

SENATE FILE 237

1 Amend Senate File 237 as follows:

2 1. By striking after the word "farmer" in Section 2,
3 subsection 12, line 67, the words "performing such service
4 for another" and substituting in lieu thereof the words "trading
5 work with another".

6 2. By striking the period after the word "based" in
7 section 4, subsection 2, line 43, and adding the words ", if
8 requested by the secretary."

9 3. Further amend section 4, subsection 2, line 44,
10 by striking the word "shall" and adding the word "may".

Senate concurred 5/7

Filed
May 7, 1963.

adopted 5/8/63

BUSCH of Bremer.

SENATE FILE 237

1 Amend Senate File 237 as follows:

2 1. In section 5, line 24, strike the word "shall"
3 and insert in lieu thereof the word "may".

4 2. In section 2 insert at the end of line 67 the
5 following: "The term 'commercial applicator' shall not
6 include any person working under the direct supervision
7 of a licensed commercial applicator."

✓ Filed and division 1 adopted, division 2 withdrawn
May 7, 1963.

STANLEY of Muscatine.

SENATE FILE 237

1 Amend Senate File 237, section 3, line 30, by inserting
2 following the word "a" the word "confidential".

3 Further amend Senate File 237 by inserting in section 3,
4 line 33, the following sentence: "Except in official pro-
5 ceedings pursuant to section 10 of this act, it shall be
6 unlawful for the secretary or any representative of the
7 department to disclose the translation or decipherment of
8 any code number or designation shown on a container pursuant
9 to this requirement.

Filed
May 7, 1963

adopted 5/7/63

Senate concurred 5/7

BOCK of Hancock.

17 mixture of substances intended, through physiological action, for
18 accelerating or retarding the rate of growth or rate of matura-
19 tion, or for otherwise altering the behavior of ornamental or
20 crop plants or the produce thereof, but shall not include sub-
21 stances to the extent that they are intended as plant nutrients,
22 trace elements, nutritional chemicals, plant inoculants, and
23 soil amendments.

24 4. The term "ingredient statement" means either:

25 a. A statement of the name and percentage by weight of each
26 pesticide ingredient, together with the total percentage of the
27 inert ingredients, in the pesticide.

28 b. With respect to pesticides for household uses, not highly
29 toxic to man, a statement of the name of each active ingredient
30 in descending order of predominance and total percent of inert
31 ingredients.

32 c. In case the pesticide contains arsenic in any form, a
33 statement of the percentages by weight of total and water soluble
34 arsenic, each calculated as elemental arsenic.

35 5. The term "active ingredient" means:

36 a. In the case of a pesticide other than a plant growth
37 regulator, defoliant or desiccant, an ingredient which will
38 prevent, destroy, repel, or mitigate insects, nematodes, fungi,
39 rodents, weeds, or other pests.

40 b. In the case of a plant growth regulator, an ingredient
41 which, through physiological action, will accelerate or retard
42 the rate of growth or rate of maturation or otherwise alter
43 the behavior of ornamental or crop plants or the produce thereof.

44 c. In the case of a defoliant, an ingredient which will
45 cause the leaves or foliage to drop from a plant.

46 d. In the case of a desiccant, an ingredient which will
47 artificially accelerate the drying of plant tissue.

48 6. The term "inert ingredient" means an ingredient which
49 is not an active ingredient.

50 7. The term "antidote" means the most practical immediate
51 treatment in case of poisoning and includes first aid treatment.

52 8. The term "person" means any individual, partnership,
53 association, corporation, or organized group of persons whether
54 incorporated or not.

55 9. The term "department" shall mean the Iowa department of
56 agriculture.

57 10. The term "secretary" means the secretary of the Iowa
58 department of agriculture.

59 11. The term "registrant" means the person registering any
60 pesticide or device or who has obtained a certificate of license
61 from the department pursuant to the provisions of this Act.

62 12. The term "commercial applicator" shall mean any person or
63 corporation who enters into a contract or an agreement for the
64 sake of monetary payment and agrees to perform a service by
65 applying any pesticide or servicing any device, including an
66 employee of a contractor or a public utility corporation but
67 shall not include a farmer performing such service for another.

68 13. The term "label" means the written, printed, or graphic
69 matter on, or attached to, the pesticide or device, or the
70 immediate container thereof, and the outside container or
71 wrapper of the retail package, if any there be, of the pesticide
72 or device.

73 14. The term "labeling" means all labels and other written,
74 printed or graphic matter:

75 a. Upon the pesticide or device or any of its containers
76 or wrappers.

77 b. Accompanying the pesticide or device at any time.

78 c. To which reference is made on the label or in literature
79 accompanying the pesticide or device, except when accurate, non-
80 misleading reference is made to current official publications
81 of the United States department of agriculture or interior, the
82 United States public health service, the state agricultural
83 experiment stations, the Iowa state university, the Iowa de-
84 partment of public health, the state conservation commission,
85 or other similar federal institutions or official agencies of
86 this state or other states authorized by law to conduct research
87 in the field of pesticides.

88 15. The term "adulterated" shall apply to any pesticide if
89 its strength or purity falls below the professed standard or
90 quality as expressed on labeling or under which it is sold, or
91 if any substance has been substituted wholly or in part for the
92 article, or if any valuable constituent of the article has been
93 wholly or in part abstracted.

94 16. The term "misbranded" shall apply:

95 a. To any pesticide or device if its labeling bears any
96 statement, design or graphic representation relative thereto
97 or to its ingredients which is false or misleading in any
98 particular.

99 b. To any pesticide:

100 (1) If it is an imitation of or is offered for sale under
101 the name of another pesticide.

102 (2) If its labeling bears any reference to registration
103 under this Act, when not so registered.

104 (3) If the labeling accompanying it does not contain direc-
105 tions for use which are necessary and if complied with adequate
106 for the protection of the public.

107 (4) If the label does not contain a warning or caution
108 statement which may be necessary and if complied with adequate
109 to prevent injury to living man and other vertebrate animals.

110 (5) If the label does not bear an ingredient statement on
111 that part of the immediate container and on the outside con-
112 tainer or wrapper, if there is to be one, through which the
113 ingredient statement on the immediate container cannot be
114 clearly read, of the retail package which is presented or dis-
115 played under customary conditions of purchase.

116 (6) If any word, statement, or other information required by
117 or under authority of this Act to appear on the label or labeling
118 is not prominently placed thereon with such conspicuousness
119 as compared with other words, statements, designs, or graphic
120 matter in the labeling and in such terms as to render
121 it likely to be read and understood by the ordinary individual
122 under customary conditions of purchase and use.

123 (7) If in the case of an insecticide, nematocide, fungicide,
124 or herbicide when used as directed or in accordance with com-
125 monly recognized practice it shall be injurious to living man
126 or other vertebrate animals, or vegetation, except weeds, to
127 which it is applied, or to the person applying such pesticide.

128 (8) If in the case of a plant growth regulator, defoliant,
129 or desiccant when used as directed it shall be injurious to
130 living man or other vertebrate animals, or vegetation to which
131 it is applied, or to the person applying such pesticide; pro-
132 vided, that physical or physiological effects on plants or parts

133 thereof shall not be deemed to be injury, when this is the pur-
134 pose for which the plant growth regulator, defoliant, or desic-
135 cant was applied, in accordance with the label claims and
136 recommendations.

1 Sec. 3. 1. It shall be unlawful for any person to distribute
2 sell, or offer for sale within this state or deliver for trans-
3 portation or transport in intrastate commerce or between points
4 within this state through any point outside this state any of
5 the following:

6 a. Any pesticide which has not been registered pursuant to
7 the provisions of section four (4) of this Act.

8 b. Any pesticide, if any of the claims made for it, or if
9 any of the directions for its use, differ in substance from
10 the representations made in connection with its registration.

11 c. Any pesticide if the composition thereof differs from
12 its composition as represented in connection with its regis-
13 tration, unless within the discretion of the secretary, or his
14 authorized representative, a change in the labeling or formula
15 of a pesticide within a registration period, has been authorized,
16 without requiring a re-registration of the product.

17 d. Any pesticide, unless it is in the registrant's or the
18 manufacturer's unbroken immediate container, and there is affixed
19 to such container, and to the outside container or wrapper of
20 the retail package, if there be one through which the required
21 information on the immediate container cannot be clearly read,
22 a label bearing the following:

23 (1) The name and address of the manufacturer, registrant,
24 or person for whom manufactured.

25 (2) The name, brand, or trade mark of said article.

26 (3) The net weight or measure of the contents subject, how-
27 ever, to such reasonable variations as the secretary may permit.

28 (4) An ingredient statement as required in section four (4)
29 of this Act.

30 (5) Unless it bears a code number or designation approved
31 by the secretary which shows the date of manufacture of products
32 which the secretary finds after public hearing are subject to
33 deterioration.

34 e. Any pesticide which contains any substance or substances
35 in quantities highly toxic to man; determined as provided in
36 section six (6) of this Act, unless the label shall bear, in
37 addition to any other matter required by this Act:

38 (1) The skull and cross-bones.

39 (2) The word "poison" prominently, in red, on a background
40 of distinctly contrasting color.

41 (3) A statement of an antidote for the pesticide.

42 (4) Instructions for safe disposal of the container when the
43 used container is found by the secretary after public hearing to
44 be hazardous to man or other vertebrate animals.

45 f. Any standard lead arsenate, basic lead arsenate, calcium
46 arsenate, magnesium arsenate, zinc arsenate, zinc arsenite,
47 sodium fluoride, sodium fluosilicate and barium fluosilicate
48 unless such pesticides have been distinctly colored or dis-
49 colored as provided by regulations issued in accordance with
50 this Act, or any other white powder which the secretary, or his
51 authorized representatives, after investigation of and after
52 public hearing on the necessity for such action for the protec-
53 tion of the public health and the feasibility of such coloration
54 or discoloration, shall, by regulation, require to be distinctly

55 colored or discolored; unless it has been so colored or dis-
56 colored; provided, that the secretary, or his authorized repre-
57 sentative, may exempt any pesticide to the extent that it is
58 intended for a particular use or uses from the coloring or dis-
59 coloring required or authorized by this section if he determines
60 that such coloring or discoloring for such use or uses is not
61 necessary for the protection of the public health or safety.

62 g. Any pesticide which is adulterated or misbranded.

63 2. It shall be unlawful:

64 a. For any person to detach, alter, deface, or destroy in
65 whole or in part, any label or labeling provided for in this
66 Act or the rules and regulations promulgated hereunder, or to
67 add any substance to, or take any substance from a pesticide
68 in a manner that may defeat the purpose of this Act.

69 b. For any person to use for his own advantage or to reveal,
70 other than to the secretary, or officials or employees of the
71 state or officials or employees of the United States department
72 of agriculture, or other federal agencies, or to the courts in
73 response to a subpoena, or to physicians, and in emergencies
74 to pharmacists and other qualified persons for use in the prepara-
75 tion of antidotes, in accordance with such directions as the
76 secretary may prescribe, any information relative to formulae
77 of products acquired by authority of section four (4) of this
78 Act.

79 c. For any person to interfere in any way with the secre-
80 tary or his duly authorized agents in carrying out the duties
81 imposed by this Act.

82 d. To apply or cause to be applied any pesticide in such a
83 way as to damage seriously the health, welfare, or property

84 of any person or pollute or cause pollution of public waters
85 as defined in section one hundred thirty-five point eighteen
86 (135.18) of the Code, but no person shall be liable under this
87 chapter if said pesticide is applied in accordance with, or less
88 than, the label requirements.

1 Sec. 4. 1. Every pesticide which is distributed, sold or
2 offered for sale within this state or delivered for transporta-
3 tion or transported in intrastate commerce between points with-
4 in the state through any point outside this state shall be
5 registered with the department of agriculture. The secretary
6 may register and permit the sale of any pesticide which has
7 been duly registered without protest under the provisions of
8 the federal Insecticide, Fungicide and Rodenticide Act, but
9 products so registered shall be subject to the registration
10 fees provided for herein, and to all other provisions of this
11 Act. All registration of products shall expire on the thirty-
12 first day of October following date of issuance, unless such
13 registration shall be renewed annually, in which event expira-
14 tion date shall be extended for each year of renewal registra-
15 tion, or until otherwise terminated; provided that:
16 a: Products which have the same formula, and are manufactured
17 by the same person, the labeling of which contains the same
18 claims, and the labels of which bear a designation identifying
19 the product as the same pesticide may be registered as a single
20 pesticide; additional names and labels shall be added by supple-
21 ment statements during the current period of registration. For
22 the purpose of this Act, fertilizers in mixed fertilizer-
23 pesticide formulations shall be considered as inert ingredients.
24 b: Within the discretion of the secretary, or his authorized

25 representative, a change in the labeling or formulae of a pesti-
26 cide may be made within the current period of registration,
27 without requiring a re-registration of the product, provided
28 the name of the item is not changed.

29 2. The registrant shall file with the department a state-
30 ment containing:

31 a. The name and address of the registrant and the name and
32 address of the person whose name will appear on the label, if
33 other than the registrant.

34 b. The name of the pesticide.

35 c. An ingredient statement in which the accepted common
36 name and percentage by weight of each active ingredient is
37 listed as well as the percentage of inert ingredients in the
38 pesticides.

39 d. A complete copy of the labeling accompanying the pesti-
40 cide and a statement of all claims made and to be made for it
41 including directions for use.

42 e. A full description of the tests made and results thereof
43 upon which the claims are based. In the case of renewal or re-
44 registration, a statement shall be required only with respect
45 to information which is different from that furnished when the
46 pesticide was registered or last re-registered.

47 3. The registrant, before selling or offering for sale any
48 pesticide in this state, shall register each brand and grade
49 of such pesticide with the secretary upon forms furnished by the
50 secretary, and, for the purpose of defraying expenses connected
51 with the enforcement of this Act, shall pay to the secretary an
52 annual registration fee of ten (10) dollars for each and every
53 brand and grade to be offered for sale in this state up to ten

54 (10) products. A fee of five (5) dollars shall be paid for each
55 product thereafter. The fees collected shall be deposited in
56 the treasury to the credit of the pesticide fund to be used
57 only for the purpose of enforcing the provisions of this Act.
58 All moneys in said fund in excess of one hundred thousand
59 (100,000) dollars shall be placed in the general fund of the
60 state at the end of each biennium.

61 4. The secretary, whenever he deems it necessary in the
62 administration of this Act, may require the submission of the
63 complete formula of any pesticide. If it appears to the secre-
64 tary that the composition of the article is such as to warrant
65 the proposed claims for it and if the article and its labeling
66 and other material required to be submitted comply with the
67 requirements of this Act, he shall register the article.

68 5. If it does not appear to the secretary that the article
69 is such as to warrant the proposed claims for it or if the
70 article and its labeling and other material required to be sub-
71 mitted do not comply with the provisions of this Act, he shall
72 notify the registrant of the manner in which the article, label-
73 ing, or other material required to be submitted fail to comply
74 with this Act so as to afford the registrant an opportunity to
75 make the necessary corrections before resubmitting the label.
76 If, upon receipt of such notice, the registrant insists that
77 such corrections are not necessary and requests in writing that
78 the article be registered, the secretary shall register the
79 article, under protest, and such registration shall be accompanied
80 by a warning, in writing, to the registrant of the apparent fail-
81 ure of the article to comply with the provisions of this Act. In
82 order to protect the public, the secretary, on his own motion,

83 may at any time cancel the registration of a pesticide and in
84 lieu thereof issue a registration under protest in accordance
85 with the foregoing procedure. In no event shall registration
86 of an article, whether or not protested, be construed as a de-
87 fense for the commission of any offense prohibited under
88 section three (3) of this Act.

89 6. Notwithstanding any other provisions of this Act, regis-
90 tration is not required in the case of a pesticide shipped from
91 one plant within this state to another plant within this state
92 operated by the same person.

1 Sec. 5. 1. All commercial applicators of pesticides shall
2 be required to secure a license and be issued a permit and be
3 assigned a permit number. The secretary shall require proof
4 of competence and responsibility before issuing a license. Upon
5 receipt of a properly executed application and payment of re-
6 quired fees, the secretary shall issue a license permitting a
7 person to make commercial applications of pesticides and devices
8 unless he has reason to believe such issuance would not be in the
9 public interest.

10 2. All persons required to secure a license under this
11 section shall initially pay a fee of ten (10) dollars, and
12 each year thereafter shall pay a fee of five (5) dollars for
13 renewal of this license and permit number. Fees collected
14 shall be deposited in the treasury to the pesticide fund to be
15 used for the purpose of enforcing the provisions of this Act.
16 The expiration date shall be the thirty-first day of October
17 of each year. In case the original license or permit number
18 has been lost or destroyed, a duplicate license and permit
19 number may be obtained upon payment of a fee of five (5)

20 dollars.

21 8. The secretary shall revoke or suspend any license after
22 conviction of the holder for violation of any provision of
23 this Act.

24 4. Aerial commercial applicators shall register with the
25 Iowa aeronautics commission as well as with the Iowa department
26 of agriculture.

27 5. Any nonresident commercial applicator securing a license
28 and permit to operate in Iowa impliedly consents to the appoint-
29 ment of the secretary of agriculture as his agent for the service
30 of original notice in any civil suit against him concerning the
31 application of pesticides in Iowa.

1 Sec. 6. 1. The secretary is authorized, after public hearing
2 following due notice:

3 a. To declare as a pest any form of plant or animal life or
4 virus which is injurious to plants, men, domestic animals,
5 articles, or substances.

6 b. To determine whether pesticides are highly toxic to man.

7 c. To determine standards of coloring or discoloring for
8 pesticides, and to subject pesticides to the requirements of
9 section three (3), subsection one (1) of this Act.

10 2. The secretary is authorized, after public hearing
11 following due notice, to make appropriate rules and regula-
12 tions for carrying out the provisions of this Act, including
13 rules and regulations providing for the collection and chemical
14 examination of samples of pesticides or devices.

15 3. For the purpose of carrying out the provisions and the
16 requirements of this Act and the rules and regulations made
17 and notices given pursuant thereto, the secretary or his author-

18 ized agents, inspectors, or employees may enter into or upon
19 any place during reasonable business hours in order to take
20 periodic random samples for chemical examinations of pesticides
21 and devices and to open any bundle, package or other container
22 containing or believed to contain a pesticide in order to
23 determine whether the pesticide or device complies with the
24 requirements of this Act. Methods of analysis shall be those
25 currently used by the Association of Official Agricultural
26 Chemists.

27 4. The secretary is authorized, after public hearing follow-
28 ing due notice, to adopt by regulation such regulations, ap-
29 plicable to and in conformity with the primary standards estab-
30 lished by this Act, and as have been or may be prescribed in the
31 United States department of agriculture with respect to pesti-
32 cides.

1 Sec. 7. The examination of pesticides shall be made under
2 the direction of the secretary, or his authorized representative,
3 for the purpose of determining whether they comply with the re-
4 quirements of this Act. If it shall appear from such examina-
5 tion that a pesticide fails to comply with the provisions of
6 this Act, and the secretary, or his authorized representative,
7 contemplates instituting criminal proceedings against any per-
8 son, he shall cause notice to be given to such person. Any
9 person so notified shall be given an opportunity to present
10 his views, either orally or in writing, with regard to such con-
11 templated proceedings and if thereafter in the opinion of the
12 secretary, or his authorized representative, it shall appear
13 that the provisions of the Act have been violated by such person,
14 then the secretary or his authorized representative may refer

15 the facts to the county attorney for the county in which the
16 violation shall have occurred with a copy of the results of the
17 analysis or the examination of such article; provided, however,
18 that nothing in this Act shall be construed as requiring the
19 secretary or his representative to report for prosecution or
20 for the institution of proceedings in minor violations of the Act
21 whenever he believes that the public interests will be best
22 served by a suitable notice of warning in writing.

1 Sec. 8. 1. The penalties provided for violations of section
2 three (3), subsection one (1) of this Act shall not apply to:

3 a. Any carrier while lawfully engaged in transporting a
4 pesticide within this state, if such carrier shall, upon request,
5 permit the secretary or his designated agent to copy all records
6 showing the transactions in and movement of the articles.

7 b. Public officials of this state and the federal government
8 engaged in the performance of their official duties.

9 c. The manufacturer or shipper of a pesticide for experi-
10 mental use only:

11 (1) By or under the supervision of an agency of this state
12 or of the federal government authorized by law to conduct re-
13 search in the field of pesticides.

14 (2) By others if the pesticide is not sold and if the con-
15 tainer thereof is plainly and conspicuously marked "for experi-
16 mental use only—not to be sold", together with the manufacturer's
17 name and address; provided, however, that if a written permit
18 has been obtained from the secretary, pesticides may be sold
19 for experimental purposes subject to such restrictions and con-
20 ditions as may be set forth in the permit.

21 2. No article shall be deemed in violation of this Act when

22 intended solely for export to a foreign country, and when pre-
23 pared or packed according to the specifications or directions
24 of the purchaser. If not so exported, all the provisions of
25 this Act shall apply.

1 Sec. 9. 1. Any person violating section three (3), sub-
2 section one (1), paragraph "a" of this Act shall be guilty of a
3 misdemeanor and upon conviction shall be fined not more than
4 one hundred (100) dollars.

5 2. Any person violating any provision of this Act other
6 than section three (3), subsection one (1), paragraph "a" shall
7 be guilty of a misdemeanor and upon conviction shall be fined
8 not more than five hundred (500) dollars for the first offense
9 and upon conviction for a subsequent offense shall be fined
10 not more than one thousand (1000) dollars; provided, that any
11 offense committed more than five (5) years after a previous
12 conviction shall be considered a first offense; and provided,
13 further, that in any case where a registrant was issued a warn-
14 ing by the secretary pursuant to the provisions of this Act,
15 such registrant shall upon conviction of a violation of any
16 provision of this Act other than section three (3), subsection
17 one (1), paragraph "a" be fined not more than one thousand
18 (1000) dollars, or imprisoned for not more than one (1) year,
19 or be subject to both such fine and imprisonment; and the registra-
20 tion of the article with reference to which the violation occurred
21 shall terminate automatically. An article, the registration
22 of which has been terminated, may not again be registered unless
23 the article, its labeling, and other material required to be
24 submitted appear to the secretary to comply with all the require-
25 ments of this Act.

26 3. Notwithstanding any other provisions of the section, in
27 case any person, with intent to defraud, uses or reveals informa-
28 tion relative to formulae of products acquired under authority of
29 section four (4) of this Act, he shall be fined not more than one
30 thousand (1000) dollars or imprisoned for not more than one (1)
31 year, or both.

1 Sec. 10. 1. Any pesticide or device that is distributed,
2 sold, or offered for sale within this state or delivered for
3 transportation or transported in intrastate commerce or be-
4 tween points within this state through any point outside this
5 state shall be liable to be proceeded against in any district
6 court in any county of the state where it may be found and
7 seized for confiscation by condemnation.

8 a. In the case of a pesticide:

9 (1) If it is adulterated or misbranded.

10 (2) If it has not been registered under the provisions of
11 section four (4) of this Act.

12 (3) If it fails to bear on its label the information re-
13 quired by this Act.

14 (4) If it is a white powder pesticide and is not colored
15 as required under this Act.

16 b. In the case of a device, if it is misbranded.

17 2. If the article is condemned, it shall, after entry of
18 decree, be disposed of by destruction or sale as the court may
19 direct and the proceeds if such article is sold, less legal
20 costs, shall be paid to the state treasurer; provided, that
21 the article shall not be sold contrary to the provisions of
22 this Act; and, provided further, that upon payment of costs
23 and execution and delivery of a good and sufficient bond

24 conditioned that the article shall not be disposed of unlaw-
25 fully, the court may direct that said article be delivered
26 to the owner thereof for relabeling or reprocessing as the
27 case may be.

28 3. When a decree of condemnation is entered against the
29 article, court costs and fees and storage and other proper
30 expenses shall be awarded against the person, if any, inter-
31 vening as claimant of the article.

1 Sec. 11. The secretary is authorized and empowered to
2 co-operate with, and enter into agreements with, any other
3 agency of this state, the United States department of agri-
4 culture, and any other state or agency thereof for the purpose
5 of carrying out the provisions of this Act and securing uni-
6 formity of regulations.

1 Sec. 12. If any provision of this Act is declared uncon-
2 stitutional, or the applicability thereof to any person or
3 circumstances is held invalid, the constitutionality of the
4 remainder of this Act and the applicability thereof to other
5 persons and circumstances shall not be affected thereby.

1 Sec. 13. This Act shall be effective January 1, 1964.

*See 1/19
withdrawn
Dec. 3/20
adopted 3/10*

- 1 Amend Senate File 237 as follows:
- 2 1. Amend section 3, line 1 by inserting ", give,"
- 3 after the word "distribute".
- 4 2. Amend section 3, line 30 by striking the words
- 5 "Unless it bears a" and by inserting in lieu thereof the
- 6 word "A".
- 7 3. Amend section 3, line 87 by inserting "at a
- 8 rate" after the word "or".

Filed
February 27, 1963.

By GETTING.

SENATE FILE 237
(Committee amendment)

adopted 3/20

*filed 3/19
Committee
Agriculture*

- 1 Amend Senate File 237 as follows:
- 2 1. Section 2 by striking from lines 65 and 66 the words
- 3 "including an employee of a contractor or a public utility
- 4 corporation".
- 5 2. Section 3, line 1, by inserting ", give," after the
- 6 word "distribute".
- 7 3. Further amend section 3, line 30, by striking the words
- 8 "unless it bears a" and by inserting in lieu thereof the word
- 9 "A".

adopted 3/20

*filed 3/19
Agriculture*

*Division 5
withdrawn 3/20
submitted 3/20
Senate Agriculture*

- 10 4. By adding to section 5, subsection 1, the following:
- 11 "Every public officer or foreman who applies pesticides
- 12 on public property or supervises such application by another
- 13 shall also secure such license and be issued a permit in like
- 14 manner but the payment of fee therefor shall be waived by the
- 15 department."
- 16 5. Further amend section 5, by adding a new subsection:
- 17 "A person claiming injury or loss due to improper
- 18 application of a pesticide to crops or livestock shall notify
- 19 the applicator within sixty (60) days of the date of application
- 20 before he can maintain an action for damages."
- 21 6. Section 6, line 4, by striking the word "men" and
- 22 inserting the word "man".
- 23 7. Further amend section 6 by adding a new subsection.
- 24 "After public hearing, the secretary is empowered to ban
- 25 the use of a pesticide or formulation of a pesticide in specific
- 26 areas or during certain periods upon evidence that the pesticide
- 27 caused widespread serious damage to crops or livestock."

*filed 3/19
Agriculture*

Filed
March 19, 1963.

adopted 3/20

COMMITTEE ON AGRICULTURE,
JOHN A. WALKER, Chairman.

SENATE FILE 237

- 1 Amend Senate File 237, section 4, line 6, by striking
- 2 the word "may" and inserting in lieu thereof the word "shall".

Filed and adopted
March 20, 1963.

By SHOEMAN.

SENATE FILE 237

- 1 Amend Senate File 237 as follows:
- 2 1. By striking after the word "farmer" in Section 2,
- 3 subsection 12, line 67, the words "performing such service
- 4 for another" and substituting in lieu thereof the words "trading
- 5 work with another".
- 6 2. By striking the period after the word "based" in
- 7 section 4, subsection 2, line 43, and adding the words ", if
- 8 requested by the secretary."
- 9 3. Further amend section 4, subsection 2, line 44,
- 10 by striking the word "shall" and adding the word "may".

Filed
May 7, 1963.

adopted 5/8/63

BUSCH of Bremer.

*Sen. Stanley
Muscatine*

SENATE FILE 237

- 1 Amend Senate File 237 as follows:
- 2 1. In section 5, line 24, strike the word "shall"
- 3 and insert in lieu thereof the word "may".
- 4 2. In section 2 insert at the end of line 67 the
- 5 following: "The term 'commercial applicator' shall not
- 6 include any person working under the direct supervision
- 7 of a licensed commercial applicator."

✓ Filed and division 1 adopted, division 2 withdrawn
May 7, 1963.

STANLEY of Muscatine.

SENATE FILE 237

- 1 Amend Senate File 237, section 3, line 30, by inserting
- 2 following the word "a" the word "confidential".
- 3 Further amend Senate File 237 by inserting in section 3,
- 4 line 33, the following sentence: "Except in official pro-
- 5 ceedings pursuant to section 10 of this act, it shall be
- 6 unlawful for the secretary or any representative of the
- 7 department to disclose the translation or decipherment of
- 8 any code number or designation shown on a container pursuant
- 9 to this requirement.

Filed
May 7, 1963

adopted 5/7/63

*Sen. Stanley
Muscatine*

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Bock of Hancock.