

House Engrossed

FILED

**Betsey Bayless
Secretary of State**

State of Arizona
House of Representatives
Forty-fourth Legislature
Second Regular Session
2000

CHAPTER 27

HOUSE BILL 2179

AN ACT

AMENDING TITLE 49, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-310; RELATING TO PESTICIDE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 2, article 6, Arizona Revised Statutes,
3 is amended by adding section 49-310, to read:

4 49-310. Pesticides; conditional registration; reports

5 A. THE DIRECTOR MAY PROVIDE FOR THE CONDITIONAL REGISTRATION OF A
6 PESTICIDE FOR ONE YEAR WITH AN OPTION TO RENEW ANNUALLY FOR A PERIOD NOT TO
7 EXCEED THREE YEARS UNDER THE FOLLOWING CONDITIONS:

8 1. THE PESTICIDE IS REGISTERED PURSUANT TO THE FEDERAL INSECTICIDE,
9 FUNGICIDE AND RODENTICIDE ACT AS AMENDED (7 UNITED STATES CODE SECTION 136;
10 P.L. 100-532; 102 STAT. 2654) AND IS REGISTERED FOR USE IN OTHER STATES.

11 2. THE DIRECTOR DETERMINES THAT A CONDITIONAL REGISTRATION WILL RESULT
12 IN USE OF THE PESTICIDE IN THIS STATE THAT IS SUFFICIENT TO GENERATE
13 ACCEPTABLE DATA TO COMPLETE THE PERMANENT REGISTRATION OF THE PESTICIDE
14 PURSUANT TO SECTION 49-302. A PERSON WHO SUBMITS DATA SHALL COMMIT TO
15 DEVELOP AND GENERATE NEW DATA FOR THE DEPARTMENT'S REVIEW AND APPROVAL. THE
16 NEW DATA SHALL ADDRESS THE DEFICIENCY PREVIOUSLY IDENTIFIED BY THE DEPARTMENT
17 IN ITS INITIAL REVIEW AND APPROVAL PROCESS. THE COMMITMENT SHALL BE IN THE
18 FORM OF A CONTRACT WITH THE DEPARTMENT.

19 3. THE PESTICIDE IN QUESTION SHALL BE IMPORTANT TO AGRICULTURE AS
20 DETERMINED BY THE DIRECTOR AFTER CONSULTATION WITH THE ARIZONA DEPARTMENT OF
21 AGRICULTURE.

22 B. EACH REGISTRANT WHO HOLDS A CONDITIONAL REGISTRATION SHALL SUBMIT
23 A REPORT TO THE DIRECTOR ANNUALLY AS SPECIFIED BY THE DIRECTOR THAT DESCRIBES
24 THE PROGRESS MADE IN DEVELOPING EACH ITEM OF REQUIRED DATA. THE DIRECTOR MAY
25 REQUIRE THAT ADDITIONAL DATA BE INCLUDED IN REPORTS ON CONDITIONALLY
26 REGISTERED PESTICIDES.

27 C. ON RECEIPT OF THE PRESCRIBED REPORTS, THE DIRECTOR MAY DETERMINE
28 THAT THE CONDITIONAL REGISTRATION STATUS BE CONTINUED FOR AN ADDITIONAL YEAR
29 OR BE CANCELED IF THE REPORTS INDICATE A LACK OF PROGRESS. IF THE
30 CONDITIONAL REGISTRATION IS CANCELED, ALL PRODUCT IN THE STATE, INCLUDING
31 PRODUCT AT THE USER LEVEL, SHALL BE REMOVED FROM SALE OR DISTRIBUTION.

32 D. CONDITIONAL REGISTRATION SHALL BE GRANTED ONE TIME PER PESTICIDE
33 ACTIVE INGREDIENT.

34 E. CONDITIONAL REGISTRANTS SHALL NOT VOLUNTARILY CANCEL THE
35 CONDITIONAL REGISTRATION.

APPROVED BY THE GOVERNOR MARCH 21, 2000.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2000.