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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3231**

03/16/2016 Authored by Anderson, P.; Hamilton and Poppe  
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act  
1.2 relating to agriculture; making various policy and technical changes to  
1.3 agricultural-related provisions; amending Minnesota Statutes 2014, sections  
1.4 18B.345; 28A.085, subdivision 1; 31.122; 31.94; Minnesota Statutes 2015  
1.5 Supplement, section 18B.37, subdivisions 2, 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 18B.345, is amended to read:

1.8 **18B.345 PESTICIDE APPLICATION ON GOLF COURSES.**

1.9 (a) Application of a pesticide to the property of a golf course must be performed by:

1.10 (1) a structural pest control applicator; or

1.11 (2) a commercial or noncommercial pesticide applicator ~~with appropriate use~~  
1.12 **certification.**

1.13 (b) Pesticides determined by the commissioner to be sanitizers and disinfectants are  
1.14 exempt from the requirements in paragraph (a).

1.15 Sec. 2. Minnesota Statutes 2015 Supplement, section 18B.37, subdivision 2, is  
1.16 amended to read:

1.17 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or  
1.18 noncommercial applicator, or the applicator's authorized agent, must maintain a record of  
1.19 pesticides used on each site. Noncommercial applicators must keep records of restricted  
1.20 use pesticides. The record must include the:

1.21 (1) date of the pesticide use;

1.22 (2) time the pesticide application was completed;

2.1 (3) brand name of the pesticide, the United States Environmental Protection Agency  
2.2 registration number, and rate used;

2.3 (4) number of units treated;

2.4 (5) temperature, wind speed, and wind direction;

2.5 (6) location of the site where the pesticide was applied;

2.6 (7) name and address of the customer;

2.7 (8) name of applicator, name of company, license number of applicator, and address  
2.8 of applicator company; and

2.9 (9) any other information required by the commissioner.

2.10 (b) Portions of records not relevant to a specific type of application may be omitted  
2.11 upon approval from the commissioner.

2.12 (c) All information for this record requirement must be contained in a document  
2.13 for each pesticide application, except a map may be attached to identify treated areas.

2.14 An invoice containing the required information may constitute the required record.

2.15 The commissioner shall make sample forms available to meet the requirements of this  
2.16 paragraph.

2.17 (d) The record must be completed no later than five days after the application of  
2.18 the pesticide.

2.19 (e) A commercial applicator must give a copy of the record to the customer.

2.20 (f) An applicator must post a notice of pesticide use to an apartment or multiunit  
2.21 dwelling following an application of pesticide to that apartment or multiunit dwelling.

2.22 The notice must provide the applicator's company name and contact information, the  
2.23 application date, any restrictions or precautions, and any other information required by  
2.24 the commissioner.

2.25 (g) Upon the request of a resident of an apartment or multiunit dwelling where an  
2.26 application of a pesticide has occurred, the applicator who applied the pesticide must  
2.27 provide a copy of the application record to the requesting resident.

2.28 (h) Upon the request of a person who uses a public building where an application of  
2.29 a pesticide has occurred, the applicator who applied the pesticide must provide a copy of  
2.30 the application record to the requesting person who uses the public building.

2.31 (i) Records must be retained by the applicator, company, or authorized agent for five  
2.32 years after the date of treatment.

2.33 Sec. 3. Minnesota Statutes 2015 Supplement, section 18B.37, subdivision 3, is  
2.34 amended to read:

3.1 Subd. 3. **Structural pest control applicators.** (a) A structural pest control  
3.2 applicator must maintain a record of each structural pest control application conducted by  
3.3 that person or by the person's employees. The record must include the:

3.4 (1) date of structural pest control application;

3.5 (2) target pest;

3.6 (3) brand name of the pesticide, United States Environmental Protection Agency  
3.7 registration number, and amount used;

3.8 (4) for fumigation, the temperature and exposure time;

3.9 (5) time the pesticide application was completed;

3.10 (6) name and address of the customer;

3.11 (7) name of structural pest control applicator, name of company and address of  
3.12 applicator or company, and license number of applicator; and

3.13 (8) any other information required by the commissioner.

3.14 (b) All information for this record requirement must be contained in a document  
3.15 for each pesticide application. An invoice containing the required information may  
3.16 constitute the record.

3.17 (c) The record must be completed no later than five days after the application of  
3.18 the pesticide.

3.19 (d) Records must be retained for five years after the date of treatment.

3.20 (e) A copy of the record must be given to a person who ordered the application that  
3.21 is present at the site where the structural pest control application is conducted, placed in a  
3.22 conspicuous location at the site where the structural pest control application is conducted  
3.23 immediately after the application of the pesticides, or delivered to the person who ordered  
3.24 an application or the owner of the site. The commissioner must make sample forms  
3.25 available that meet the requirements of this subdivision.

3.26 (f) An applicator must post a notice of pesticide use to an apartment or multiunit  
3.27 dwelling following an application of pesticide to that apartment or multiunit dwelling.  
3.28 The notice must provide the applicator's company name and contact information, the  
3.29 application date, any restrictions or precautions, and any other information required by  
3.30 the commissioner.

3.31 (g) Upon the request of a resident of an apartment or multiunit dwelling where an  
3.32 application of a pesticide has occurred, the applicator who applied the pesticide must  
3.33 provide a copy of the application record to the requesting resident.

3.34 (h) Upon the request of a person who uses a public building where an application of  
3.35 a pesticide has occurred, the applicator who applied the pesticide must provide a copy of  
3.36 the application record to the requesting person who uses the public building.

4.1 (i) Records must be retained by the applicator, company, or authorized agent for five  
 4.2 years after the date of treatment.

4.3 Sec. 4. Minnesota Statutes 2014, section 28A.085, subdivision 1, is amended to read:

4.4 Subdivision 1. **Violations; prohibited acts.** The commissioner may charge a  
 4.5 reinspection fee for each reinspection of a food handler that:

4.6 (1) is found with a major violation of requirements in chapter 28, 29, 30, 31, 31A,  
 4.7 32, 33, or 34, or rules adopted under one of those chapters;

4.8 (2) is found with a violation of section 31.02, 31.161, or 31.165, ~~and requires a~~  
 4.9 ~~follow-up inspection after an administrative meeting held pursuant to section 34A.06;~~ or

4.10 (3) fails to correct equipment and facility deficiencies as required in rules adopted  
 4.11 under chapter 28, 29, 30, 31, 31A, 32, or 34. The first reinspection of a firm with gross  
 4.12 food sales under \$1,000,000 must be assessed at \$150. The fee for a firm with gross  
 4.13 food sales over \$1,000,000 is \$200. The fee for a subsequent reinspection of a firm for  
 4.14 the same violation is 50 percent of their current license fee or \$300, whichever is greater.  
 4.15 The establishment must be issued written notice of violations with a reasonable date  
 4.16 for compliance listed on the notice. An initial inspection relating to a complaint is not  
 4.17 a reinspection.

4.18 Sec. 5. Minnesota Statutes 2014, section 31.122, is amended to read:

4.19 **31.122 FOOD; TOLERANCES FOR ADDED POISONOUS INGREDIENTS.**

4.20 Any added poisonous or deleterious substance, any food additive, any pesticide  
 4.21 chemical in or on a raw agricultural commodity or any color additive, shall with respect  
 4.22 to any particular use or intended use be deemed unsafe for the purpose of application of  
 4.23 section ~~31.121, clause (b)~~ 34A.02, clause (2), with respect to any food, unless there is in  
 4.24 effect a rule pursuant to section 31.101 limiting the quantity of such substance, and the use  
 4.25 or intended use of such substance conforms to the terms prescribed by such rule. While  
 4.26 such rules relating to such substance are in effect, a food shall not, by reason of bearing or  
 4.27 containing such substance in accordance with the rules, be considered adulterated within  
 4.28 the meaning of section ~~31.121, clause (a)~~ 34A.02, clause (1).

4.29 Sec. 6. Minnesota Statutes 2014, section 31.94, is amended to read:

4.30 **31.94 ORGANIC AGRICULTURE; COMMISSIONER DUTIES.**

4.31 (a) In order to promote opportunities for organic agriculture in Minnesota, the  
 4.32 commissioner shall:

- 5.1 (1) survey producers and support services and organizations to determine  
5.2 information and research needs in the area of organic agriculture practices;
- 5.3 (2) work with the University of Minnesota and other research and education  
5.4 institutions to demonstrate the on-farm applicability of organic agriculture practices to  
5.5 conditions in this state;
- 5.6 (3) direct the programs of the department so as to work toward the promotion of  
5.7 organic agriculture in this state;
- 5.8 (4) inform agencies ~~of how~~ about state or federal programs ~~could utilize and that~~  
5.9 support organic agriculture practices; and
- 5.10 (5) work closely with producers, producer organizations, the University of  
5.11 Minnesota, ~~the Minnesota Trade Office~~, and other appropriate agencies and organizations  
5.12 to identify opportunities and needs as well as ensure coordination and avoid duplication of  
5.13 state agency efforts regarding research, teaching, marketing, and extension work relating  
5.14 to organic agriculture.
- 5.15 (b) By November 15 of each year that ends in a zero or a five, the commissioner,  
5.16 in conjunction with the task force created in paragraph (c), shall report on the status of  
5.17 organic agriculture in Minnesota to the legislative policy and finance committees and  
5.18 divisions with jurisdiction over agriculture. The report must include available data on  
5.19 organic acreage and production, available data on the sales or market performance of  
5.20 organic products, and recommendations regarding programs, policies, and research efforts  
5.21 that will benefit Minnesota's organic agriculture sector.
- 5.22 (c) A Minnesota Organic Advisory Task Force shall advise the commissioner and the  
5.23 University of Minnesota on policies and programs that will improve organic agriculture in  
5.24 Minnesota, including how available resources can most effectively be used for outreach,  
5.25 education, research, and technical assistance that meet the needs of the organic agriculture  
5.26 community sector. The task force must consist of the following residents of the state:
- 5.27 (1) three organic farmers;
- 5.28 (2) one wholesaler or distributor of organic products;
- 5.29 (3) one representative of organic certification agencies;
- 5.30 (4) two organic processors;
- 5.31 (5) one representative from University of Minnesota Extension;
- 5.32 (6) one University of Minnesota faculty member;
- 5.33 (7) one representative from a nonprofit organization representing producers;
- 5.34 (8) two public members;
- 5.35 (9) one representative from the United States Department of Agriculture;
- 5.36 (10) one retailer of organic products; and

6.1 (11) one organic consumer representative.

6.2 The commissioner, in consultation with the director of the Minnesota Agricultural  
6.3 Experiment Station; the dean and director of University of Minnesota Extension and the  
6.4 dean of the College of Food, Agricultural and Natural Resource Sciences, shall appoint  
6.5 members to serve three-year terms.

6.6 Compensation and removal of members are governed by section 15.059, subdivision  
6.7 6. The task force must meet at least twice each year and expires on June 30, ~~2016~~ 2019.

6.8 (d) For the purposes of expanding, improving, and developing production and  
6.9 marketing of the organic products of Minnesota agriculture, the commissioner may  
6.10 receive funds from state and federal sources and spend them, including through grants or  
6.11 contracts, to assist producers and processors to achieve certification, to conduct education  
6.12 or marketing activities, to enter into research and development partnerships, or to address  
6.13 production or marketing obstacles to the growth and well-being of the industry.

6.14 (e) The commissioner may facilitate the registration of state organic production  
6.15 and handling operations including those exempt from organic certification according to  
6.16 Code of Federal Regulations, title 7, section 205.101, and accredited certification agents  
6.17 agencies operating within the state.