

**House Study Bill 737 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON KAUFMANN)

**A BILL FOR**

1 An Act relating to pesticides, by providing for license fees  
2 and tort liability.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 206.8, subsection 2, paragraph a,  
2 subparagraph (1), unnumbered paragraph 1, Code 2024, is amended  
3 to read as follows:

4 A pesticide dealer with less than one hundred twenty-five  
5 thousand dollars in gross retail pesticide sales shall pay a  
6 license fee according to the following schedule:

7 Sec. 2. Section 206.8, subsection 2, paragraph a,  
8 subparagraph (1), Code 2024, is amended by adding the following  
9 new subparagraph division:

10 NEW SUBPARAGRAPH DIVISION. (f) One hundred twenty-five  
11 dollars, if the annual gross retail pesticide sales are one  
12 hundred thousand dollars or more but less than one hundred  
13 twenty-five thousand dollars.

14 Sec. 3. Section 206.8, subsection 2, paragraph b,  
15 subparagraph (1), Code 2024, is amended to read as follows:

16 (1) A pesticide dealer with one hundred twenty-five  
17 thousand dollars or more in gross retail pesticide sales shall  
18 pay a license fee based on one-tenth of one percent of the  
19 gross retail pesticide sales in the previous year.

20 Sec. 4. Section 206.12, subsection 7, paragraph a,  
21 subparagraph (1), Code 2024, is amended to read as follows:

22 (1) The gross retail sales of all pesticides sold at  
23 retail for use in this state by a licensee with one hundred  
24 twenty-five thousand dollars or more in gross retail sales of  
25 the pesticides sold for use in this state.

26 Sec. 5. Section 668.12, Code 2024, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 5. Notwithstanding any provision to the  
29 contrary, for any pesticide registered with the United States  
30 environmental protection agency under the federal Insecticide,  
31 Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq., the  
32 label approved by the United States environmental protection  
33 agency in registering the pesticide, or a label consistent with  
34 the most recent human health assessment performed under the  
35 federal Insecticide, Fungicide, and Rodenticide Act, or a label

1 consistent with the United States environmental protection  
2 agency carcinogenicity classification for the pesticide  
3 under the federal Insecticide, Fungicide, and Rodenticide  
4 Act, shall be sufficient to satisfy any requirements for a  
5 warning regarding health or safety under chapter 206, any  
6 other provision or doctrine of state law, including without  
7 limitation the duty to warn, or any other common law duty to  
8 warn. This subsection does not apply to any product made by a  
9 People's Republic of China state-owned enterprise.

10

EXPLANATION

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The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

12

13 GENERAL. This bill provides for the sale and use of certain  
14 pesticides regulated by the United States environmental  
15 protection agency (EPA) under the federal Insecticide,  
16 Fungicide, and Rodenticide Act (federal Act) and the "Pesticide  
17 Act of Iowa" administered by the department of agriculture and  
18 land stewardship under Code chapter 206 (state Act).

19 PESTICIDE LABELING. The bill provides for a defense from  
20 civil liability associated with the use of pesticides that are  
21 registered with the EPA acting under the federal Act. The  
22 bill provides that a label provides sufficient warning if it  
23 complies with any one of three criteria: (1) it was approved  
24 by the EPA, (2) it is consistent with the most recent human  
25 health assessment performed under the federal Act, or (3) it  
26 is consistent with the EPA's carcinogenicity classification  
27 for the pesticide. In each case, the label is sufficient to  
28 satisfy any requirements for a warning regarding health or  
29 safety under the state Act, and any other provision of state  
30 law or any other common law duty to warn. However, this  
31 provision of the bill does not apply to a product made by a  
32 Chinese state-owned enterprise.

33 PESTICIDE DEALER LICENSE FEES. The bill changes the annual  
34 license fee rates for a pesticide dealer (dealer) based on  
35 gross annual pesticide sales made by the dealer in the prior

1 calendar year (sales) (Code section 206.8). Under current law,  
2 there are two rate systems based on whether the dealer had less  
3 than or equal to \$100,000 in sales. Under the first system,  
4 a dealer pays the fee amount on a flat rate basis according  
5 to a graduated schedule ranging from a bottom rate of \$10 for  
6 sales of less than \$10,000 to a top rate of \$100 for sales from  
7 \$75,000 or more to less than the \$100,000 cap. A dealer with  
8 \$100,000 or more in sales pays a license fee calculated as  
9 one-tenth of 1 percent of the amount of dealer sales. The bill  
10 adds a new top step to the first system of graduated flat rates  
11 by imposing a fee of \$125 for sales of \$100,000 or more but less  
12 than \$125,000. It makes a corresponding change to the second  
13 system by increasing from \$100,000 to \$125,000 the amount of  
14 sales required for fees based on a percentage of sales.