

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2619

By Committee on Agriculture

2-5

1 AN ACT concerning agriculture; relating to the Kansas department of
2 agriculture; allowing any documentation required under the Kansas
3 pesticide law to be created or maintained in electronic form; amending
4 K.S.A. 2017 Supp. 2-2455 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. Documentation required under the provisions of the
8 Kansas pesticide law, or any rule or regulation adopted under it, may be
9 created and maintained in paper or electronic format, or a combination of
10 both. Documents shall be provided upon request to the secretary or the
11 secretary's designee in the format selected by the secretary or the
12 secretary's designee. Any required document created or maintained in an
13 electronic format shall be capable of being reproduced in a readable paper
14 format.

15 Sec. 2. K.S.A. 2017 Supp. 2-2455 is hereby amended to read as
16 follows: 2-2455. (a) Each pesticide business shall present to each customer
17 for whom such business performs a pest control service involving the
18 application of pesticides a ~~written~~ *drafted* statement of services or contract
19 setting forth the following information: (1) Business name and address of
20 the pesticide business licensee;

21 (2) name and address of the customer;

22 (3) pest or pests to be controlled, which may be stated in general
23 terms;

24 (4) pesticide to be used including the quantity applied and total area
25 to which the pesticide is applied;

26 (5) the concentration or rate of application, when applicable;

27 (6) the date and location of the application of the pesticide;

28 (7) the expiration date of all guarantees, if any be given;

29 (8) the signature of the individual who performed ~~or supervised the~~
30 ~~performance of~~ the pest control service or the application of pesticides;

31 **(9) the signature of the individual who supervised the**
32 **performance of the pest control service or the application of**
33 **pesticides, when applicable;**

34 **(10) the wind direction and velocity, when applicable; and**

35 ~~(10)~~ **(11) that the application was less than label rate, when**
36 **applicable.**

1 (b) Whenever the service involving the application of pesticides is
2 performed for the purpose of controlling termites, powder-post beetles,
3 wood borers, wood-rot fungus or any other wood destroying pest, the
4 following information shall be included in addition to that required under
5 subsection (a): (1) The conditions under which retreatments, if any are to
6 be made;

7 (2) the approximate date or dates of inspections, for any to be made
8 after the original application of the pesticide; and

9 (3) a diagram of the structure to be treated, showing the location of
10 visible evidence of active and inactive infestations by any wood destroying
11 pest or pests for which the treatment is proposed; where a partial or spot
12 treatment is to be made, this diagram shall also show the area or areas of
13 the structure which are to be treated.

14 (c) (1) ~~The required-written~~ statement of services or contract for
15 services involving the application of pesticides may be incorporated into
16 any business form used by the pesticide business licensee.

17 (2) ~~The-written~~ statement of services or contract shall be presented to
18 the customer ~~at a time established by rules and regulations promulgated by~~
19 ~~the secretary in paper format, unless the customer agrees to receive all or~~
20 ~~part of the statement of services or contract in electronic format.~~

21 (3) *The pesticide business licensee shall present the statement of*
22 *services or contract to the customer within 30 days of when the pest*
23 *control services were provided and prior to the due date for payment of*
24 *the services, if the services are not a prepaid agreement. Upon the*
25 *customer's request, the statement of services or contract shall be presented*
26 *to the customer no later than the close of business on the business day*
27 *following the request.*

28 (4) *Upon request of the secretary or the secretary's designee, a*
29 *duplicate of the statement of services or contract provided to the customer*
30 *shall be made available within two business days to the secretary or the*
31 *secretary's designee.*

32 (5) Any pesticide business licensee using aerial methods of applying
33 pesticides may present such information at any time prior to the time
34 payment is accepted.

35 (6) *The statement of services or contract may be signed using the*
36 *legible printed-name of the individual names of the individuals who*
37 *performed-or and, when applicable, supervised the performance of the*
38 *pest control service or the application of pesticide.*

39 (7) The pesticide business licensee shall retain a copy of each ~~written~~
40 statement of services or contract in such licensee's files for a period of
41 three years from the expiration date of any ~~written~~ statement of services or
42 contract.

43 (8) Each pesticide business licensee shall faithfully carry out the

1 stipulations set forth in any ~~written~~ statement of services or contract
2 prepared by such licensee or any of its representatives.

3 (d) Each pesticide business licensee shall make available to the
4 secretary upon request, a copy of any ~~written~~ statement of services or
5 contract, records of all pesticide applications during any specified period,
6 records of all employees who performed any service involving, or in
7 conjunction with, the application of pesticides and any other requested
8 information pertinent to the administration of this act or any rule or
9 regulation adopted hereunder by the secretary.

10 (e) The secretary shall require certified commercial applicators who
11 are not employed by or otherwise acting for a business licensee to
12 maintain records concerning applications of restricted use pesticides. The
13 secretary shall specify by rules and regulations the information to be
14 contained in such records, which shall be maintained for three years from
15 the date of application of the pesticide concerned. Such records shall be
16 open to inspection by the secretary or the secretary's ~~authorized~~
17 ~~representative~~ *designee* during normal business hours, and copies shall be
18 furnished to the secretary or the secretary's ~~authorized representative~~
19 *designee* upon request.

20 Sec. 3. K.S.A. 2017 Supp. 2-2455 is hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.