

1989 Senate Bill 309

Date of enactment: **April 20, 1990**

Date of publication\*: **May 3, 1990**

## 1989 WISCONSIN ACT 279

AN ACT *to renumber* 94.67 (5) and 453.03; *to renumber and amend* 94.67 (15m); *to amend* 94.67 (7) and 94.67 (26m); and *to create* 94.67 (3e), 94.67 (5) (b), 94.67 (6) (c), 94.67 (15m) (b), 94.67 (33m), 94.702, 453.02 (5), 453.03 (2) and 453.07 (1) (fm) of the statutes, **relating to:** exempting licensed veterinarians and certified animal technicians who use pesticides while lawfully practicing within the scope of the license or certificate from the requirement to be licensed as commercial pesticide applicators.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 94.67 (3e) of the statutes is created to read:

94.67 (3e) “Animal technician” means an individual who is certified as an animal technician under ch. 453.

**SECTION 2.** 94.67 (5) of the statutes is renumbered 94.67 (5) (a).

**SECTION 3.** 94.67 (5) (b) of the statutes is created to read:

94.67 (5) (b) “Commercial application business” does not include a veterinary clinic that uses or directs the use of a pesticide if the pesticide is used or directed to be used only by a veterinarian or animal technician while lawfully practicing within the scope of his or her license or certificate.

**SECTION 4.** 94.67 (6) (c) of the statutes is created to read:

94.67 (6) (c) A veterinarian or animal technician who uses or directs the use of a pesticide only while lawfully practicing within the scope of his or her license or certificate.

**SECTION 5.** 94.67 (7) of the statutes is amended to read:

94.67 (7) “Commercial applicator for hire” means a commercial applicator who uses or directs the use of a pesticide as an independent contractor for hire, either directly or through an employe. “Commercial applicator

for hire” does not include a provider of janitorial, cleaning or sanitizing services if the provider of the services uses no pesticides other than sanitizers, disinfectants and germicides, or a veterinarian or animal technician who uses a pesticide only while lawfully practicing within the scope of his or her license or certificate.

**SECTION 6.** 94.67 (15m) of the statutes is renumbered 94.67 (15m) (a), and 94.67 (15m) (a) 1. and 3., as renumbered, are amended to read:

94.67 (15m) (a) 1. Personally uses or directs the use of any pesticide as a commercial applicator for hire, or as an employe of a commercial applicator for hire. This ~~paragraph~~ subdivision does not apply to a person performing janitorial, cleaning or sanitizing services if the person uses no pesticides other than sanitizers, disinfectants and germicides.

3. Directs the use of a pesticide by a person specified under ~~par. (a) or (b)~~ subd. 1 or 2.

**SECTION 7.** 94.67 (15m) (b) of the statutes is created to read:

94.67 (15m) (b) “Individual commercial applicator” does not include a veterinarian or animal technician who uses or directs the use of a pesticide only while lawfully practicing within the scope of his or her license or certificate.

**SECTION 8.** 94.67 (26m) of the statutes is amended to read:

94.67 (26m) “Private applicator” means a person who uses or directs the use of any pesticide for the pur-

## 1989 Senate Bill 309

pose of producing any agricultural commodity on property owned or rented by the person or the person's employer, or on property of another person if the pesticide is used without compensation other than the trading of goods or services between producers of agricultural commodities on an exchange basis. “Private applicator” does not include a veterinarian or animal technician who uses a pesticide only while lawfully practicing within the scope of his or her license or certificate.

**SECTION 9.** 94.67 (33m) of the statutes is created to read:

94.67 (33m) “Veterinarian” means an individual who is licensed as a veterinarian under ch. 453.

**SECTION 10.** 94.702 of the statutes is created to read:

**94.702 Veterinary clinic permit.** (1) In this section, “clinic” means a veterinary clinic where pesticides are repackaged, used or directed to be used by a veterinarian or by a person under the direction or supervision of a veterinarian. Multiple business locations under common ownership and control constitute a single clinic.

(2) No person may own a clinic without a permit issued by the department under this section.

(3) Permits issued under this section shall expire on December 31 of each odd-numbered year. An application for a permit shall be submitted to the department on a form provided by the department and shall include a \$25 permit fee. The application shall include all of the following information:

(a) The name and complete mailing address and street address of the clinic.

(b) The name of every person associated with or employed by the clinic who prescribes, handles or uses pesticides, including the license number of any such person licensed under s. 94.704.

(4) The department may suspend or revoke any permit issued under this section for a violation of ss. 94.67 to 94.71. All such violations shall also be referred to the veterinary examining board for action under s. 453.07.

**SECTION 11.** 453.02 (5) of the statutes is created to read:

453.02 (5) “Pesticide” has the meaning specified in s. 94.67 (25).

**SECTION 12.** 453.03 of the statutes is renumbered 453.03 (1).

**SECTION 13.** 453.03 (2) of the statutes is created to read:

453.03 (2) The examining board shall promulgate rules requiring training and continuing education sufficient to assure competency of veterinarians and animal technicians in the use, handling, distribution and disposal of pesticides.

**SECTION 14.** 453.07 (1) (fm) of the statutes is created to read:

453.07 (1) (fm) Handling, distributing, using or disposing of pesticides in violation of ss. 94.67 to 94.71 or the rules promulgated under ss. 94.67 to 94.71.

**SECTION 15. Nonstatutory provisions; transition.** The department of agriculture, trade and consumer protection shall do all of the following:

(1) Not later than the first day of the 4th month beginning after the effective date of this subsection, issue to each veterinary clinic that holds a commercial application business license under section 94.703 of the statutes a veterinary clinic permit under section 94.702 of the statutes, as created by this act, and refund that portion of the commercial application business license fee that exceeds the fee for the veterinary clinic permit.

(2) Refund to each veterinarian licensed and to each animal technician certified under chapter 453 of the statutes who holds an individual commercial applicator's license under section 94.704 of the statutes and who submits an application for the refund to the department on or before the first day of the 4th month beginning after the effective date of this subsection the fee paid by the applicant for the individual commercial applicator's license. A person applying for a refund shall certify that he or she uses pesticides, as defined in section 94.67 (25) of the statutes, only while lawfully practicing within the scope of his or her veterinarian license or animal technician certificate.