

§1471-W. General use pesticide dealers

1. License required. Unless exempted under subsection 5, no person may distribute general use pesticides without a license.

[PL 1989, c. 93, §2 (NEW).]

2. Issuance of license. The Board of Pesticides Control shall issue a license to distribute general use pesticides to any person upon payment of a fee of \$20 for a calendar year or any part of a calendar year. The Board of Pesticide Control may issue a license for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee. Any person licensed to distribute restricted use pesticides is considered licensed to distribute general use pesticides without any additional fee. All fees collected under this section are deposited in the Board of Pesticides Control Special Fund.

[PL 1997, c. 454, §9 (AMD).]

3. Records; reporting. Any person who distributes general use pesticides to licensed general use pesticide dealers in the State shall keep and maintain records of these sales for annual reporting purposes. These annual reports must include the names of all licensed general use pesticide dealers to whom general use pesticides were distributed, the names of the pesticides, the United States Environmental Protection Agency registration number and the quantity sold. These records must be kept for 2 years after the end of the calendar year. For the purposes of this subsection, "distributes" means sells, ships or delivers general use pesticides to a licensed general use pesticide dealer engaged in retail sales. The board may adopt rules to further clarify who is responsible for reporting under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 1997, c. 139, §1 (RPR).]

4. Violations; penalty.

[PL 1989, c. 93, §2 (NEW); PL 1989, c. 841, §10 (RP).]

5. Exemptions. The following situations are exempt from the provisions of this section.

A. Any person may distribute the following products without a general use pesticide dealer license:

- (1) Household use pesticide products with no more than 3% active ingredients;
- (2) The following products, which have limited percentages of active ingredients:
 - (a) Dichlorovos (DDVP) impregnated strips with concentrations not more than 25% in resin strips and pet collars;
- (3) The following products with unlimited percentages of active ingredients:
 - (a) Pet supplies such as shampoos, tick and flea collars and dusts;
 - (b) Disinfectants, germicides, bactericides and virucides;
 - (c) Insect repellents;
 - (d) Indoor and outdoor animal repellents;
 - (e) Moth flakes, crystals, cakes and nuggets;
 - (f) Indoor aquarium supplies;
 - (g) Swimming pool supplies;
 - (h) Pediculocides and mange cure on humans;
 - (i) Aerosol products; and

(j) General use paints, stains, and wood preservatives and sealants. [RR 2021, c. 2, Pt. B, §92 (COR).]

B. The board may promulgate rules to exempt the sale of additional general use pesticide products from the dealer licensing provisions of this section. [PL 1989, c. 93, §2 (NEW).]
[RR 2021, c. 2, Pt. B, §92 (COR).]

SECTION HISTORY

PL 1989, c. 93, §2 (NEW). PL 1989, c. 841, §10 (AMD). PL 1997, c. 139, §1 (AMD). PL 1997, c. 454, §9 (AMD). RR 2021, c. 2, Pt. B, §92 (COR).

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