



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1623 be amended to read as follows:

- 1 Page 51, line 4, after "Sec. 9." insert "**(a)**".
- 2 Page 51, between lines 15 and 16, begin a new paragraph and insert:
- 3 "**(b) The Indiana pesticide review board may adopt interim rules**
- 4 **under IC 4-22-2-37.2 pending review by the general assembly to**
- 5 **impose a restriction or requirement on the storage, distribution,**
- 6 **use, application, or record keeping for a restricted use pesticide**
- 7 **that is more stringent than the restriction or requirement imposed**
- 8 **under federal law if the Indiana pesticide review board finds that**
- 9 **weather, soil, or other conditions in Indiana impact the**
- 10 **effectiveness or safety of use, storage, or application of the**
- 11 **restricted use pesticide in a manner that differs from the United**
- 12 **States generally.**".
- 13 Page 51, line 16, before "A" begin a new paragraph and insert:
- 14 "**(c)**".
- 15 Page 74, between lines 11 and 12, begin a new paragraph and insert:
- 16 "**SECTION 65. IC 15-16-4-0.3 IS ADDED TO THE INDIANA**
- 17 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 18 **[EFFECTIVE JULY 1, 2023]: Sec. 0.3. The definitions in IC 15-16-5**
- 19 **apply throughout this chapter.**
- 20 **SECTION 66. IC 15-16-4-15.5 IS ADDED TO THE INDIANA**
- 21 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 22 **[EFFECTIVE JULY 1, 2023]: Sec. 15.5. As used in this chapter,**
- 23 **"general use pesticide" means a pesticide that is not a restricted**
- 24 **use pesticide or a pesticide for use by prescription only.**".
- 25 Page 77, line 18, delete "A" and insert "**Except as provided by**
- 26 **interim rule under IC 4-22-2.3-9, a**".
- 27 Page 77, between lines 27 and 28, begin a new paragraph and insert:

1           **"(f) The board may recommend to the general assembly that the**  
 2 **general assembly impose a restriction or requirement on the**  
 3 **storage, distribution, use, application, or record keeping for a**  
 4 **restricted use pesticide that is more stringent than the restriction**  
 5 **or requirement imposed under federal law if the Indiana pesticide**  
 6 **review board finds that weather, soil, or other conditions in**  
 7 **Indiana impact the effectiveness or safety of use, storage, or**  
 8 **application of the restricted use pesticide in a manner that differs**  
 9 **from the United States generally."**

10           Page 78, line 1, delete "A" and insert **"Except as provided by**  
 11 **interim rule under IC 4-22-2.3-9, a"**.

12           Page 78, between lines 5 and 6, begin a new paragraph and insert:  
 13           **"SECTION 69. IC 15-16-4-52.5 IS ADDED TO THE INDIANA**  
 14 **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 15 **[EFFECTIVE JULY 1, 2023]: Sec. 52.5. (a) Neither the board nor**  
 16 **the state chemist may by rule or otherwise impose a requirement**  
 17 **or limitation on the storage, distribution, use, application, or**  
 18 **record keeping of a general use pesticide by:**

- 19           **(1) a certified applicator;**  
 20           **(2) a commercial applicator;**  
 21           **(3) a licensed applicator for hire;**  
 22           **(4) a licensed applicator not for hire;**  
 23           **(5) a licensed pesticide business;**  
 24           **(6) a licensed public applicator; or**  
 25           **(7) a private applicator;**

26           **that is more stringent than the requirements and limitations**  
 27 **applicable under federal law, federal regulations, or Indiana**  
 28 **statutory law to the general use pesticide or a pesticide product**  
 29 **containing a general use pesticide and no restricted use pesticide or**  
 30 **pesticide for use by prescription only.**

31           **(b) A rule or other requirement or limitation of the board in**  
 32 **effect on June 30, 2023, that does not comply with this section is**  
 33 **voided on July 1, 2023, to the extent it conflicts with this section."**

34           Page 79, line 11, delete "A" and insert **"Except as provided by**  
 35 **interim rule under IC 4-22-2.3-9, a"**.

36           Renumber all SECTIONS consecutively.

(Reference is to EHB 1623 as printed April 7, 2023.)

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Senator WALKER K