



HOUSE BILL No. 5734

March 28, 1996, Introduced by Reps. Gnodtke, Gernaat, Hill, Harder, Baade, Randall, Wetters, Vaughn, Anthony, Pitoniak, Prusi, Oxender, London, Green, Horton, Goschka, McManus, Rocca, Llewellyn, Middleton, Bobier and Brackenridge and referred to the Committee on Agriculture and Forestry.

A bill to amend section 8319 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," being section 324.8319 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8319 of Act No. 451 of the Public Acts
2 of 1994, being section 324.8319 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 8319. (1) The certification and registration of appli-
5 cators and licensing requirements do not apply to any of the
6 following:

7 (a) Employees of a certified private agricultural applicator
8 while acting under the level of supervision required in this
9 part.

1 (b) Commercial applicators applying general use pesticides
2 indoors other than insecticides, rodenticides, avicides, and
3 molluscicides.

4 (c) Persons applying general use pesticides for a private
5 agricultural purpose.

6 (d) Persons applying general use pesticides on their own
7 premises or employees of those persons applying general use pes-
8 ticides indoors other than insecticides, rodenticides, avicides,
9 and molluscicides on those premises as a scheduled and required
10 work assignment in the course of their employment.

11 (e) Allopathic or osteopathic physicians and doctors of vet-
12 erinary medicine applying pesticides during the course of their
13 normal practice AND THEIR EMPLOYEES WHILE ACTING UNDER THE LEVEL
14 OF SUPERVISION REQUIRED IN THIS PART.

15 (F) REGULAR EMPLOYEES OF A VETERINARY PRACTICE APPLYING GEN-
16 ERAL USE PESTICIDES DURING THE COURSE OF A VETERINARIAN'S NORMAL
17 PRACTICE AND UNDER THE DIRECT SUPERVISION OF THE VETERINARIAN.
18 SUPERVISION UNDER THIS SUBDIVISION REQUIRES THAT THE EMPLOYEE IS
19 COMPETENT AND ACTING UNDER THE SUPERVISION AND CONTROL OF THE
20 VETERINARIAN, WHO IS AVAILABLE IF AND WHEN NEEDED, EVEN IF THE
21 VETERINARIAN IS NOT PHYSICALLY PRESENT AT THE TIME OF
22 APPLICATION.

23 (G) ~~(f)~~ Persons conducting laboratory type research
24 involving restricted use pesticides.

25 (2) A PHYSICIAN OR DOCTOR OF VETERINARY MEDICINE SHALL
26 SUPERVISE THE APPLICATION OF A GENERAL USE PESTICIDE BY AN
27 EMPLOYEE UNDER HIS OR HER INSTRUCTION AND CONTROL DURING THE

1 COURSE OF THE NORMAL PRACTICE OF THE PHYSICIAN OR DOCTOR OF
2 VETERINARY MEDICINE EVEN IF THE PHYSICIAN OR DOCTOR OF VETERINARY
3 MEDICINE IS NOT PHYSICALLY PRESENT. A PHYSICIAN OR DOCTOR OF
4 VETERINARY MEDICINE SHALL DIRECTLY SUPERVISE THE APPLICATION OF A
5 RESTRICTED USE PESTICIDE BY AN EMPLOYEE UNDER HIS OR HER INSTRUC-
6 TION OR CONTROL DURING THE COURSE OF THE NORMAL PRACTICE OF THE
7 PHYSICIAN OR DOCTOR OF VETERINARY MEDICINE BY BEING PHYSICALLY
8 PRESENT AT THE TIME AND PLACE THE RESTRICTED USE PESTICIDE IS
9 BEING APPLIED.

10 (3) A PHYSICIAN OR DOCTOR OF VETERINARY MEDICINE IS SUBJECT
11 TO THE REQUIREMENTS, PROHIBITIONS, AND PENALTIES OF THIS PART AND
12 RULES PROMULGATED UNDER THIS PART FOR AN APPLICATION OF PESTI-
13 CIDES BY THE PHYSICIAN OR DOCTOR OF VETERINARY MEDICINE AND FOR
14 AN APPLICATION OF PESTICIDES BY AN EMPLOYEE DIRECTLY OR INDI-
15 RECTLY SUPERVISED BY THE PHYSICIAN OR DOCTOR OF VETERINARY MEDI-
16 CINE DURING THE COURSE OF THE NORMAL PRACTICE OF THE PHYSICIAN OR
17 DOCTOR OF VETERINARY MEDICINE.