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BILL ANALYSIS



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House Bill 5734 (as passed by the House)
Sponsor: Representative Carl F. Gnodtke
House Committee: Agriculture and Forestry
Senate Committee: Agriculture and Forestry

Date Completed: 5-14-96

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to exempt from the Act's licensing and certification requirements for pesticide applicators the employees of allopathic or osteopathic physicians and veterinarians, and to require a physician or veterinarian to supervise, either directly or indirectly, an employee's application of pesticides.

Currently, the certification and registration of applicators and licensing requirements do not apply to allopathic or osteopathic physicians and doctors of veterinary medicine applying pesticides during the course of their normal practice. The bill would add to this exemption their employees while acting under the level of supervision required in this part of the Act. The bill also would exempt regular employees of a veterinary practice applying general use pesticides during the course of a veterinarian's normal practice and under the veterinarian's direct supervision. Supervision under this exemption would require that the employee was competent and acting under the supervision and control of the veterinarian, who was available if and when needed, even if the veterinarian were not physically present at the time of application.

Under the bill, a physician or veterinarian would have to supervise the application of a general use pesticide by an employee under his or her instruction and control during the course of the physician's or veterinarian's normal practice even if he or she were not physically present. A physician or veterinarian would have to supervise directly the application of a restricted use pesticide by an employee under his or her instruction or control during the course of the normal practice by being physically present at the time and place the restricted use pesticide was being applied.

A physician or veterinarian would be subject to the requirements, prohibitions, and penalties of the Act and rules promulgated under it for an application of pesticides by the physician or veterinarian and for an application of pesticides by an employee directly or indirectly supervised by the physician or veterinarian during the course of his or her normal practice.

MCL 324.8319

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: A. Rich

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