

Senate Engrossed

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

CHAPTER 80

## **SENATE BILL 1078**

AN ACT

AMENDING SECTIONS 32-2311, 32-2311.01 AND 32-2331, ARIZONA REVISED STATUTES;  
RELATING TO PEST MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2311, Arizona Revised Statutes, is amended to  
3 read:

4 32-2311. License and registration exemptions

5 A. The provisions of this chapter requiring licensure and registration  
6 do not apply to:

7 1. Persons applying nonrestricted use pesticides on residential  
8 property that they own and occupy or that they own and that is not occupied.

9 2. Authorized representatives of any educational institution engaged  
10 in research in the study of pest management or a state agency engaged in  
11 research or the study of pest management.

12 3. Persons using a nonrestricted, ready-to-use disinfectant, sanitizer  
13 or deodorizer.

14 4. A utility and the utility's employees if pest management services  
15 are needed for an employee's health and safety in order for the employee to  
16 continue performing work tasks.

17 5. Persons using an over-the-counter antimicrobial to treat a swimming  
18 pool.

19 6. Persons using a device that is exempt pursuant to section 32-2304,  
20 subsection B, paragraph 18.

21 7. Persons who are exempt pursuant to section ~~32-2318~~ 32-2311.01 or  
22 ~~32-2319~~ 32-2311.02.

23 B. An individual is not required to have a separate business license  
24 to engage in the business of pest management on behalf of a business licensee  
25 or as an employee of a political subdivision.

26 C. The director by rule may exempt from sections 32-2313 and 32-2314 a  
27 certified applicator who performs inspections but does not make  
28 recommendations, estimates, bids or contracts for treatment or use pesticides  
29 or devices for pest management and may prescribe alternative requirements and  
30 conditions.

31 Sec. 2. Section 32-2311.01, Arizona Revised Statutes, is amended to  
32 read:

33 32-2311.01. Political subdivisions; exemptions; definition

34 A. A political subdivision that uses pesticides to conduct pest  
35 management on property that is owned, leased or managed by the political  
36 subdivision, including easements:

37 1. Is not required to be licensed under section 32-2313.

38 2. Must provide the department with the name and telephone number of  
39 the primary contact person or persons responsible for responding to  
40 department inquiries or concerns regarding compliance with this chapter. The  
41 primary contact person or persons at a minimum shall demonstrate to the  
42 department:

43 (a) Where the records are retained.

44 (b) Where the personal protective equipment is located.

45 (c) Where the pesticides are stored.

- 1 (d) That all applicators are properly certified.
- 2 B. A school district is exempt from subsection A, paragraph 2 of this  
3 section, but shall have a qualifying party who is registered in the  
4 appropriate categories.
- 5 C. An employee of a political subdivision who provides pest management  
6 services must be a certified applicator except as provided by subsection D of  
7 this section.
- 8 D. The following individuals are exempt from the certification  
9 requirements of this chapter:
- 10 1. An employee of a political subdivision who applied pesticides for  
11 the political subdivision ~~for the first time~~ no more than ninety CALENDAR  
12 days before certification. This exemption does not apply to an employee who  
13 applies pesticides at a school or child care facility.
- 14 2. An employee of a political subdivision or designated agent while  
15 performing emergency response or rescue services.
- 16 3. A volunteer of a political subdivision while applying herbicides  
17 for the purpose of the eradication and control of noxious weeds as defined in  
18 section 3-201 and who is under the immediate supervision of a certified  
19 applicator. This exemption does not apply to a volunteer of a political  
20 subdivision who:
- 21 (a) Applies herbicides at a school or child care facility.
- 22 (b) Uses herbicides that are labeled with the words "restricted use"  
23 or "danger".
- 24 (c) Uses sterilants.
- 25 (d) Uses application equipment that holds more than four gallons of  
26 total mixed liquid herbicide.
- 27 (e) Has not completed an herbicide application training program  
28 conducted by the political subdivision and approved by the office.
- 29 E. For the purposes of this section, "volunteer" means a person who  
30 works without compensation other than reimbursement of actual expenses  
31 incurred or disbursement of meals or other incidental benefits.
- 32 Sec. 3. Section 32-2331, Arizona Revised Statutes, is amended to read:  
33 32-2331. Termite action report form; exemption
- 34 A. Within thirty calendar days after completion of a pretreatment, a  
35 new-construction treatment, a final grade treatment, an initial corrective  
36 treatment or a wood-destroying insect inspection report, a business licensee  
37 or certified applicator shall file with the office in a form approved by the  
38 director a termite action report form and the prescribed fee. A TERMITE  
39 ACTION REPORT IS REQUIRED FOR TERMITE ACTION ONLY AND DOES NOT INCLUDE ALL  
40 WOOD-DESTROYING ORGANISMS.
- 41 B. The termite action report form shall include:
- 42 1. The address or location of the work or project.
- 43 2. The type and date of the work.
- 44 3. The name of the business licensee.
- 45 4. Any other information required by rule.

1 C. The director may:

2 1. Adjust the fee upward or downward to a level that is calculated to  
3 produce sufficient revenue to carry out the functions of wood-destroying  
4 organism regulation.

5 2. Establish tiered fees according to the means of submission to  
6 encourage electronic submission of the termite action report form.

7 3. Assess a penalty of not more than one hundred dollars per form for  
8 failing to submit the required form or fee, or both, within thirty calendar  
9 days.

10 D. If the business licensee who performs an initial corrective  
11 treatment performed the pretreatment or new-construction treatment at the  
12 same site and filed a termite action report form with the office documenting  
13 the pretreatment or new-construction treatment, the business licensee is  
14 exempt from this section with respect to the initial corrective treatment.

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.

Passed the House March 24, 20 15

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 16, 20 15,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25<sup>th</sup> day of March, 20 15,

at 2:27 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 30<sup>th</sup> day of

March, 20 15,

at 1:39 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 31<sup>st</sup> day of March, 20 15,

at 10:00 o'clock A M.

[Signature]  
Secretary of State

S.B. 1078