 4-22-2 prescribing policies and procedures relating to **restricted use pesticides**:**

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- (1) ~~the use; and~~
- (2) ~~application; of pesticides; and~~
- (2) ~~diagnostic inspections and reports for wood destroying pests.~~
- (3) ~~storage;~~
- (4) ~~distribution; and~~
- (5) ~~record keeping.~~

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

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

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

- (1) 40 CFR 165, federal pesticide containers, repackaging, and containment structures.**
- (2) 40 CFR 170, federal pesticide agricultural worker protection standard.**
- (3) 40 CFR 171.201, federal direct supervision of noncertified applicators by certified applicators.**

SECTION 39. IC 15-16-5-45, AS AMENDED BY P.L.91-2020, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 45. (a) **As required by 40 CFR 171**, the state chemist shall adopt rules to establish categories and qualifications to certify and license persons to use pesticides and to make diagnostic inspections and reports for wood destroying pests under this chapter. Each category is subject to separate testing procedures and requirements. A person is not required to pay an additional license fee if the person desires to be licensed in more than one (1) of the license categories provided for by the state chemist under this section.

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

- (1) The hazards involved in the use and handling of pesticides, or the use and handling of the pesticide or class of pesticides covered by the individual's certification.
- (2) The job responsibilities of the individual using pesticides that



are covered by the individual's certification.

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

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

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

SECTION 40. IC 15-16-5-46, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 46. A person required to be certified ~~or registered~~ under this chapter **or IC 15-16-2-44(b)(1)(A)** may not:

- (1) use or supervise the use of any **restricted use pesticide or use a general use pesticide or fertilizer material for hire**; or
- (2) make diagnostic inspections or reports to determine infestations of wood destroying pests;

unless the person complies with the certification ~~or registration~~ requirements under this chapter and any other requirements determined by the state chemist to be necessary to prevent unreasonable adverse effects on the environment.

SECTION 41. IC 15-16-5-48, AS AMENDED BY P.L.91-2020, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 48. (a) Subject to section 55 of this chapter, a person may not engage in or profess to engage in the business of:

- (1) using a **restricted use pesticide, a general use pesticide, or a fertilizer material**; or
- (2) making diagnostic inspections or reports to determine infestations of wood destroying pests;

on the property of another for hire at any time without a pesticide business license issued by the state chemist. The state chemist shall require an annual license fee of forty-five dollars (\$45) for each pesticide business license that is issued.

(b) A pesticide business license must be obtained for each unique business location or business name from which ~~pesticide use~~ **restricted use pesticide use, general use pesticide use, or fertilizer material use** or application is conducted.

(c) The application for a license must be on a form provided by the state chemist. Each application must contain information necessary for



the administration of this chapter.

(d) The state chemist may not issue a pesticide business license until the applicant or a ~~pesticide applicator~~ **an individual** in the applicant's hire who uses or supervises the use of a **restricted use pesticide or uses a general use pesticide or a fertilizer material for hire** on the property of another is certified by passing an examination to demonstrate to the state chemist the applicant's or applicator's knowledge of the:

- (1) use of pesticides **or fertilizer materials** under the category for which the applicant or applicator has applied; and
- (2) nature and effect of pesticides **or fertilizer materials** the applicant or applicator may apply under the categories.

At least one (1) licensed applicator for hire must be associated with each location from which pesticides **or fertilizer materials** are used for hire.

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

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

- (1) the state chemist finds the applicant qualified to engage in the business of using pesticides **or fertilizer materials** or making diagnostic inspections or reports to determine infestations of wood destroying pests on the property of another;
- (2) the applicant files evidence of financial responsibility required under section 58 of this chapter; and
- (3) the applicant applying for a license involving aerial application of pesticides has met all of the requirements of:
  - (A) the Federal Aviation Administration;
  - (B) the Indiana department of transportation; and
  - (C) any other applicable federal or state statutes or regulations to operate the equipment described in the application;

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

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

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

SECTION 42. IC 15-16-5-49, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 49. (a) **Except as provided in subsection (b), a person may not:**

- (1) act as an employee of a licensed pesticide business and use or supervise the use of a **restricted use pesticide or use a general use pesticide or fertilizer material for hire** on another person's property; or
- (2) make diagnostic inspections or reports to determine infestations of wood destroying pests on another person's property;

without having obtained a license to act as a licensed applicator for hire or a licensed pest inspector from the state chemist.

**(b) ~~However, a competent~~ A person who is not a licensed applicator for hire may use a restricted use pesticide under the direct supervision of a licensed applicator (as described in 40 CFR 171.201). A general use pesticide or fertilizer material may be used by a person who is a registered technician.**

**(c) An applicator's license and a pest inspector's license does not relieve the person from the responsibility of obtaining any other license or permit required for the operation or use of any equipment.**

SECTION 43. IC 15-16-5-50, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 50. (a) Except as provided in subsection (b), a person may not act as a licensed applicator not for hire unless the person has obtained a license from the state chemist.

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

SECTION 44. IC 15-16-5-51, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 51. (a) All state agencies, municipal corporations, and other governmental agencies are subject to this chapter and rules adopted under this chapter concerning the application of **restricted use pesticides**.

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

(c) A person who is not a licensed public applicator may use a



**restricted use** pesticide if the person is under the direct supervision of a licensed public applicator.

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

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

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

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

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

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

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

- (1) A farmer who applies pesticides for the farmer's own use or with ground equipment or manually for the farmer's neighbors if:
  - (A) the farmer operates farm property and operates and maintains pesticide application equipment primarily for the farmer's own use;



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

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

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

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

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

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

SECTION 47. IC 15-16-5-56, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 56. **(a)** The state chemist shall establish and administer a program to register individuals as registered technicians.

**(b) An individual who is a registered technician is authorized to use general use pesticides or fertilizer materials for hire if the individual is employed by a business that is licensed under section 48 of this chapter.**

**(c) An individual applying to be a registered technician must do the following:**

**(1) Meet one (1) of the following requirements:**

**(A) Pass the commercial applicator core examination described in 355 IAC 4-1-2.1.**

**(B) Complete an initial applicator core training program that has been developed and delivered by Purdue pesticide programs.**

**(C) Complete a registered technician initial training program that has been developed and delivered by Purdue pesticide programs.**

**(D) Complete an online self-study registered technician initial training program that has been developed by Purdue pesticide programs or a vendor approved by the state chemist.**

**(2) Submit a completed application to the state chemist on a**



form provided by the state chemist.

(3) Submit a nonrefundable application fee of forty-five dollars (\$45) to the state chemist.

(d) Subject to section 65 of this chapter, the state chemist shall issue the appropriate technician registration to an individual who meets the requirements under subsection (c).

(e) Until the state chemist issues the appropriate technician registration under subsection (d), an individual who meets one (1) of the requirements under subsection (c)(1) may immediately begin to work as a registered technician for a licensed pesticide business if the individual sends an electronic mail message to the state chemist stating the following:

(1) The name of the licensed pesticide business.

(2) The name of the individual.

(3) A statement from the individual verifying that the individual meets one (1) of the requirements under subsection (c)(1).

(4) A statement that the individual will submit the individual's application and the application fee required under this section to the state chemist not more than five (5) business days after sending the electronic mail message.

(f) If the state chemist does not issue a technician registration to an individual who applied for a technician registration, the state chemist shall inform the individual in writing of the reason the registration was not issued.

(g) An individual's registration eligibility remains in force from the date of passing the examination or attending the initial training described in subsection (c) through December 31 of the fourth year, unless the registration is revoked or suspended for cause.

(h) The registration eligibility period may be extended for an additional five (5) years if the registered technician accumulates at least eight (8) continuing registration credits by attending at least two (2) state chemist approved continuing registration programs while the individual's registration is in force. The individual's registration may be extended indefinitely by complying with the requirements of this subsection.

(i) A registered technician's registration expires on December 31 of each year, unless renewed by payment of the renewal application fee, postmarked by December 31. To renew after December 31 the individual must include a penalty fee, as established by section 60 of this chapter, in addition to the renewal application fee.



SECTION 48. IC 15-16-5-57, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 57. (a) Each person who is a restricted use pesticide dealer shall register with the state chemist. Registration shall be required for each business location distributing restricted use pesticides and shall be accomplished on a form to be provided by the state chemist. A registration expires January 1 following issuance unless the registration is renewed annually. A registration fee of forty-five dollars (\$45) must accompany the application.

(b) This section does not apply to:

- (1) a licensed pesticide business that sells pesticides only as an integral part of its pesticide application service when the pesticides are dispensed only through equipment used for this pesticide application;
- (2) any federal, state, county, or municipal agency that provides pesticides only for its own programs; or
- (3) any person who is the final purchaser of a pesticide for application to property or property rights owned, leased, or acquired by the person.

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

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

- (1) Name of the certified applicator for whom the purchase or distribution is being made.**
- (2) Certification, license, or permit number of the certified applicator.**
- (3) Except for a certification from the state chemist, the state, tribe, or federal agency that issued the certification.**
- (4) Certification, license, or permit expiration date of the certified applicator.**
- (5) Certification, license, or permit categories of the certified applicator.**
- (6) Address of the certified applicator or application business that employs the certified applicator.**





- (7) Date of distribution.
- (8) Brand name of the pesticide product.
- (9) United States Environmental Protection Agency registration number of the pesticide product.
- (10) Amount of pesticide product distributed.
- (11) Any applicable emergency exemption or state special local need registration number.
- (12) Signature or verifiable confirmation of the person presenting the certification credentials, ordering, or taking delivery of the pesticide product.

SECTION 49. IC 15-16-5-58.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 58.5. This chapter does not relieve any person from liability for any damage to the person or property of another person caused by the use of general use pesticides.**

SECTION 50. IC 15-16-5-59, AS AMENDED BY P.L.91-2020, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 59. (a) As required in 40 CFR 171, commercial applicators and private applicators and licensed pest inspectors shall maintain records concerning**

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

- (b) Records required under this section must be kept for
  - (1) two (2) years after the date of the inspection or the application of the **restricted use** pesticide. or
  - (2) the time specified by rule.

**(c) As required in 40 CFR 171, records required to be maintained under this section include the following:**

- (1) Name of the customer, property owner, or custodian of the site of application.
- (2) Address, geographic coordinates, or general location description of the site of application.
- (3) Name of the person making the application.
- (4) Name of the commercial or private applicator responsible for the application, if different from the name in subdivision



- (3).
- (5) License number of the commercial or private applicator responsible for the application.
- (6) Date of application.
- (7) Start and stop times of the application.
- (8) Description of the plants, crop, animals, commodities, stored products, or sites treated.
- (9) Principal pests to be controlled.
- (10) Specific acreage, area, parts of a structure, parts of a property, or number of plants or animals treated, or other appropriate description.
- (11) Each brand name of each pesticide product applied.
- (12) United States Environmental Protection Agency registration number of each pesticide product applied.
- (13) Amount of each pesticide product used, expressed as either total quantity or volume of the:
  - (A) packaged product; or
  - (B) diluted mixture and active ingredient concentration (percentage).

(e) (d) The state chemist shall be provided access to the records required to be maintained under this section.

SECTION 51. IC 15-16-5-61, AS AMENDED BY P.L.141-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 61. (a) All fees collected by the state chemist under this chapter shall be paid to Purdue University and deposited in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(b) From the account described in subsection (a), the treasurer shall pay from the special restricted account the expenses incurred in administering this chapter, including expenses for the following:

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

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

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collected under this chapter, to defray any expenses incurred in the administration of this chapter.

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

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

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

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

SECTION 52. IC 15-16-5-63, AS ADDED BY P.L.120-2008, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 63. (a) The state chemist may cooperate with, and enter into agreements with, any other agency of the state, any federal agency, or any other state agency or nongovernmental organization to carry out this chapter to:

- (1) secure uniformity of rules;
- (2) cooperate in the enforcement of the federal pesticide control laws through the use of state or federal personnel and facilities and to implement cooperative enforcement programs;
- (3) develop and administer state plans for certification of applicators consistent with federal standards;
- (4) contract or cooperate with agencies or organizations for the purpose of training applicators;
- (5) contract for monitoring pesticides;
- (6) prepare and submit state plans to meet federal certification standards;
- (7) administer and enforce requirements under this chapter; and
- (8) make reports to the United States Environmental Protection Agency as the agency requires.

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

- (1) **the United States Environmental Protection Agency determines that the state of Indiana:**
  - (A) **has adopted adequate pesticide use laws and rules;**
  - (B) **has adopted and is implementing adequate procedures for the enforcement of the pesticide laws and rules; and**
  - (C) **will keep records and make reports showing compliance with clauses (A) and (B); and**



**(2) the state chemist:**

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

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

SECTION 53. IC 15-16-5-64, AS AMENDED BY P.L.99-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 64. (a) A person may not produce, transport, store, handle, or dispose of any pesticide product or pesticide product containers in a manner that may:

**(1) cause injury to:**

**(A) humans;**

**(B) beneficial vegetation;**

**(C) crops;**

**(D) livestock;**

**(E) wildlife; or**

**(F) beneficial insects; or**

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

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

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

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

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

**(2) in an area protected from precipitation.**

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



systems.

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

SECTION 54. IC 15-16-5-64.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 64.5. (a) Except as provided in subsections (b) and (d), a pesticide may not be applied on school property during:**

- (1) regular school hours; or
- (2) a before school or after school program that is located on school property.

(b) A pesticide may be applied on school property during periods specified in subsection (a) if applied to:

- (1) control an observed pest that poses an immediate health threat situation to the students present; or
- (2) an area outside of and not immediately adjacent to student occupied buildings.

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

- (1) The minimum reentry time specified on the pesticide label.
- (2) Four (4) hours.

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

(e) A pesticide stored on school property must be in:

- (1) the original pesticide container or a clearly labeled service container;
- (2) a locked area or cabinet clearly marked as pesticide storage; and
- (3) an area separated by a solid wall from areas where:
  - (A) food is stored;
  - (B) food is served; or
  - (C) students have access.

SECTION 55. IC 15-16-5-64.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 64.7. (a) A school must send a notification to the parents and guardians of a student and the staff at the school that they may be added to a pesticide notification registry:**

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- (1) at the start of each school year; or**
  - (2) during the school year when a student:**
    - (A) enrolls in; or**
    - (B) transfers to;**
- the school.**

**(b) An individual may request to be added to the registry at any time during the school year.**

**(c) Except as provided in subsection (e), a school must, by whatever means the school determines to be appropriate, provide individuals on the registry with a pesticide notice.**

**(d) The pesticide notice must include the following:**

- (1) The name or address of the school.**
- (2) The licensed commercial applicator responsible for the application, including the applicator's:**
  - (A) name;**
  - (B) license number; and**
  - (C) telephone number.**
- (3) The designee for information about the pesticide application if different than the applicator.**
- (4) The anticipated date and time of the application.**
- (5) The principal target pest.**
- (6) A description of the application area.**
- (7) Each pesticide to be applied, including the following:**
  - (A) The name of the manufacturer.**
  - (B) The United States Environmental Protection Agency registration number.**
  - (C) The brand name.**
- (8) If forty-eight (48) hours advance notice is not provided, an explanation of why it was not provided.**

**(e) The pesticide notice must be provided at least forty-eight (48) hours in advance of a pesticide application on school property. However, a pesticide notice is not required for a pesticide application:**

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

SECTION 56. IC 15-16-5-65, AS AMENDED BY P.L.91-2020, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 65. Subject to section 66 of this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on a person for a violation under this chapter. The state chemist may also deny, suspend, revoke, or modify any provision of any license,



permit, registration, or certification issued under this chapter if the state chemist finds that the applicant or the holder of a license, permit, registration, or certification **has been issued a final civil order imposed under 7 U.S.C. 136l(a), has a criminal conviction under 7 U.S.C. 136l(b), or** has committed any of the following acts, each of which is a violation of this chapter:

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

for hire on the property of another without having a business license issued by the state chemist.
- (10) Used or supervised the use of a pesticide product that is required to be used under this chapter by a person who is certified, licensed, or permitted without having a person who is certified, licensed, or permitted under this chapter conducting the use.
- (11) Used fraud or misrepresentation in the qualification or application for, or renewal of, a license, permit, registration, or



certification.

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification.

(13) Aided or abetted a person to evade this chapter, conspired with a person to evade this chapter, or allowed a license, permit, registration, or certification to be used by another person.

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests.

(15) Impersonated any federal, state, county, or city inspector, investigator, or official.

(16) Knowingly purchased or used a pesticide product that was not registered under IC 15-16-4.

(17) Failed to continuously maintain financial responsibility required under section 58 of this chapter or to provide proof of financial responsibility to the state chemist when requested.

(18) Intentionally altered a duly issued license, permit, registration, or certification.

(19) Recklessly, knowingly, or intentionally impeded or prevented the state chemist or the state chemist's agent from performing a duty of the state chemist.

**(20) Applied a pesticide in a manner that allowed it to drift from the target site in a sufficient quantity to cause an adverse effect to a nontarget site.**

**(21) Distributed a restricted use pesticide without having a pesticide dealer registration issued by the state chemist.**

**(22) Distributed a restricted use pesticide to a noncertified end user of the pesticide.**

**(23) Stored or disposed of a pesticide in a manner inconsistent with the requirements established by the United States Environmental Protection Agency or this chapter.**

**(24) Failed to perform the notification requirements for a pesticide application in a school.**

SECTION 57. IC 15-16-5-66, AS AMENDED BY P.L.76-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 66. (a) The state chemist may impose civil penalties under this section only in accordance with subsections (b) through (d). However, this section does not require the state chemist to impose a civil penalty on a person for any violation of this chapter or a rule adopted under this chapter.

(b) Except for a violation described in subsection (c) or (d), the state chemist may impose a civil penalty not exceeding two hundred fifty





dollars (\$250) for a violation of this chapter or any rule adopted under this chapter. A civil penalty imposed under this subsection ~~may~~ **shall** be adjusted for mitigating actions described in subsection (e). A civil penalty under this subsection may not be imposed unless a warning for a violation has previously been issued to the person for the same violation within the previous five (5) years.

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

- (1) After written notice, neglected 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.

- (2) Committed an act described in section 65(8) of this chapter.
- (3) Unknowingly committed an act described in section 65(9) or 65(10) of this chapter.
- (4) After written notice, neglected 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.
- (5) Committed an act described in section 65(14) or 65(16) of this chapter.

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

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

(8) Applied a ~~nonrestricted~~ **general** 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)~~.

**(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 chapter.**

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

- (1) Cooperated with the state chemist during the investigation or inspection process.
- (2) Took corrective action to prevent future similar violations.



- (3) Compensated a victim for any adverse effects that resulted from the violation.

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

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

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

**(h) Any findings related to a violation of this chapter or rules adopted under this chapter must be disclosed to the alleged violator before a:**

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

**(i) Unless the state chemist has evidence of wrongdoing by the licensed pesticide business, any warnings, citations, or civil penalties regarding a pesticide use in violation of this chapter must be directed at:**

- (1) the employee who committed the violation; or**
- (2) the person who was responsible for the supervision of the employee who committed the violation.**

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

SECTION 58. IC 15-16-5-69, AS AMENDED BY P.L.99-2012, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 69. (a) The state chemist may enter upon any public or private property at reasonable times to do the following:

- (1) Observe the use and application of a pesticide product.
- (2) Inspect equipment subject to this chapter.
- (3) Inspect and sample property actually or reported to be exposed to pesticide products.
- (4) Inspect storage or disposal areas.
- (5) If the state chemist or the state chemist's agent has reasonable suspicion of a violation of this chapter by a person who distributes or uses a pesticide product, inspect or investigate complaints of injury to humans or property.**
- (6) Sample pesticide products being produced, distributed, transported, stored, disposed, or used or to be used.



(7) Inspect, **copy**, and ~~obtain~~ **receive** copies of pesticide product production, sale, distribution, purchase, use, storage, and disposal records, including confidential business information. **However, the person who retains the records may defer access to the records by the state chemist or the state chemist's agent if access is granted by the person not more than ten (10) days after the initial request for records.** Confidential business information obtained under this subdivision is confidential for purposes of IC 5-14-3-4(a).

(b) The state chemist may, upon showing a need, apply to any court with jurisdiction for a search warrant authorizing access to the property. The court may, after receiving the application and finding a need, issue the search warrant for the purposes requested.

(c) A prosecuting attorney to whom a violation of this chapter is reported may institute and prosecute the violation in a court with jurisdiction of that county without delay. The state chemist may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule adopted under this chapter notwithstanding the existence of other remedies at law. The injunction may be issued without bond.

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

- (1) 355 IAC 4-0.5-1.6.
- (2) 355 IAC 4-0.5-1.7.
- (3) 355 IAC 4-0.5-6.
- (4) 355 IAC 4-0.5-7.
- (5) 355 IAC 4-0.5-8.
- (6) 355 IAC 4-1-1.1.
- (7) 355 IAC 4-1-2.1(k).
- (8) 355 IAC 4-1-3(15).
- (9) 355 IAC 4-2.
- (10) 355 IAC 4-4.
- (11) 355 IAC 4-5-2(c) and 355 IAC 4-5-2(d).
- (12) 355 IAC 4-7-3.
- (13) 355 IAC 5.
- (14) 357 IAC 1.

**(b) The publisher of the Indiana Administrative Code and the Indiana Register shall remove the rules in subsection (a) from the Indiana Administrative Code.**

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



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 216**

